

1.3 31-33 HIGH STREET ROAD, ASHWOOD - USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A FOUR STOREY MEDICAL CENTRE, THE REMOVAL OF TWO RESTRICTIVE COVENANTS, DISPLAY OF SIGNAGE, REMOVAL OF VEGETATION AND ALTERATION OF ACCESS TO A TRANSPORT ZONE SCHEDULE 2 (TPA/54467)

Responsible Officer: Peter Panagakos, Director City Development

EXECUTIVE SUMMARY:

This application proposes the development of a four-storey building comprising of three storeys above a basement level, for use as a medical centre with a total of 16 medical specialists. Two trees and two restrictive covenants are proposed to be removed. The proposal also seeks the erection of advertising signage and alteration of access to High Street Road, being located within the Transport Zone Schedule 2.

The application was subject to public notification. Twenty-three (23) objections to the proposal have been received.

Key issues to be considered relate to the removal of the restrictive covenants, the height and scale of the building, the impact on Garden City Character, tree removal, traffic and car parking movements, and the impact of advertising signage on the character and amenity of the residential area.

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

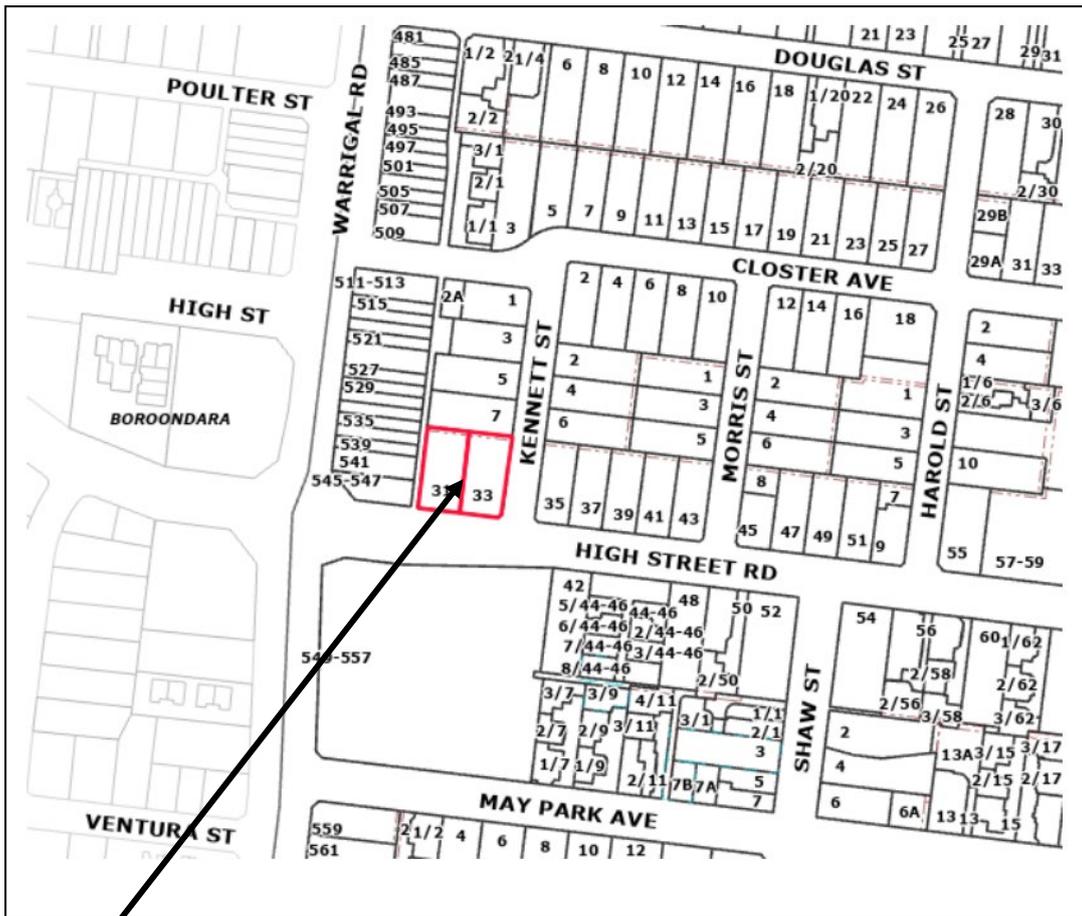
The reason for presenting this report to Council is the proposed development cost of \$4 Million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be refused.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Celia Davey
WARD:	Mount Waverley
PROPERTY ADDRESS:	31-33 High Street Road, Ashwood
EXISTING LAND USE:	Two detached residential dwellings

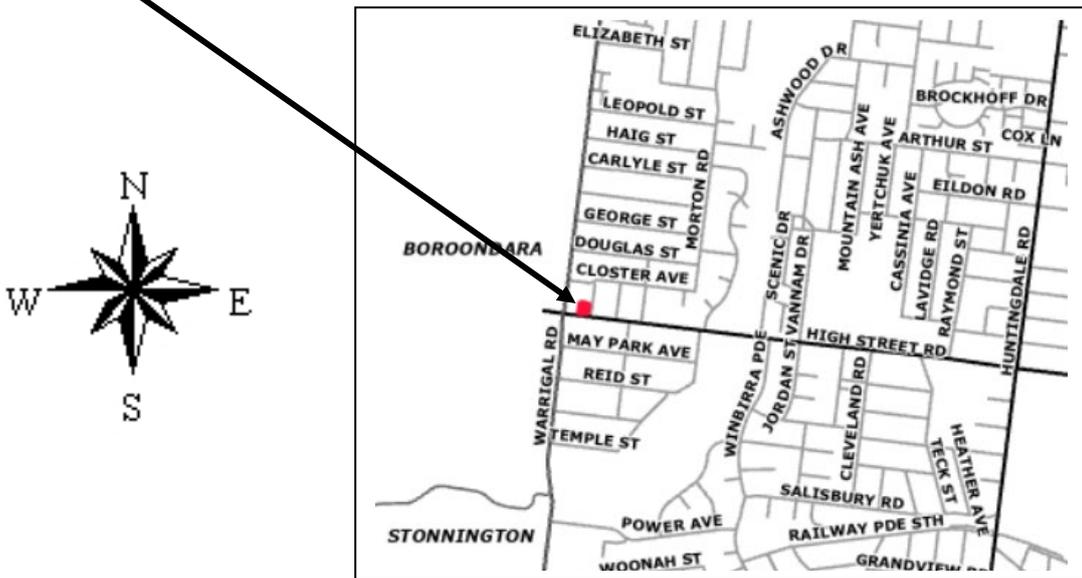
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Twenty three (23)
ZONING:	General Residential Zone Schedule 3
OVERLAY:	Vegetation Protection Overlay Schedule 1
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11 – Settlement Clause 13.07-1S – Land Use Compatibility Clause 15 – Built Environment and Heritage Clause 15.01-1S – Urban Design Clause 15.01-2S – Building Design Clause 15.01-4S & R – Healthy Neighbourhoods Clause 15.01-5S – Neighbourhood Character Clause 17.01-1S – Diversified Economy Clause 17.02-1S – Business Clause 18.01-1S – Land Use and Transport Integration Clause 18.02-1S – Walking Clause 18.02-2S – Cycling Clause 18.02-3S & R – Public Transport and Principal Public Transport network Clause 18.02-4S – Roads Clause 19.02-1S& 1R – Health Facilities Clause 19.03-3S- Integrated Water Management	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement) Clause 21.08 – Transport and Traffic Clause 21.11 – Physical Infrastructure Clause 21.13 – Sustainability and Environment Clause 22.01 – Residential Development and Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.08 – Outdoor Advertising Policy Clause 22.09 – Non-Residential Use and Development in Residential Areas Clause 22.13 – Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.05 – Easements, Restrictions and Reserves Clause 52.05 – Signs Clause 52.06 – Car Parking Clause 52.29 – Land Adjacent to the Principal Road Network Clause 52.34 – Bicycle Facilities Clause 53.18 – Stormwater Management in Urban Development Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	12 May 2023
DEVELOPMENT COST:	\$4 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

