

5.4 12 BURTON AVENUE, CLAYTON – BUILDINGS AND WORKS COMPRISING THE INCLUSION OF AN ADDITIONAL 30 BEDS WITHIN A THIRD STOREY, TOGETHER WITH ASSOCIATED ADDITIONAL CAR PARKING AND COMMUNAL OPEN SPACE AND MINOR CHANGES TO THE SOUTH FAÇADE AT LOWER LEVELS.

(TPA/34570/B:MM:SYL)

Ward: Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Community Interest

Cost of Additional Development: \$1 million

Statutory Processing Date: 26 January 2008

Pre-Application Discussion: Yes

RECOMMENDATION

That:

A.

*Council having caused notice of planning application No. 34570/B 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 an amended planning **permit** under the provisions of the Monash Planning Scheme in respect of the land known and described as 12 Burton Avenue, Clayton for an increase in the number of beds from 120 to 150 beds together with additional associated car parking and communal open space and minor changes to the south façade at lower levels generally in accordance with the plans submitted with the application to amend the permit.*

B.

- Permit citation amended to allow for 150 beds.*
- Condition 1 amended to include the following:*
 - The glass balcony along the length of the third floor southern terrace, together with the west facing third floor lounge windows fitted with glazing having a maximum of 25% transparency, up to a height of 1.7 metres.*
 - The north-west car parking bay adjacent to the electricity pole provided with a wheel stop in order to prevent damage to the pole.*
 - The turnaround area adjacent to the facility entrance signed and linemarked for on-way movement.*

BACKGROUND

The subject site is located on the south side of Burton Avenue with a frontage of 36.58 metres and an overall area of 8,654 square metres. The land is irregular in shape, forming a large battle-axe lot, and is covered by a range of easements for drainage and sewerage purposes. (Attachment A)

In March 2007 Council issued Planning Permit 34570 for the development of an aged care facility (nursing home) comprising 120 beds together with associated car parking and landscaping on Lot 1.

Subsequently Planning Permit 34570A was issued in August 2007 for modifications to the endorsed plans comprising of the addition of decks at ground and first floor levels over part of the north west and western easements and the inclusion of a cantilevered deck over part of the southern easement.

In summary, the currently approved plans provide for the following:

- The aged care building located within the southern portion of the site comprising essentially a two level building with a relatively small third level component. The building is setback 4.5 metres from the southern boundary and 6.15 metres from the western boundary.
- Landscape setback of 7.5 metres from Burton Avenue.
- Vehicle access is provided from Burton Avenue leading to a car park at the front of the site containing 48 car spaces.
- The vehicle accessway leads to a circular drive and entry portico, as well as the maintenance and service areas.
- The ground first floor of the building comprises the entry foyer, office and nurses station, communal lounge and dining areas, service area, kitchen and laundry, along with 60 low care rooms with ensuites.
- The second floor comprises offices, nurses station, terraces, communal lounges and dining areas, kitchen and laundry along with 60 high care rooms with ensuites.
- The partial third floor was located centrally and setback over 18.5 metres from the southern boundary and comprises staff facilities and training area. The plant room is also located at this level and is setback 10 metres from the southern boundary.
- The two storey component of the building varies in height between 7.7 metres to 8.7 metres due to the slope in the land. The third storey component has a height of 10.4 metres above natural ground level.

Surrounding development to the south of the land comprises a mix of medical centre uses and conventional dwellings. To the west, the land is generally developed with medium density housing. Development within Burton Avenue is essentially residential in nature, however, an existing Church and Hall are located directly to the east of the site.

PROPOSAL

An application for amendment has been received by Council. Refer to Attachment B. The plans submitted with the application provide for the following:

- An increase in the third floor component, which previously comprised of staff areas only. The increase will provide for an additional 30 beds,

dining, kitchen, lounge areas and staff rooms. The revised building is to be setback 11 metres from the southern boundary and 8.5 metres from the western boundary.

