

1.3 3-5 MURRAY STREET, CLAYTON DEVELOPMENT AND USE OF A THREE STOREY MEDICAL CENTRE (TPA/49729)

EXECUTIVE SUMMARY:

This application proposes the development and use of a three storey medical centre for up to 41 medical practitioners with two levels of basement car parking and the display of business identification signage.

The application was subject to public notification. One (1) objection to the proposal have been received.

Key issues to be considered relate to appropriateness of the use in a residential area, built form, hours of operation, provision of car parking and signage.

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

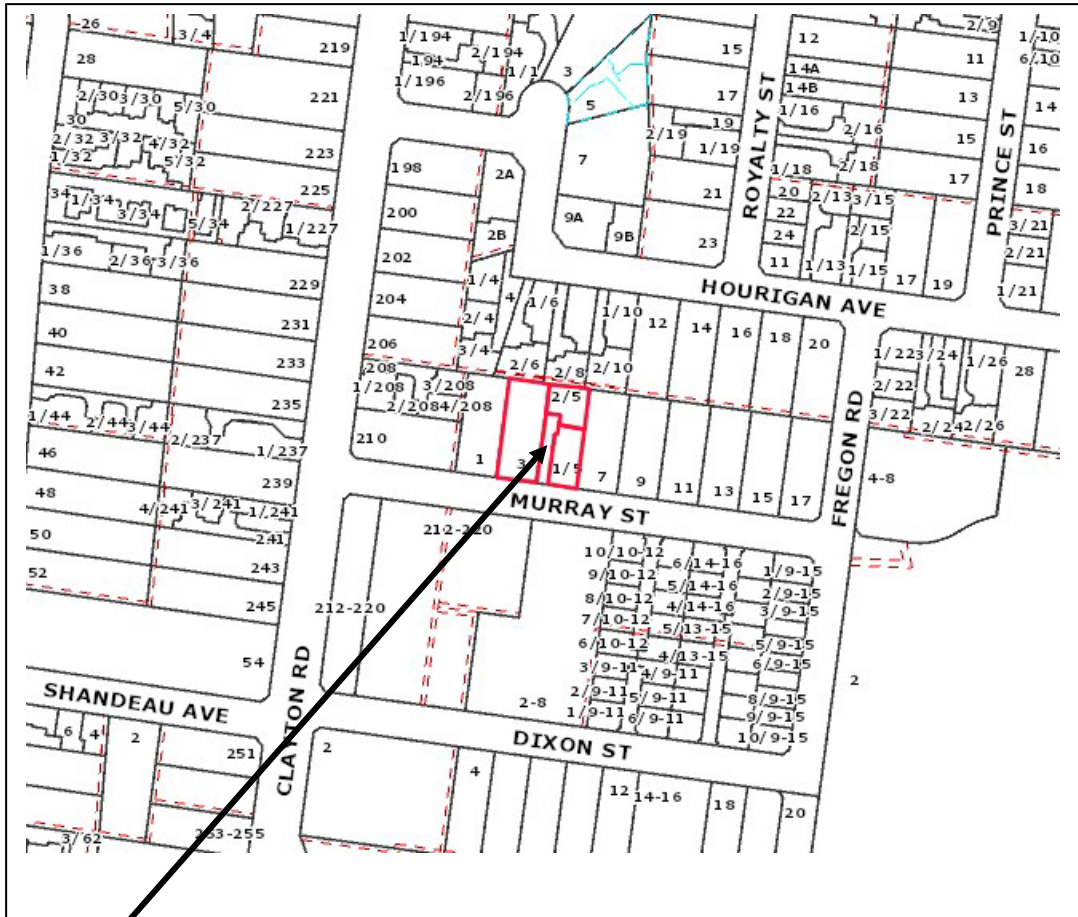
The reason for presenting this report to Council is the proposed development cost of \$4.8 Million.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Lisa Groenewegen
WARD:	Oakleigh
PROPERTY ADDRESS:	3-5 Murray Street, Clayton
EXISTING LAND USE:	Dwellings
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	One (1)
ZONING:	Residential Growth Zone 3
OVERLAY:	Design and Development Overlay- Schedule 14
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11.03- Activity Centres	<u>Local Planning Policy Framework</u> Clause 21.05- Economic development Clause 21.08- Transport and Traffic