*That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/54467)** for the use and development of the land for a four storey medical centre, removal of two restrictive covenants (AR019317V and AQ922633G), display of internally illuminated and floodlit business identification signage, alteration of access to a road in a Transport Zone 2 and removal of 2 trees within a Vegetation Protection Overlay at 31-33 High Street Road, Ashwood subject to the following grounds:*

- 1. The built form, scale and setbacks of the proposal and overall impact on character are not consistent with the Non-Residential Use and Development in Residential Areas Policy at Clause 22.09.*
- 2. The proposed removal of mature trees and inability to satisfactorily plant new canopy trees with spreading crowns is not consistent with the Tree Conservation Policy at Clause 22.05.*
- 3. The proposal does not take into account the preferred future character statement for the Garden City Northern Areas consistent with Residential Development and Character Policy at Clause 22.01.*
- 4. The proposed signage is obtrusive, cluttered and not respectful of neighbourhood character consistent with the Outdoor Advertising Policy at Clause 22.08 and Clause 52.05.*
- 5. The proposal is not consistent with the objectives of the General Residential Zone and Schedule 3 at Clause 32.08.*
- 6. The proposed tree removal is not consistent with the objectives and decision guidelines of the Vegetation Protection Overlay at Clause 42.02.*
- 7. The car parking and access arrangements are not satisfactory and inconsistent with the Car Parking Provisions at Clause 52.06.*
- 8. The proposal will have a detrimental effect on the amenity of the area.*
- 9. The proposal will result in unreasonable overlooking into the property at 7 Kennett Street.*
- 10. The granting of a permit would be contrary to Section 60(5) of the Planning and Environment Act 1987.*
- 11. The granting of a permit would detrimentally affect the interests of surrounding landowners pursuant to Clause 52.02 of the Monash Planning Scheme.*

BACKGROUND:**The Site and Surrounds**

The subject land is located on the north-west corner of High Street Road and Kennett Street in Ashwood. A right-of-way runs along the western boundary and services 16 commercial properties fronting Warrigal Road and No. 3 Kennett Street. The laneway runs in a single direction from the north (via Closer Avenue) to the south (High Street Road). There is currently no access to the laneway directly from Kennett Street or Warrigal Road.

The site comprises two parcels of land with a total area of 1491 square metres. The combined frontage to High Street Road measures 37.42 metres (less corner splay), and the depth is 38.10 metres.

The land is encumbered by a 1.83 metre wide drainage and sewerage easement along the northern boundary.

The land slopes down from the south-west corner near the entry to the right-of-way to the north-east corner at the Kennett Street boundary approximately 2.8 metres.

Existing development comprises one single storey dwelling and associated out buildings on each parcel.

There are more than 30 trees and large shrubs on the land. Of these, two exceed 10 metres in height triggering a permit requirement for removal under the Vegetation Protection Overlay. As part of the planning application however, Council is able to assess the appropriateness of the removal of vegetation across the site under the Tree Conservation Policy and Neighbourhood Character guidelines.

There is one existing single vehicle crossing to High Street Road, and one to Kennett Street. The road reserve in High Street Road also contains a bus shelter and various services. There are 3 street trees in Kennett Street proximate to the site.

Kennett Street has parking restrictions along both sides reflective of its proximity to commercial zones, and traffic at its intersection with High Street Road is restricted to left turns only (no right turns into or out of the street).

The surrounding land comprises residential dwellings to the north and east, and commercial properties to the west and south. The commercial properties to the west form part of a small local shopping strip and are not identified as an Activity Centre. Land on the opposite side of Warrigal Road is located within the City of Boroondara.

More specifically:

North – 7 Kennett Street contains a single storey dwelling with a garage abutting the common boundary. It is setback 7.6 metres from Kennett Street. The front and rear gardens are open and planted with trees and shrubs. There is no front fencing.

South – 549-557 Warrigal Road contains a Woolworths Supermarket facing Warrigal Road. The building is setback a 2.2 metres from High Street Road, with minimum landscape buffer of 1.2 metres. The maximum building height is 10.4 metres. The land is zoned Commercial 1.

East – 35 High Street Road contains a single storey dwelling setback 8.9 metres from the front boundary. Vehicle access is obtained via a single width crossover in Kennett Street. The front and back setbacks are landscaped. A high hedge provides a soft buffer along the High Street Road boundary.

West – The land is developed for double storey strip shops facing Warrigal Road in Commercial 1 zoned land. Car parking is accessed via the right of way.

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

History

Restrictive Covenants affecting the subject lots were amended by the Supreme Court in 2018. The restrictions are detailed in the table below:

Property	Original Restriction	Amended Restriction
31 High Street Road Ashwood -	Covenant 1923252 Created on 3/08/1944 <i>"...will not excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred except for the purpose of excavating foundations of any building to be erected thereon and will not erect any building or hoarding for advertisement nor any forge nor timber yard upon the said land nor allow the said land to be used for the storage of timber."</i>	Instrument AR019317V Varied on 15/05/2018 <i>"...will not excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred <u>except in connection with the residential development or use of the land</u> and will not erect any building or hoarding for advertisement nor any forge nor timber yard upon the said land nor allow the said land to be used for the storage of timber."</i>
33 High Street Road Ashwood -	Created on 1/09/1936 Covenant 1623360 <i>"...shall not at any time hereafter excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land</i>	Varied on 16/04/2018 Instrument AQ922633G <i>"...shall not at any time hereafter excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the</i>

	<i>hereby transferred except for the purpose of excavating for the foundations of any building to be erected thereon or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and further shall not erect more than one dwelling house on the said land..."</i>	<i>said land hereby transferred <u>except in connection with the residential development or use of the land</u> or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and further shall not erect more than <u>one residential apartment building on the said land..."</u></i>
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Covenants may be removed or varied either by way of a planning application or through the supreme court and in this instance they had chosen the supreme court to vary the covenants.

There are no planning applications previously made for the land.

PROPOSAL:

The application is to demolish the existing buildings on site and construct a four storey medical centre building, together with the removal of restrictive covenants, removal of vegetation, signage and alteration of access to land in a Transport Zone. The proposal can be summarised in detail as follows:

Maximum Height	Building Height of 14.13 metres and maximum overall height (to top of lift overrun) 16.3 metres
Number of Storeys	3 storeys plus basement level (the top of the basement is up to 1.72 metres above ground level at the north-east corner of the site) and as it exceeds 1.2 metres above natural ground level is counted as a storey/level.
Leasable Floor Area	1,258sqm
Number of Practitioners	Sixteen (16)
Hours of Operation	Monday to Friday, 8am-10pm Saturday and Sunday, 8am-8pm.
Site Coverage	50.8%
Permeability	20.7%
Access	Two vehicle crossings via Kennett Street (existing crossover is to be modified and widened to be a double crossing plus an additional single crossing), and direct access to car parking spaces from right of way. One accessway provides access to the basement car park, and the second provides access to the at grade parking.

	<p>They will remove the existing vehicle crossover to High Street Road and reinstate the nature strip.</p> <p>The proposed vehicle crossovers result in a loss of 3 on street parking spaces.</p>
Car Parking	44 car parking spaces. 33 spaces within basement with remainder at grade. 6 spaces proposed to be directly accessed from right of way.
Bicycle Spaces	12 spaces (located at grade within High Street Road frontage).
Signage	Total of 11 signs including one internally illuminated business identification sign, two floodlit business identification signs and eight business identification signs.
Materials	Cement Cladding, Precast Concrete, metal feature blades and Brass Chrome Cladding.

The minimum building setbacks are detailed as follows:

	South High Street Road frontage	East Kennett Street sideage	West Right of Way	North Boundary with 7 Kennett
Building – ground, first and second floors	6.7 metres	6.69 metres	2.63 metres	7.49 metres
Basement	0 metres	3.47 metres	0 metres	2.83 metres
Carpark/ Paving	0 metres	4.5 metres	0 metres	1.4 metres

The proposal seeks to remove two covenants as follows:

- Covenant AR019317V associated with 31 High Street Road (which restricts development of land to be residential in nature and does not permit any hoarding for advertisement or use for storage of timber); and
- Covenant AQ922633G associated with 33 High Street Road (which restricts use and development on the land to be residential in nature, and allows no more than one residential apartment building).