- External areas of communal open space areas are proposed at this third floor level. These areas are provided within the building envelope as well as along the southern extremity of the third floor level. At no point is the terrace area closer than 6.3 metres from the southern boundary.
- The finished floor level of the ground floor has been increased by 300mm and the overall height of the building has increased marginally.
- Minor façade changes on the southern façade at ground level.
- An increase in the total number of car parking spaces from 50 to 60 spaces, including 4 disabled spaces. This has been achieved through a re-design of the car park area .

POLICY IMPLICATIONS

The policies relevant to the application under the Monash Planning Scheme include the following:

State Planning Policy Framework

Clause 11.03-6: Social Needs
Clause 12: Metropolitan Development
Clause 14: Settlement
Clause 17: Economic Development
Clause 18.06-1: Health Facilities
Clause 19.03: Design and Built Form

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement
Clause 21.04: Residential
Clause 21.08: Transport and Traffic

Local Planning Policies

Clause 22.01: Residential Development and Character Policy
Clause 22.04: Stormwater Management Policy
Clause 22.05: Tree Conservation Policy

Zoning

The land is zoned Residential 1 under the provisions of the Monash Planning Scheme. An aged care facility (nursing home) requires a planning permit.

Under Clause 32.06-1 a planning permit is also required for buildings and works.

The land is also covered by a Special Building Overlay. A planning permit is required under the provisions of Clause 44.05 of the Planning Scheme to construct a building or to construct or carry out works.

Particular Provisions

Clause 52.05: Car Parking

Section 72 of the Planning and Environment Act 1987

Pursuant to the provisions of Section 72 of the Planning and Environment Act 1987:-

- (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.
- (2) This section does not apply to-
 - (a) a permit issued at the direction of the Tribunal; or
 - (b) a permit issued under Division 6.
- (3) In this section a reference to a permit includes any plans, drawings or other documents approved under a permit.

Section 73 of the Planning and Environment Act 1987 specifies the procedure for assessing an application to amend a permit:-

- (1) Subject to this section, sections 47 to 62 (with any necessary changes) apply to an application to the responsible authority to amend a permit as if-
 - (a) the application were an application for a permit; and
 - (b) Any reference to a permit were a reference to the amendment to the permit.
- (2) If the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit; and
- (3) Any conditions to which an amendment to a permit is subject form part of the permit when it is issued.

CONSULTATION

The proposal was the subject of a pre-application meeting.

Notification of the amended application was sent by mail to owners and occupiers of land adjoining the site affected by the modifications. One large notice was also required to be displayed on the land.

No objections have been received.

The application was referred to Melbourne Water for comment. Melbourne Water has no objection to the proposal.

The application was also referred to Council's Traffic and Drainage Sections for comment. There is no objection to the proposed amendments.

ASSESSMENT

The proposed modifications to the building to provide for an increase in the total number of beds from 120 to 150 is considered satisfactory and will provide for an improved community facility on the site.

Setbacks to the southern and western boundaries are considered adequate.

In respect to the proposed external areas of communal open space, these areas are appropriately located and can be adequately screened to ensure privacy is maintained to residents on adjoining lots.

The provision of 60 on-site car parking spaces is deemed satisfactory. The Planning Scheme does not specify a car parking ratio for 'Nursing Homes' and the industry standard is generally 0.3 car spaces per bed, however Council's Car Parking Policy requires a ratio of 0.4 spaces per bed which has been based on existing survey data of other similar facilities within the municipality.

Applying the rate of 0.4 spaces per bed the parking requirement for the proposed development is 60 spaces. The proposal provides for a total of 60 car parking spaces and therefore the provision is considered satisfactory.

CONCLUSION

Overall the changes to the plans are considered satisfactory and comply with the intent of the original approval. It is not considered that the proposed amendments would cause an increase in detriment to any person/s. It is therefore recommended that an amended permit be issued.