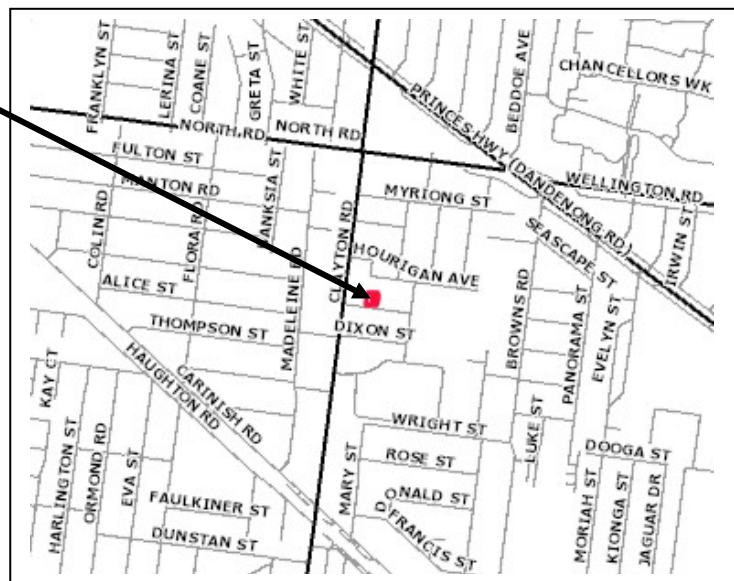
<p>Clause 12- Environmental and landscape Values Clause 13.07- Land Use Compatibility Clause 15.- Built Environment Clause 17- Diversify Economy Clause 18- transport Clause 19.03 Development infrastructure</p>	<p>Clause 22.05- Tree conservation Clause 22.04- Stormwater management policy Clause 22.09 -Non-Residential Uses and Development in a Residential Areas 22.13- Environmentally Sustainable Development Policy</p>
STATUTORY PROCESSING DATE:	19 January 2019
DEVELOPMENT COST:	4.8 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/49729)** to construct a three storey building for use as a medical centre (for up to 41 medical practitioners) with two levels of basement car parking (with a total of 66 car parking spaces) and to display non-illuminated business identification signage, at 3-5 Murray Street, Clayton subject to the following conditions:

Endorsed Plans and Management plans

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. The submitted plans must clearly delineate and highlight any changes. 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 layout of the development to follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
 - Driveway to provide at least 2.1m headroom beneath overhead obstructions.
 - Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
 - Ramp grades (except within 5 metres of the frontage) to be designed as follows:
 - Maximum grade of 1 in 4.
 - Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
 - Minimum requirements for car park dimensions to be in accordance with Table 2. Car parking spaces 31, 32 and 33 are to be a minimum of 2.8m wide.
 - Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.
 - Car parking spaces 24, 31-33, 57 and 64-66 are allocated to staff.
 - The accessible parking spaces should be designed in accordance with the Australian Standard for *Off-Street Parking for people with disabilities, AS/NZS 2890.6*. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The

headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.

- b) The provision of screening to a minimum height of 1.7m to the west facing first and second floor walkway windows of the northern wing. Screening to be to the satisfaction of the Responsible Authority
 - c) Details of all service equipment, including mechanical ventilation located outside the building or on the building and appropriate screening to be incorporated as part of the architectural design of the building
 - d) Location and design of any proposed electricity supply metre/box/kiosk/substation. This facility must not be located within the front setback area and should be integrated into the building
 - e) The location of waste bin areas sufficient in size to contain all rubbish receptacles, Waste storage areas must be sealed, graded and drained to sewer and any other modifications required by condition 5.
 - f) The location of any fire boost, gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback
 - g) The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m), which may include adjacent landscaping areas with a height less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
 - h) Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site, to be submitted and approved by the Responsible Authority. The Waste Management Plan shall provide for:
 - a) The method of collection of garbage and recyclables for uses;
 - b) Designation of methods of collection including the need to provide for private services or utilisation of council services;
 - c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
 - e) Litter management.