All vegetation on the site is proposed to be removed. This includes a 14m *Ginkgo biloba* and 18m *Waterhousia floribunda*.



Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The subject site is located General Residential - Schedule 3 (GR3) under the provisions of the Monash Planning Scheme. A planning permit is required to use the land for a medical centre pursuant to Clause 32.08-2.

A permit is also required for buildings and works associated with a Section 2 use pursuant Clause 32.08-9.

The maximum building height (11 metres, 3 storeys) prescribed within Clause 32.08-10 is not applicable to this application as it is not a dwelling or residential building.

The minimum garden area requirement prescribed within Clause 32.08-4 is not applicable to this application as it is not a dwelling or residential building.

Overlay

The land is subject to the Vegetation Protection Overlay Schedule 1 (VPO1). A planning permit is required to remove, destroy or lop any vegetation that has a trunk circumference greater than 500 millimetres at 1200 millimetres above ground level and is higher than 10 metres.

Approval is sought for the removal of 2 trees protected by the Overlay. The arborist report submitted with the application identifies these trees as a 14m *Ginkgo biloba* and 18m *Waterhousia floribunda*.

Particular & General Provisions

Clause 52.02: Easements Restrictions and Reserves

Clause 52.02 requires a permit before a person proceeds Under Section 23 of the *Subdivision Act 1988* to create, vary or remove a restriction.

Clause 52.05: Signs

A planning permit is required pursuant to Clause 52.05-11 for Business Identification signs to the premises exceeding 8 square metres in area, and internally illuminated and Floodlit signs.

Clause 52.06: Car Parking

Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. The site is located within the Principal Public Transport Network. A waiver is not sought as part of this application. The proposed development satisfies the statutory car parking requirement.

Clause 52.29: Land Adjacent to The Principal Road Network

A permit is required to create or alter access to a road in a Transport Zone 2 pursuant to Clause 52.29-2.

Clause 52.34: Bicycle Facilities

Pursuant to Clause 52.34-5 1 bicycle space is required per 8 practitioners and for employees, and 1 to each 4 practitioners for visitors. No showers or change rooms are required. The requirements of this Clause have been satisfied.

Closed Landfill Buffer

The site is not within the identified buffer of a post closure landfill.

Cultural Heritage Management

The site is not located within an identified area of Aboriginal Cultural Heritage.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 23 December 2022. In this letter, officers also raised the following preliminary concerns:

- The encroachment of boundary and street setbacks limit meaningful landscaping consistent with Garden City Character.
- The height, bulk, scale and mass of the building is excessive and lacks transition to the adjoining properties.
- There will be an impact on street trees from vehicle crossings.
- The car parking and vehicular access is inadequate and ineffective.

- The excessive signage is inconsistent with the Outdoor Advertising Policy at Clause 22.08 and Non-Residential Use and Development in Residential Areas Policy at Clause 22.
- The high wall floodlit business identification sign is prohibited in the zone.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported and that the application would be refused.

The Permit Applicant responded to this letter on 9 February 2023 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address the concerns with the prohibited sign, but that they do not agree with the remaining the issues raised by Officers.

The Applicant has been formally advised that this application is coming to the April Council meeting and a letter has been sent advising them of the details of the Council meeting.

The Applicant has been advised that this application is recommended for refusal, and an outline of the grounds has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of 86 letters sent to the owners/occupiers of the adjacent land, to all landowners having benefit of the restrictive covenants, as well as by signs displayed on each street frontage of the site, and by publication in The Age Newspaper on 6 March 2023. Publication in the paper is a requirement for the removal of a covenant.

Twenty-three (23) objections were received. Fifteen (15) objections were from legal beneficiaries of the covenants. The location of objections from legal beneficiaries of the two covenants are identified below.



The land coloured green are beneficiaries of the land coloured orange (Instrument AR019317V)

The land coloured green and blue are beneficiaries of the land coloured pink (Instrument AQ922633G)

Red dots are where objections were received from

Issues of objection included the following concerns:

- Proposal not consistent with the General Residential Zoning
- Removal of the covenants and loss of residential amenity
- Increase in traffic in Kennett Street and Closter Avenue
- Insufficient on-site car parking
- Large deliveries within Kennett Street
- Increased noise
- Impact on neighbourhood character
- Loss of significant trees in the streetscape
- Light spill from signs
- Stormwater management
- Loss of privacy from overlooking
- Overshadowing

- Impact on community safety
- Overcrowding of street
- Commercial development in residential street
- Extensive hours of operation
- No community need for proposal
- Excessive height of building
- Loss of views
- Use of the right-of-way
- Circumvention of Planning System
- Inconsistent with Monash Planning Scheme Policies
- Headlights spilling into properties
- Reduction in property values
- Increase in antisocial behaviour
- No respite from medical use and impact on mental health
- Structural damage and nuisance to adjoining properties from construction
- Accuracy/Reliability of Traffic Engineering Report
- Accuracy/Reliability of the Acoustic Report
- Use may change from Medical Specialists to General Practitioners with greater numbers of patrons.

Attachment 4 details the location of objector properties.

Public information session

An on-line public information session was held on 15 March 2023. Sixteen (16) residents attended.

Referrals

External Referral

Department of Transport and Planning (Ref: 42349/23)

The application was referred to the Department of Transport and Planning (DoTP) pursuant to Clause 55.29-4 of the Scheme. The DoTP has no objection to the proposal subject to conditions being included in the permit relating to the vehicle crossing removal, bus shelter and sign illumination.

Internal Referral

Traffic Engineer

Council's Traffic Engineers note that Kennett Street is a standard Local Access street and the proposed additional traffic would have negligible impact. The medical centre use is such that the traffic movements will be spread throughout the day and not concentrated in peak times like a residential development or office. There is concern however with the following aspects of the proposal:

- The provision of parking spaces from the laneway is not considered the best solution for parking provision for developments, given the use of laneways by commercial loading vehicles which often need to park for extended periods of time, blocking access to and from these spaces. It is also noted

that these vehicles can only be accessed by vehicles travelling south down the laneway and from the driveway on the north side of the development which is not a convenient option.

- There is concern regarding the additional traffic on the laneway. This proposed development is likely to significantly increase the traffic movements in the laneway which will cause conflicts with vehicles entering and exiting the laneway from adjacent properties at the same time.
- The provision of a through connection between Kennett Street and the laneway is not considered appropriate as it opens a pseudo access to the laneway.
- The proposed basement car park layout is poor, with 8 sets of tandem spaces. The assignment of all these spaces (16 spaces) to staff would assign insufficient spaces to patients, who are unlikely to accept the alternative of parking off the laneway due to the potential of being blocked in. The provision of assigning the front space to patients would mean that staff would not be able to exit in an emergency or if attending outside appointments etc. The use of tandem spaces in either case is problematic and should be avoided.
- The southern section of the basement carpark shows one-way circulation only. A vehicle travelling southbound in the eastern access aisle is likely to ignore the one-way arrows and travel west to circulate the carpark which is likely to cause vehicle conflict issues.

Drainage Engineer

There are no concerns subject to conditions being included in the permit.

Waste Management

Concerns are raised regarding the location of the waste storage area at ground level in addition to area waste storage area within the basement. The proposed waste collection from the street poses excessive transfer distance through the carpark to the street and will interrupt vehicle movement in Kennett Street. Separate private collection is required for medical and non-medical waste. Storage and collection of all bins should be provided within the basement by a private contractor.

Horticulture

Council's Senior Arborist assessed the three street trees in Kennett Street and advised that the proposed vehicle crossings will be too close to the *Agonis* and *Prunus* street trees.

The single width crossing must be relocated to be setback at least 3.8 metres from the outside face of the tree buttress of the *Agonis* (northern most street tree outside 7 Kennett)

Should Council be supportive of the proposal and there is significant conflict with a preferred design, removal of the *Prunus* could be considered at the applicant's expense due to its condition and anticipated life span of 2 to 4 years.

Asset Protection

The design for both the double-width crossover in addition to the single crossover in Kennett Street are over and beyond the standard width allowed. If approved they should be reduced to meet council standards.

DISCUSSION:

Consistency with State, Regional and Local Planning Policies

State Planning Policy Framework (PPF)

The use of land for a medical centre is supported in the settlement Policy of the PPF, with planning required to respond to the needs of the community through the provision of land for community facilities. However, these need to have a high standard of environmental sustainability, urban design and amenity.

Clause 19.02-1S and 1R (Health Facilities) identifies that hospitals and other large health facilities should be located within designated health precincts and areas highly accessible to public and private transport. Whilst it also notes that general practitioners, community health facilities and allied health services should be provided at the neighbourhood level.

The site is not located within an identified Activity Centre. Clause 17.02-1s (Business) identifies that commercial facilities should be located within existing or planned activity centres, whilst Clause 17.02-2S (Out-of-centre Development) notes that out of centre proposals should only be considered where the proposed use or development is of net benefit to the community in the region serviced by the proposal.

Clause 15.01 Built Environment also requires that planning should ensure all land use and development appropriately responds to its surrounding landscape and character. Existing vegetation is encouraged to be retained and development is to be provided with landscaping that supports the amenity and attractiveness of the public realm.

Advertising signs should also have minimal impact on amenity, on the natural and built environment, and on the safety and efficiency of roads.

The proposal raises significant concern regarding these policies. These issues will be discussed in detail below.

Local Planning Policy Framework (LPPF)

In the Municipal Strategic Statement at Clause 21.04, the site is identified as being located within the Garden City Suburbs (Category 8), and an area suitable for incremental change. The Monash Housing Strategy saw the future character of

development sited within generous open space well landscaped while still retaining the ‘open landscape character’ of the garden suburban setting and any development tapers down in scale closer to the boundaries of the site. The character of the area will be notable for its *spacious garden settings, tall canopy trees, consistency in front setbacks*.

The Residential Development and Character Policy at Clause 22.01 requires that new development respects existing residential environments, with minimal streetscape or amenity impact, and are designed to achieve outcomes that enhance the highly valued garden city character of each area.

The subject land is located within the ‘Garden City Suburbs Northern Areas’ character area. The preferred character, as relevant to this application, envisages:

Although there will be changes to some of the houses within this area, including the development of well-designed and sensitive unit development and, on suitable sites, some apartment development, these will take place within a pleasant leafy framework of well-vegetated front and rear gardens and large canopy trees.

Setbacks will be generous and consistent within individual streets.

Building heights will vary between neighbourhoods.

Neighbourhoods with diverse topography and a well-developed mature tree canopy will have a larger proportion of two storey buildings. In the lower, less wooded areas, buildings will be mainly low rise unless existing vegetation or a gradation in height softens the scale contrast between buildings.

New development will complement the established buildings through consistent siting, articulated facades and use of materials.

Architecture, including new buildings and extensions, will usually be secondary in visual significance to the landscape of the area when viewed from the street. New development will be screened from the street and neighbouring properties by well planted gardens that will ensure the soft leafy nature of the street is retained.

Gardens will consist of open lawns, planted with a mix of native and exotic vegetation and trees. Existing mature trees and shrubs will be retained and additional tree planting within streets and private gardens will add to the tree canopy of the area.

Buildings will be clearly visible through these low garden settings, and non-existent or transparent front fences. Additional vehicle crossovers will be discouraged.

The built-form will be visually unified by well-planted front gardens that contain large trees and shrubs and street tree planting. Trees within lots to be redeveloped will be retained wherever possible to maintain the established leafy character.

Clause 22.05 (Tree Conservation Policy) seeks to maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement. Retention of mature trees and the planting of new canopy trees with spreading crowns is promoted.

The Outdoor Advertising Policy at Clause 22.08 seeks to facilitate effective advertising for business which does not affect the amenity of residential uses. The specific objective for signs in Residential areas is *to provide for unobtrusive identification signs respectful of neighbourhood character.*

The Non-Residential Use and Development in Residential Areas Policy at Clause 22.09 aims to ensure that development, including its built form, is appropriate in the residential setting, and that the amenity of the neighbourhood is not adversely affected. Adequate and well-located vehicle parking is also required.

To determine achievement with the objectives, performance and locational criteria are specified. An assessment of the proposal against these is as follows:

Locational Criteria	Assessment
Uses to locate adjacent to existing activity centres and on higher order and busier streets and roads, particularly on corner sites.	Complies - The proposal is consistent, utilising a corner site, on a main road, adjoining a strip of shops and a supermarket located within a Commercial 1 Zone. It would also provide a buffer from the residential area to the north from the nearby commercially zoned land and the busy intersection with Warrigal Road.
Lower order residential streets should be avoided	Complies The location on a main road is consistent with the Policy.
Urban Design Criteria	Assessment
Development is to take into account the preferred future character statement for the applicable residential character type.	Does not comply - The Garden City Northern Areas requires architecture to be secondary in visual significance to the landscape of the area, leafy front and rear gardens, consistent setbacks. Buildings will be mainly low rise unless existing vegetation or a gradation in height softens the scale contrast between buildings. The building will be a standout element in the area contrary to the vision.
The established tree canopy is to be maintained and enhanced.	Does not comply - The proposal does not seek to maintain any of the significant trees of a heavily vegetated site

	nor does the proposed new planting sufficiently replace the lost trees or enhance the canopy trees
Buildings should be consistent in height and setback.	Does not comply - The proposed development of up to four storeys, and up to 16 metres in height, is well above the predominantly low rise scale of adjacent residential development (and the mandatory height limit for residential development in this zone of 3 storeys/11 metres). The existing building front setbacks along High Street Road and Kennett Street are generous, at typically 7.6 metres, or more. The proposed setback is less, at 6.7 metres to High Street Road and 6.8 metres to Kennett Street. The basement is also only setback 3.47 metres from Kennett Street, with a height above ground level of 1.9 metres and 1 metre wall above. It is not setback at all from High Street Road.
Signs should be unobtrusive	Does not comply - The extent of signs is excessive, with every ground floor window facing High Street Road filled with advertising. Two large blades along this frontage will also add to the overall clutter of signs.
Car Parking Criteria	Assessment
Car parking provision must meet the Scheme requirements, and minimise disruption and nuisance to adjacent residential properties and the residential neighbourhood	Does not comply - Whilst the number of spaces meet the numeric standards; the provision of tandem spaces impacts their usefulness and functionality. There is concern that the use of Kennett Street for the prime vehicular access to the site will exacerbate a street network that is already impacted by overflow parking and traffic flows from the adjacent commercial uses.
Landscaping Criteria	Assessment
The retention of canopy trees is encouraged, and new landscaping should be consistent with the garden character of the neighbourhood.	Does not comply – There will be no landscaping along the western side of the site to continue the spine of backyard planting in Kennett Street. Front setback planting will be highly constrained due to the reduced setbacks and use of planters above the basement level.
Car parks should be buffered by planting	Does not comply - The 1.4 metre wide garden bed on the north side of the car park is to be planted with hedging but there is no planting proposed to the south side or near the spaces accessed via the right of way.

The Environmentally Sustainable Development Policy Clause 22.13 of the Scheme provides a policy framework for the early consideration of environmental sustainability at the building design stage.

A Sustainability Management Plan was submitted with the application which demonstrates the ability of the development to achieve the objectives of the Scheme, with a best practice BESS score of 51%, and STORM rating of 102%.

A 10,000L rainwater tank will be connected to the roof area and directed to the flushing of toilets. In addition, an 8m² raingarden will treat runoff from a minimum of 400m² driveway hard stand before it enters the stormwater system.

The standards of the Stormwater Management in Urban Development provisions at Clauses 53.18-5 and 53.18-6 are also considered to be achieved. Council's Drainage Engineers have no concerns about stormwater management.

The layout plans incorporate the initiatives of the plan (as applicable at this stage of the documentation) with further details required in the Waste Management and Landscape Plans. These being:

- Landscaping will incorporate drought tolerant species, including drought tolerant turf/lawn.
- The WMP will include a target to recycle 50% of waste during both the demolition and construction phases.

These matters could be addressed by permit condition to ensure compliance with the Policy.