Collection of Waste must not cause disturbance to nearby residential properties and must occur between the hours of 7.00am and 8.00pm Monday – Friday.

4. 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:-
- a) the location of all existing trees and other vegetation to be retained on site
 - b) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
 - c) planting to soften the appearance of hard surface areas such as driveways and other paved areas
 - d) 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
 - e) the location and details of all fencing
 - f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
 - g) details of all proposed hard surface materials including pathways, patio or decked areas

When approved the plan will be endorsed and will then form part of the permit.

5. Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) measures to control noise, dust and water runoff;
 - b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - c) the location of where building materials are to be kept during construction;
 - d) site security;
 - e) maintenance of safe movements of vehicles to and from the site during the construction phase;
 - f) on-site parking of vehicles associated with construction of the development;

- g) wash down areas for trucks and vehicles associated with construction activities;
- h) cleaning and maintaining surrounding road surfaces;
- i) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

Development

6. Prior to the commencement of construction, the applicant must pay all associated costs for the existing street tree (*Tristanopsis laurina*) to be removed and replaced by Council.
7. The existing street tree in front of 3 Murray Street must not be removed or damaged. This tree must be protected by temporary rectangular wire fencing as per Australian Standards, erected prior to commencement of works until completion.
8. The development must be drained to the satisfaction of the Responsible Authority.
9. A private on-site drainage system must prevent stormwater discharge from the driveway over the footpath and into the road reserve. The internal drainage system may include either:
 - a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or
 - shaping the internal driveway so that stormwater is collected in grated pits within the property; and or
 - another Council approved equivalent.
10. The existing redundant crossing is to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.

Signs

11. All signs must be located wholly within the boundary of the land.
12. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

13. Signs must not be illuminated by external lights without the written consent of the Responsible Authority.
14. The location and details of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.
15. This permit for signage will expire 15 years from the date of issue of this permit

Use

16. Before the use and development permitted starts, 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.

17. No less than 66 car spaces must be provided on the land for the development and use including 4 accessibility spaces clearly marked.
18. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare
19. 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) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) presence of vermin;
 - (e) others as appropriate.
20. Air-conditioning and other plan equipment installed on or in the building must be positioned and baffled so that any noise emitted complies with the appropriate Australian Standard and EPA requirements.

21. The use may operate only between the hours of 7am to 9pm, Monday to Friday and 8am-5pm Saturday and Sunday unless the Responsible Authority gives consent in writing.

Completion

22. Before the occupation of the buildings allowed by this permit, the applicant is to advise of the completion of the landscaping works as shown on the endorsed plans to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
23. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
24. 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.
25. Once the development and use has started it must be continued and completed to the satisfaction of the Responsible Authority.

Expiry – Development and Use

26. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
- The development and use is not started before 2 years from the date of issue.
 - The development is not completed before 4 years from the date of issue.

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 permit expires, or within six months of the permit expiry date, where the use or development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the use or development has lawfully started before the permit expires.

NOTES-

- A Building approval must be obtained prior to the commencement of the above approved works.
- B The proposed crossings are to be constructed in accordance with City of Monash standards.

- C Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.
- One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- D An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
- E All Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.
- Please refer to the notes section of this permit for additional details
- F The nominated point of discharge is the south west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the nature strip outside No. 210 Clayton Road via a 900 mm x 600 mm junction pit and 300mm drain to be constructed to Council Standards.
- G Payment of \$967.60 is required prior to the commencement of the development for the removal of the Street Tree. Note- This amount is valid for 6 months from the date of issue of the permit.
- H All stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.

BACKGROUND:

History

A planning permit was issued for the development of 5 Murray Street with two dwellings in May 1996. The dwellings were constructed and a planning permit was issued for the subdivision of the land into two lots in January 2013.

No planning permits have issued to 3 Murray Street.

The Site and Surrounds

The site is located on the northern side of Murray Street. The site comprises 3 allotments and has a total area of approximately 1440 square metres. The site currently contains three single storey dwellings. The site is not encumbered by easements or significant trees.

Vehicle access to the sites is from a combined crossing located between the sites

North - The land to the north comprises single and double storey dwellings of single and multi-dwelling developments.