Clause 32.08 General Residential Zone – Schedule 3

The relevant objectives of the General Residential Zone are *to allow a limited range of other non-residential uses to serve local community needs in appropriate locations, whilst also encouraging development that respects the neighbourhood character of the area.*

The relevant objectives of Schedule 3 are:

- *To support new development that contributes to the preferred garden city character through well landscaped and spacious gardens that include canopy trees.*
- *To promote the preferred garden city character by minimising hard paving throughout the site by limiting the length and width of accessways and limiting paving within open space areas.*
- *To support new development that minimises building mass and visual bulk in the streetscape through generous front and side setbacks, landscaping in the front setback and breaks and recesses in the built form.*

For non-residential use and development, the following decision guidelines are applicable:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

It is considered the use as a medical centre is compatible with residential use and will serve local community needs. However, the scale and intensity of the use and development is not appropriate in the setting and not consistent with the built form and landscape character of the residential area.

There are Zone and Schedule specific residential development requirements that do not apply to non-residential development; however, these do provide a guide to the built form sought in the area. These requirements are:

Requirement	Residential Development	Proposed Development	Complies
Garden area (Clause 32.08-4)	35% of a lot set aside as garden area	25%	No
Building height (Clause 32.08-10)	must not exceed 11 metres	16.3 metres	No
Building storeys (Clause 32.08-10)	no more than 3 storeys at any point.	4 storeys (basement is more than 1.2 metres above ground)	No
Minimum Street Setback (Clauses 54 and 55 Standards A3 and B6)	Walls of buildings should be set back at least 7.6 metres from the front street.	6.7 metres to High Street Road	No
Site Coverage (Clauses 54 and 55 Standards A5 and B8)	The site area covered by buildings should not exceed 50 per cent.	50.8%	No
Permeability (Clauses 54 and 55 Standards A6 and B9)	The site area covered by pervious surfaces should be at least 30 per cent.	20.7%	No
Landscaping (Clause 55 Standard B13)	New development should provide or retain: <ul style="list-style-type: none"> • At least one canopy tree, plus at least one canopy tree per 5 metres of site width; (9 trees required) 	7 trees proposed Species not indigenous to Monash 10 metres maximum height	No

	<ul style="list-style-type: none"> • A mixture of vegetation including indigenous species; • Vegetation in the front, side and rear setbacks; • Vegetation on both sides of accessways. • A canopy tree should reach a mature height at least equal to the maximum building height of the new development. 		
Side and rear setbacks (Clauses 54 and 55 Standards A10 and B17)	A new wall not on a boundary should be set back at least 5 metres.	7.49 metres	Yes
Front fence height (Clauses 54 and 55 Standards A20 and B32)	Must not exceed 1.2 metres in height within 3 metres of street	Up to 1.81 metres on the High Street Road frontage	No

The proposed development only meets the rear setback requirement, with the building height and number of storeys, site coverage and front fence height exceeded. There is insufficient garden area and permeable surface. The landscape plan could be modified to increase indigenous tree numbers and heights, however the use of planter boxes for most of the front setback to High Street Road will limit their growing potential.

Clause 42.02 – Vegetation Protection Overlay – Schedule 1

The site contains a large number of trees and shrubs. Of the vegetation on site, five trees are considered significant, two of which would require permission for removal due to their height and trunk size under the provisions of the VPO. A 14 metre *Ginkgo biloba* and an 18 metre high *Waterhousia floribunda*.

The Arboricultural report submitted with the application in support of their removal makes the following observations:

Tree 12 is a Ginkgo biloba (Ginkgo), this exotic tree is rare in our landscape, in particular due to its reasonable size and potential. This tree is an attractive feature in this neglected landscape, see Appendix 4. The(re) is already a concrete driveway running along the west side of its trunk and the existing house is less than 2 metres from its trunk. The footing for the existing brick house would be acting as an impervious barrier to the spread of the roots of this tree towards the north. This tree is inside the proposed building envelope of the underground car park; it is

therefore not compatible with this proposal. It would have to be removed if this proposal was to be approved as it has been presented here. (Council's underlining)

It is noted the tree has a fair health and structure, medium retention value and a ULE of 15 to 40 years. The Tree Protection Zone (TPZ) is 6.6 metres. The tree is located within the front setback of the site and could reasonably be retained by modifying the building envelope.

*Tree 16 is a *Waterhousia floribunda* (Weeping Lilly Pilly), this native tree has outgrown this confined garden and exceeds the height it is often sold to people as a modest sized tree (below 15 metres in height). This tree dominates this area and over hangs the neighbouring property by a significant margin and greatly restricts how this area could be utilised. This tree is in good health and of fair structure, the only reason to remove this tree is its large size in this confined space and the restriction on how the remainder of this property could be utilised. As it excludes all sun light from entering this area of this property. This tree would be missed from this position, it could be replaced with a more attractive tree that is deciduous that would allow light into the north side of this property.* (Council's underlining)

This tree is located on the northern fence line, an area where a landscape buffer should ideally be provided for the amenity of the adjoining residential neighbour to improve the interface between residential and non-residential use and contribute to the Garden City character.

Whilst three of the remaining significant trees do not trigger a permit requirement under the VPO, Council's Tree Conservation Policy at Clause 22.05 requires consideration as to whether any existing semi-mature or mature canopy trees that contribute to the Garden City and neighbourhood character will be removed by the development.

These trees consist of an 8 metre high *Syzygium smithii* (Lilly Pilly) and two *Acer negundo* (Box Elder Maples) of 9.7 and 10 metres in height. These trees have been assessed and are of poor health and structure and would not be suitable for retention even if the proposed building envelope accommodated them.

Built Form

Building Height and Scale

The commercial buildings facing Warrigal Road to the north are a maximum of two storeys high, with Woolworths to the south up to 10 metres in height owing to the slope of the land. These properties are in a Commercial 1 Zone where this scale of development is appropriate to the use. Being a local shopping strip, it is not expected that this commercial precinct would exceed development of 3 storeys.

The directly abutting dwellings to the north and east of the site are single-storey, with the potential of a maximum height of three-storeys.

As a result of the slope of the land the building will be four storeys at the north-east corner, adjacent to the single storey dwelling at 7 Kennett Street. The basement level has a floor to ceiling height of up to 3.92 metres. The additional protrusion of the basement level is required to allow for clearance heights for vehicles entering the basement, due to the limited slope of the land and building setbacks provided.

The proposed building will be a dominant structure that towers above the neighbouring properties.

The sheer walls from ground to the roof line on all elevations provide no relief or transition to the surrounding lower height development, particularly the directly abutting dwellings to the north.

Whilst robust materials are sought in the Scheme, the building's finishes in precast concrete, cement cladding and shiny metal will further exacerbate the dominance of the building in the residential setting.



High Street Road Streetscape



Kennett Road Streetscape

Setbacks

The existing building front setbacks along High Street Road and Kennett Street are generous, at typically 7.6 metres, or more. The proposed building setbacks are less, at 6.7 metres to High Street Road and 6.8 metres to Kennett Street. The basement is also only setback 3.47 metres from Kennett Street, with a height above ground level of 1.9 metres and 1 metre wall above. It is not setback at all from High Street Road

Whilst Kennett Street is a side street, and a lesser setback could be considered to that boundary, the proposed building setbacks are insufficient to respect neighbouring setbacks and allow meaningful landscaping of the street and the neighbouring property boundary to visually soften and buffer.

Excessive paving for pedestrians and vehicles, and the provision of services such as bin storage, bicycle parking and fire hydrant booster, within the public domain will be unattractive and detract from the visual amenity of the area.

Landscaping

The proposed landscaping opportunities on the site are minimal as a result of the small building setbacks and expanses of paving. Carparking on both the north and west sides of the building, with associated accessways, have replaced garden planting.

Much of the two street setbacks are paved due to the basement location, providing for car parking, pedestrian access, stairs, bicycle parking, bin storage and services.

The only inground planting possible will be located in the 3.47metre wide setback along the length of Kennett Street and 1.4metre wide car park buffer strip along the northern boundary.

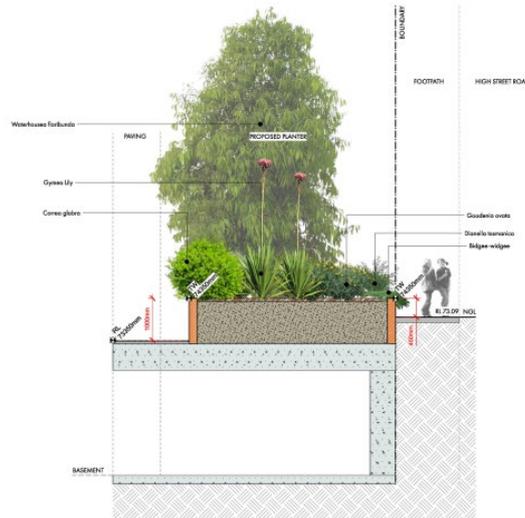


Landscaping Plan

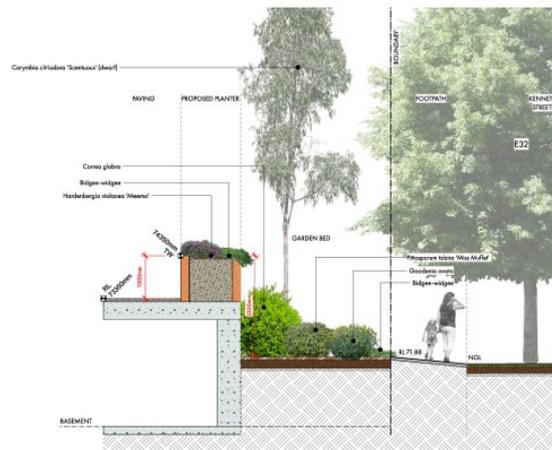
Five dwarf lemon scented gums of 8 metres mature height are proposed for the Kennett Street setback. These will be half the maximum building height.

Trees in the High Street Road setback will be provided within planter boxes of only 1 metre deep above the basement. The three *Waterhousia floribunda* trees proposed in these planters will reach a mature height of 10 metres in ideal growing situations. To achieve this there needs to be sufficient soil volume, appropriate drainage, and water availability. It is considered the proposal will not likely

achieve this. At maximum height these trees will be dwarfed by the four storey building scale.



High Street Road Planter Box (section north - south)



Kennett Street Planter Box (section east-west)

The top of the planters will be up to 3 metres high at the north-east corner of the building and setback only 3.47 metres from Kennett Street, which will take precedence over the spacious soft garden landscaped frontages sought in Policy.

The rain garden planted with 500mm high *dianella* tufting flax is located adjoining the secluded open space area of number 7 Kennett Street, which would benefit from high screen planting, particularly given the loss of the existing weeping lilly-pilly from that area.

Amenity Impacts

Visual Bulk

The mass and form of the building viewed from the neighbouring residential property at 7 Kennett Street will have an unacceptable amenity impact.

The poorly articulated three to four-storey building will be setback a minimum of 7.6 metres from the northern boundary with the intervening setback taken up with a driveway and parallel car parking spaces.

A meagre 1.4 metre wide landscape buffer proposed along this boundary, incorporates the 1.83m wide easement and will not support planting of sufficient height to screen the building bulk and species type, root depth and size are limited as they are located entirely within an easement. This also impact longevity of the planting that may need to be removed if access is required to the easement in the future. The proposed planting will be a maximum of 5 metres high, with a section adjoining the sensitive secluded area of 7 Kennett Street planted with low grasses. Current leafy garden views from the secluded open space will be replaced with a high concrete and metal building.



Northern elevation

Noise

The proposed hours of operation Monday to Friday, 8am-10pm, and Saturday and Sunday, 8am-8pm are considered excessive, particularly given vehicular access will occur via the residential streets of Kennett Street and Closter Avenue, not High Street Road. Additional evening noise and headlights from vehicles would impact neighbouring amenity and these concerns were echoed in many objections received.

The Acoustic Report submitted with the application indicates that based on the available environmental noise data and proposed plans (at time of assessment), implementation of the measures outlined in the report would be expected to minimise the noise impact on the neighbouring residences from the facility and any plant and machinery to maintain compliance to the EPA 1826.4 Noise Protocol.

The report recommends the existing boundary fence be checked for gaps and repaired so noise does not leak into 7 Kennett Street. However if noise becomes

an issue from patrons and their vehicles, construction of a 2.4 metre high acoustic fence along the northern boundary is recommended.

It is noted the report also suggests that plant and machinery ideally should be installed below a fence line. The proposal locates these on the roof using the building sightlines as acoustic shielding to reduce the noise associated with their operation. This placement would need further review by an acoustic engineer to determine whether a suitable acoustic barrier may be needed. The addition of other structures above the roofline would only add to the bulk and mass and clutter of the building.

There is a need for these acoustic issues and recommendations to be more carefully resolved to maintain both acoustic and visual amenity for the neighbours before a permit is issued, not afterwards. Having these matters unresolved creates the need for ongoing monitoring of noise impacts rather than implementing treatments upfront.

Overlooking

Whilst the planning scheme does not specify measures for overlooking for a non-residential use, the tools in the Overlooking Objectives of Clauses 54 and 55 are useful guides for ensuring views into existing secluded private open space and habitable room windows do not impact amenity. There is no provision for window screening despite the building being setback only 7.9 metres from the northern boundary. If a permit were to be issued windows within 9 metres of the secluded area of 7 Kennett Street should be addressed and treated appropriately to prevent overlooking into residential properties.

Overshadowing

Similarly, overshadowing can be considered using the measures of Clauses 54 and 55 (Overshadowing Open Space Objective). The proposal will not cause any overshadowing to neighbouring secluded areas or windows by virtue of the site's location to the south of its directly abutting neighbours, and the road and right-of-way abutments providing a high degree of separation.

Car Parking, traffic and access

The site is located within the PPTN. The requisite car parking spaces required under Clause 52.06 are shown in the following table:

Use	Leasable Floor Area	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Medical Centre	1,258 m ²	3.5 spaces to each 100 sq m of leasable floor area	44	44

It is noted that the car parking rate for medical specialists is the same for general practitioners, with both defined as a medical centre in the planning scheme.

The proposal also complies with the bicycle provisions at Clause 52.34-5, which requires one bicycle parking space per eight practitioners for employees, and one to each four practitioners for visitors. This equates to six spaces (two spaces per employee and four for visitors). 12 spaces are proposed. It is noted that no showers or change rooms are required based on the parking numbers.

The provision of two vehicle crossings, including one double-width crossing, in close proximity to each other in Kennett Street is excessive and will have a detrimental impact on the street trees, and cause the loss of 3 existing kerbside parking spaces. The northernmost crossing will be too close to the *Agonis* street tree at only 2.9 metres from the centreline of the tree (buttress is not detailed). A minimum of 3.8 metres is required for its health and future growth. The 4 metre gap between the crossings will result in removal of the prunus and prevent replacement street tree planting.

Whilst Council's Traffic Engineers have no concerns with proposed traffic volumes and movements in the surrounding streets, there are issues with the proposed layout of the car parking including the provision of tandem spaces, and the use of the right-of-way for the carparking accessway and the provision of link to the right-of way from Kennett Street.

Larger deliveries which cannot be accommodated in the basement are proposed to occur in Kennett Street rather than in the right-of-way, due to the location of car parking. It is noted that there is currently a 'No Standing' restriction from 8am to 6pm weekdays, and from 8am to 1pm Saturdays. Deliveries from the street would need to be outside those hours, and this will affect residential amenity.

The proposed car parking is not considered to be of a high standard with the use of tandem spaces and disjointed vehicle circulation within the site, contrary to Clause 52.06 which seeks to create a safe environment for users and enabling easy and efficient use as required in Clause 52.06.

Covenant Removal

The covenants that affect the land are as follows (in part):

31 High Street Road – Lot 20 - Instrument of Transfer AR019317V (previously 1923252)

...transferees will not excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand for the said land hereby transferred except in connection with the residential development or use of the land and will not erect any building or hoarding for advertisement nor any forge nor timber yard upon the said land nor allow the said land to be used for the storage of timber.

33 High Street Road - Lot 21 - Instrument of Transfer A1922633G (previously 1623360)

...they shall not at any time hereafter excavate carry away or remove or permit to be excavated carried away or removed any earth clay stone gravel or sand from the said land hereby transferred except in connection with the residential development or use of the land or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and further shall not erect more than one residential apartment building on the said land...

The proposal is contrary to the restrictive covenants on title and therefore if not removed would be in breach.