South – double storey medical suites and three storey apartment building

East – single storey building used for a medical centre.

West – A single storey building used for a childcare centre. Further west is a single storey building used for a church.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

PROPOSAL:

The application proposes the removal of the existing buildings from the site and construction of a three storey medical centre with two levels of basement car parking.

The building will be setback 4 metres from Murray Street frontage and minimum 5 metre on the northern, eastern and western boundaries. The central portion of the building is articulated resulting in an increased minimum setback of 9.5 metres on the western boundary and 7.5 metres on the eastern boundary.

Each floor will comprise of reception/waiting area, consulting suites (ranging between 14-18 square metres), treatment, staff and office/admin areas and amenities. Ground floor will also have pathology room. 41 consulting suites are proposed in total.

The medical centre will have a total of 66 on site car parking spaces within 2 basement levels. Access is via a new double width crossing on the eastern side of the site. The existing crossover will be reinstated. An established street tree will be removed to make way for the proposed crossing.

Lift and stair access is available from the basement levels throughout the building. Pedestrian access can be gained from the street frontage.

The building will be constructed in complementary colours with Bronze Anodised framed glazed panels, and vertical louvres.

The application also proposes the display of business advertising signage to the Murray street frontage. One sign will be on the façade of the building (1.8m²) and the other at the entry (0.3m²). The signage will not be illuminated.

The application was supported by the following:

- Planning, traffic and waste management reports prepared by Ratio Consultants.
- A Sustainable Management Plan prepared by Eco Results.
- A Landscape plan prepared John Patrick landscape Architects

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

A planning permit is required for the following:

- Use of the site for a medical centre with a gross floor area of all buildings in excess of 250 square metres and to construct a building or construct or carry out works for a use in section 2 of the zone (Clause 32.07)
- Construct or put up for display business identification signage (Clause 52.05)

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

CONSULTATION:

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of 194 letters sent to the surrounding property owners/occupiers, and 2 signs displayed on frontage of the site.

One objection was received and is summarised as follows:

- Overlooking
- Overshadowing
- Demolition
- Noise, traffic, congestion
- Mess or damage caused by construction
- Health and hygiene

Attachment 4 details the location of objector properties.

Referrals

The application was referred to Council's Drainage and Traffic units who did not raise any concerns with the proposal subject to a number of conditions being incorporated into any planning permit issued.

The application was referred to Council's Horticulture Department as the proposal necessitates the removal of the street tree on the eastern side of the frontage. The horticulture department inspected the tree in question and identified it as a 2.2 metre *Tristanopsis laurina*, water gum.

The tree is considered smaller in size and the arboriculture department does not object to the removal of the tree subject to the cost of removal and replacement being borne by the developer.

The nature strip in front of the site contains two street trees. The tree on the western side is approximately 6 metres tall and is well established making a positive contribution to the streetscape. This tree is to be retained.

DISCUSSION:

Consistency with State and Local Planning Policies

The proposed development is well supported by the provisions of the Municipal Strategic Statement and State and Local policies contained within the Monash Planning Scheme. This planning policy framework encourages the provision of facilities and services in clusters where need exists. The provision of a diversity of uses proximate to activity centres, community services and public transport remains at the forefront of policy agenda. The proposed medical centre responds to the direction in the local planning policy and provides a supportive commercial environment surrounding the Monash Medical and Research Precinct by increasing the supply of private health facilities as an adjunct to this precinct.

In determining the application the following issues require consideration.

Use

The site is well suited to a 'medical centre' use having regard to its proximity to the Monash Medical Centre and will help to serve the communities' need for additional complimentary medical services in close proximity to the centre. The site is well serviced by road and public transport access and is within the principal public transport network area. The street currently has a mix of residential and non-residential uses.

Built Form

The character and built form of the proposal is considered to be complimentary to the evolving character of the area. The building has architecturally responded to the built form and scale of surrounding residential, commercial and medical buildings. The design includes canopies, architectural fins and a variety of colours and materials to compliment surrounding buildings while also presenting as an architecturally interesting building in its own right.

The building is sited so as to provide opportunities for the planting of canopy trees and vegetation to the perimeter of the site particularly towards the abutting childcare centre to the west.