As the covenants were created prior to 1991, Section 60(5) of the *Planning and Environment Act 1987* applies. This requires that:

The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that-

- (a) the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and*
- (b) if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.*

Objections have been received from legal beneficiaries to each of the covenants. The objections to the proposal highlight legitimate concerns with the built form, car parking and traffic flows, a negative impact on neighbourhood character and a loss of amenity from the activity associated with the non-residential use of the land.

Council cannot therefore conclude that the beneficiaries will be unlikely to suffer any detriment, including any perceived detriment, as the covenants currently provide a high level of amenity by permitting only residential development on the land.

In addition, there is no evidence the objections are vexatious or have not been made in good faith. As such the application must be refused.

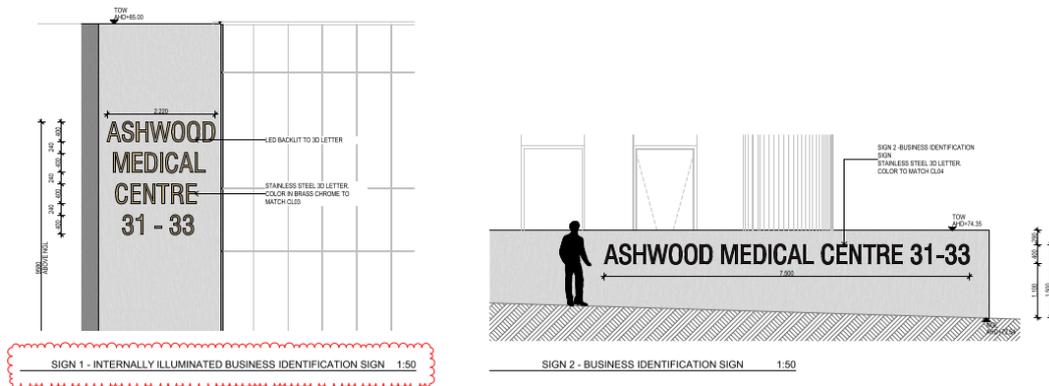
Advertising Signs

Except for a direction sign (for which no permit is required), the proposed signs are all facing High Street Road.

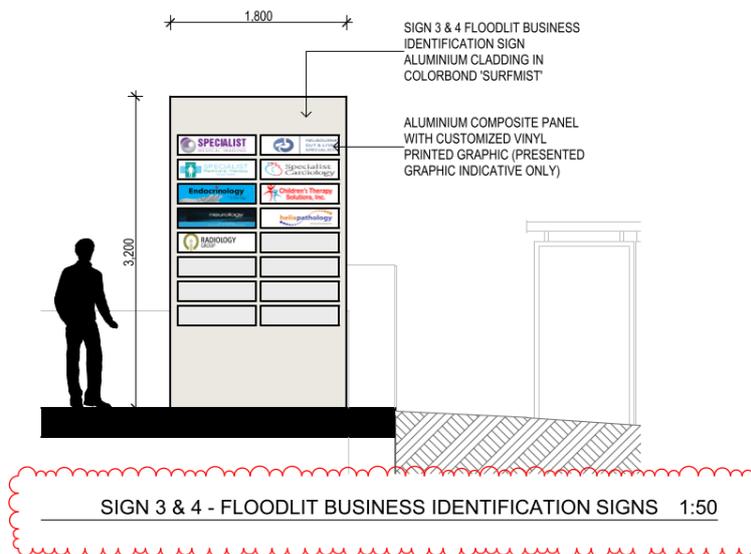
An internally illuminated business identification sign detailing the name of the centre and the site address is proposed on the wall of the building facing south-

west along High Street Road. It will measure 2.2 metres by 2.3 metres and have a maximum height above ground level of 9.5 metres.

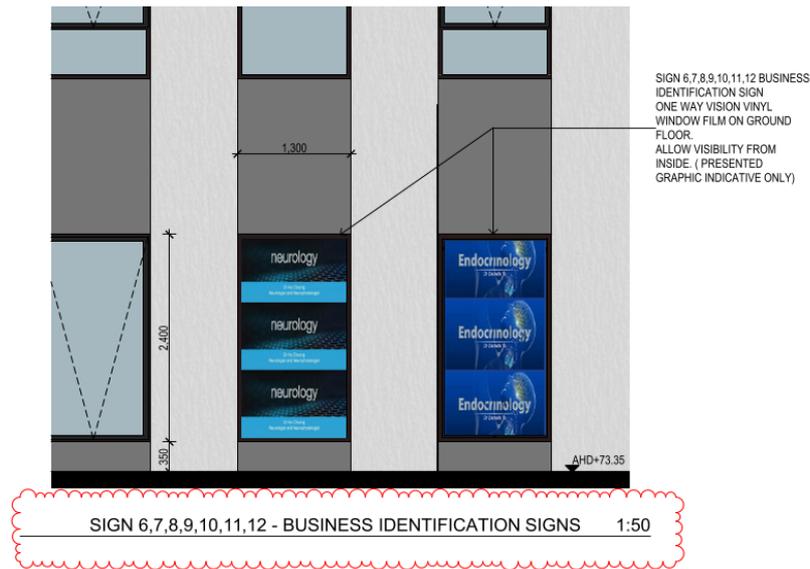
One business identification sign made of stainless steel 3D lettering will also specify the name of the centre and the site address and be located on the planter wall facing south. It measures 7.5 metres long by 400mm high.



There are two blades (floodlit business signs) measuring 3.2 metres high by 1.8 metres wide containing the names of the specialists. These will be located at either end of the building within the front setback.



Each of the seven windows facing the street at ground level will be fitted with one way vision vinyl, also with the names of the specialists on them (business identification signs). These are each 2.4 metres by 1.3 metres in size.



In addition to the signs proposed, the Acoustic Report recommends signage that communicates with patrons to be respectful of the neighbourhood amenity and noise generated on the site be erected in the vicinity of 7 Kennett Street.

The purpose of the controls in High Amenity Areas (Category 3 Signs) is to ensure that signs are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed, or the surrounding area.

Council is required to consider, amongst other things, the sensitivity of the area, including the residential character, the compatibility of the proposed sign with the existing or desired future character of the area, the cumulative impact of the signs and the impact on road safety.

Whilst there is extensive signage on the abutting property to the west, this is Commercial 1 zoned land where there is minimum limitation, and signage is sought that adds vitality and colour to commercial areas.

The signage for Woolworths facing the site, and also located within Commercial 1 zoned land, is less cluttered than the proposal comprising only one blade with limited advertising.

The Outdoor Advertising Policy at Clause 22.08 seeks unobtrusive identification signs respectful of neighbourhood character for residential areas. To the east there are no signs reflecting the residential nature of use.

The proposed signs are large and repetitive, especially the two blades and window vinyl detailing the occupants. The number of signs exceeds the need to identify the use on the land, and just contributes to visual clutter and an eroding of the neighbourhood character. It results in a spread of the commercial signs on the west into the leafy residential area.

The floodlighting of the blades, and the internal illumination of the sign on the building further adds to their intrusiveness and is not reflective of residential character.

It is noted that the DoTP has provided conditions in respect of the floodlit and internally illuminated signs, despite not being a determining referral authority for this part of the application. These conditions require a certain level of illumination to prevent road safety issues.

Despite this it is considered the level of information contained in the blades is detailed and will require close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic. This constitutes a safety hazard.

Objectors not Previously Addressed

Antisocial behaviour, impact on community safety and mental health

These issues are not considered relevant planning issues and cannot be considered by Council under Clause 65 of the Scheme.

Loss of views

There are no provisions in the scheme for this site or precinct regarding views. Therefore this is not a relevant planning consideration.

Circumvention of Planning System

The application is permissible under the planning system and has followed due process following all the requirements set out in the Planning and Environment Act for the lodgement, processing and determination of a planning application.

Reduction in property values

This is not a relevant planning consideration or decision guideline.

Structural damage to adjoining property from construction.

This is not a planning matter under Clause 65 of the planning scheme and would be dealt with at the Building Permit stage by the Registered Building Surveyor.

Accuracy/Reliability of Traffic Engineering and Acoustic Reports

The reports have been prepared by qualified professionals and reviewed by Council officers. Where there is disagreement in the finding this has discussed.