A setback of 4 metres from Murray Street is consistent with the amended schedule to the Residential Growth Zone and will enable the planting of new landscaping to soften the development from the street

The hours of operation

The proposed hours of operation are 7am-9pm 7 days a week. The hours on weekdays is considered acceptable but given the residential interface these hours are not considered appropriate on the weekend. Hours of 8am to 5pm in line with other medical facilities within close proximity to the site is considered suitable on weekends and should form a condition of any permit to issue.

Car Parking, traffic and access

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	1668m ²	3.5 spaces to each 100sqm of leasable floor area (Located with PPTN)	58	66

Council's Traffic Engineers have reviewed the basement layout and generally consider it workable. A number of alterations have however been required including:

- A 2.5 metre headroom clearance for the accessible parking spaces;
- Car parking spaces 31, 32 and 33 need to be widened for correct vehicle movements;
- Car parking spaces 24, 31-33,57 and 64-66 should be allocated to staff as they are difficult to enter/exit ; and
- Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.

A condition of any permit can require these modifications.

Signage

The proposed signage is considered to be of an appropriate size to allow for the identification of the business from outside of the site without impacting on the surrounding residential properties. It is not considered to cause clutter on the site or to the street.

OBJECTOR CONCERNS

Overshadowing

The neighbour is particularly concerned with shadowing of the rear play space between 7am and 11.30am. The shadow diagrams indicate 9am – 3pm at the September equinox. They show at 9am much of the play space will not be in shadow and as time progresses, shadows diminish and do not extend within the property after 11am. The play space will still receive suitable levels of sunlight.

Overlooking

The inclusion of a condition requiring screening (min. 1.7m above finished floor level) to the west facing first and second floor windows at the end of the corridor in the northern wing will be included on any permit issued to prevent overlooking from windows. The same window in the southern wing aligns with the child care entry and car park within the front setback. Screening of these windows is not considered necessary as they only offer views across the front yard of the adjacent property.

The setback of the central pod of the building from the western boundary and the orientation of the vertical louvered screens to the windows, will prevent overlooking to the rear play space from these windows. Overlooking in accordance with the combined measures should prevent overlooking of the rear play space.

With the additional screening of the west facing windows at the end of the corridor in the north wing, will be prevented is not expected to be possible.

Noise, traffic, congestion during construction

There is concern of noise disturbing sleep time of children (12 noon – 2.30pm) and a request that construction not occur during these times.

It is not considered reasonable that construction be restricted beyond the legislated permitted construction hours and noise levels.

Demolition

The concern is that asbestos is in the existing buildings on the site and that demolition not be permitted while the child care is in operation (6.30am-6.00pm Monday – Friday). It is further requested that an inspection of the child care centre occur for residual material or dust, and cleaned up at the expense of the developer.

The removal of asbestos is heavily controlled through the Building Permit process. The developer is required to adhere to the legislation and no additional requirements is considered necessary or able to be imposed through a planning permit. Any concerns during demolition can be referred to Worksafe for investigation.

Mess or damage caused by construction & Health and Hygiene

The concerns regarding excavation for the basement and construction impacting the neighbours' buildings is legislated for in the building permit process including the need for engineering reports and the serving of protection works notices where required by legislation. This is a civil matter between the neighbouring properties but concerns should be set to the responsible building surveyor.

CONCLUSION:

It is considered that the proposal is consistent with and supports the relevant planning policies. The site is located in proximity to the Monash Medical and

Research Precinct. The proposed medical centre supports the services of the precinct in a street that has a mix of residential and service activities. The addition of the medical centre is consistent with the future policy direction for the area.

The proposed building is of high quality architecture and in keeping with existing surrounding commercial and residential buildings. Buildings surrounding the site are of a similar scale. The amalgamation of two sites provides for siting of a building with little external impact through overshadowing. The potential for overlooking has been addressed in the building design and enhanced through suggested conditions.

The development provides car parking on site in excess of the requirement and should not effect on-street parking or performance of the street network. The development reinstates kerb and channel which may improve on street parking.

Accordingly approval is recommended subject to appropriate conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.