CONCLUSION:

The proposal is inconsistent with the relevant policies of the Monash Planning Scheme, particularly its disregard of Garden City Character.

The bulk, mass and setbacks of the building are not sympathetic to the existing and preferred character for the area.

It is considered the site is of sufficient proportion to enable appropriate development which meets the requirements of the General Residential 3 Zoning, and the proposal is an over-development of the land.

The intensity of the use, including the proposed hours of operation, will have a detrimental impact on the amenity of the neighbouring properties.

The beneficiaries of the covenants are likely to suffer detriment so the application must be refused by Council as required under the Planning and Environment Act.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2022).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.

2.0	Urban Context & Site Analysis	6.0	Development Plan
2.01	Site Location	TP 102	Site Plan
2.02	Planning Zones & Overlay	TP 201	Basement Plan
2.03	Surrounding Context	TP 202	Ground Floor Plan
2.04	Solar Access	TP 203	Level 1 Floor Plan
2.05	Existing Condition	TP 204	Level 2 Floor Plan
		TP 205	Roof Plan
3.0	Design Response	TP 301	Elevations
3.01	Site Response	TP 302	Elevations
3.02	Streetscape Elevations	TP 303	Sections
		TP 304	Sections
4.0	Design Proposal	TP 401	Signage Plan
4.01	Perspective - High Street Rd	TP 402	Signage Elevation
4.02	Perspective - Kennett St	TP 403	External Lighting Layout
5.0	Shadow Diagram		



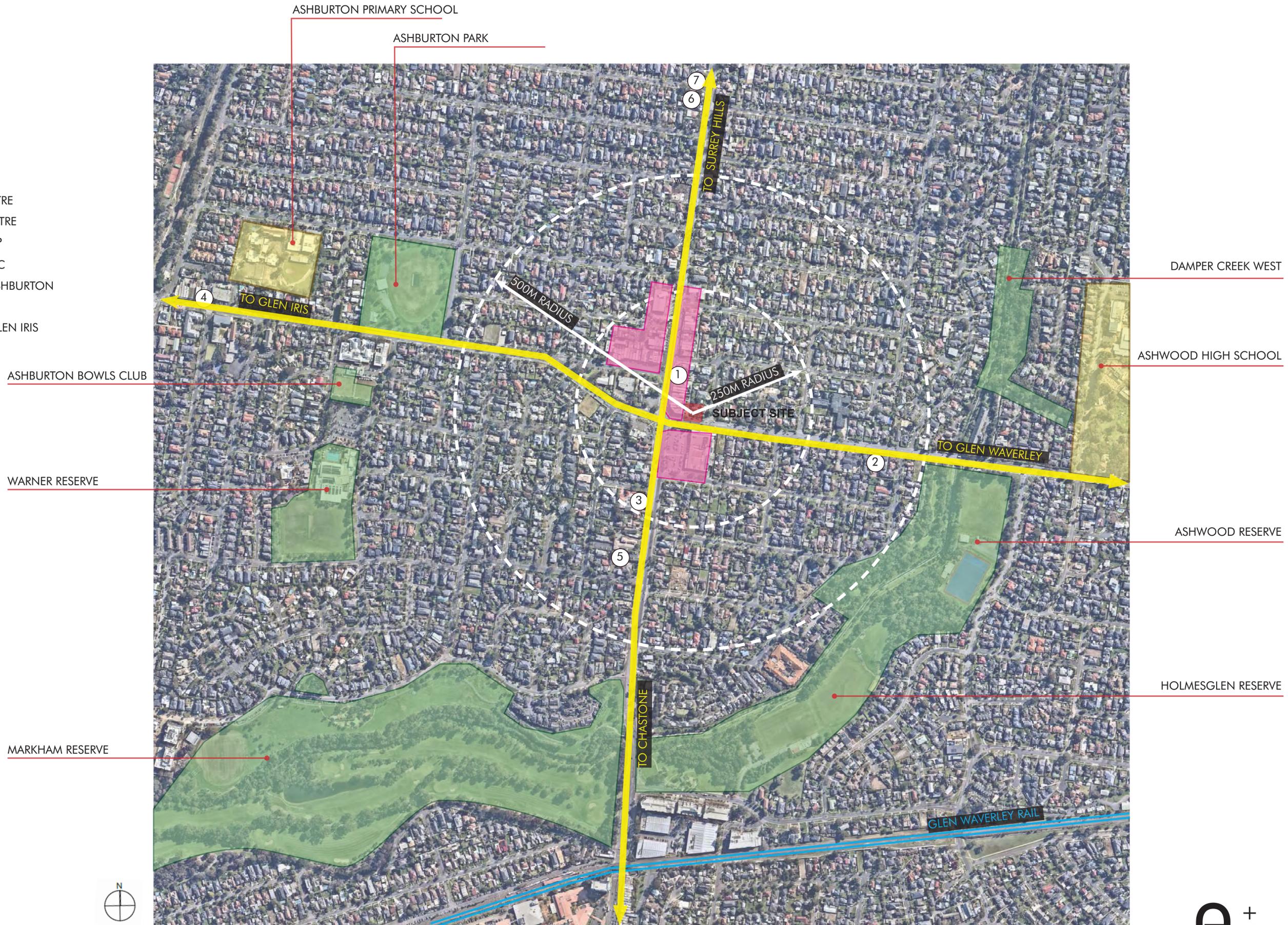
2.0 URBAN CONTEXT & SITE ANALYSIS

2.01 SITE LOCATION

LEGEND

- SUBJECT SITE
- PARK & RESERVE
- RETAIL
- EDUCATION

- ① PRIME FAMILY MEDICAL CENTRE
- ② ELECTRA PARK MEDICAL CENTRE
- ③ ASHWOOD MEDICAL GROUP
- ④ ASHBURTON MEDICAL CLINIC
- ⑤ MELBOURNE PATHOLOGY ASHBURTON
- ⑥ GLEN IRIS PRIVATE HOSPITAL
- ⑦ MELBOURNE PATHOLOGY GLEN IRIS



LEGEND

- SUBJECT SITE 
-  COMMERCIAL 1 ZONE
-  TRANSPORT ZONE 2
-  GENERAL RESIDENTIAL ZONE
-  NEIGHBOURHOOD RESIDENTIAL ZONE



2.0 URBAN CONTEXT & SITE ANALYSIS

2.03 SURROUNDING CONTEXT



VIEW 01 - SUBJECT SITE FROM SOUTH EAST CORNER



VIEW 02 - SUBJECT SITE FROM SOUTH WEST CORNER



VIEW 03 - SUBJECT SITE FROM SOUTH



VIEW 04 - SUBJECT SITE VIEW TO LANEWAY



VIEW 05 - SUBJECT SITE FROM EAST



VIEW 06 - NO 35 SINGLE STOREY TILED PITCH ROOF WEATHERBOARD RESIDENCE



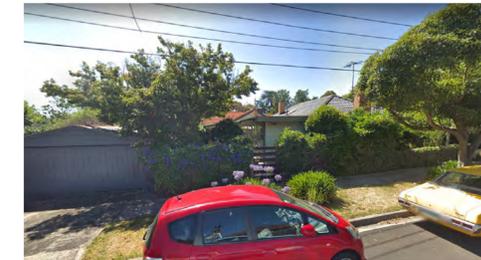
VIEW 07 - NO 551-557 WARRIGAL ROAD WOOLWORTHS RETAIL



VIEW 08 - NO 7 SINGLE STOREY TILED PITCH ROOF RENDERED RESIDENCE



VIEW 09 - NO 6 KENNETT STREET, SINGLE STOREY TILED ROOF WEATHERBOARD RESIDENCE



VIEW 10 - NO 35 SINGLE STOREY WEATHERBOARD RESIDENCE



VIEW 11 - NO 7 KENNETT STREET SINGLE STOREY, TINT PITCH ROOF WEATHERBOARD RESIDENCE



VIEW 12 - 2A CLOSTER AVE, TILED PITCH ROOF 2 STOREY BRICK RESIDENCE



VIEW 13 - PARKING



VIEW 14 - NO 545 WARRIGAL ROAD 2 STOREY BRICK COMMERCIAL

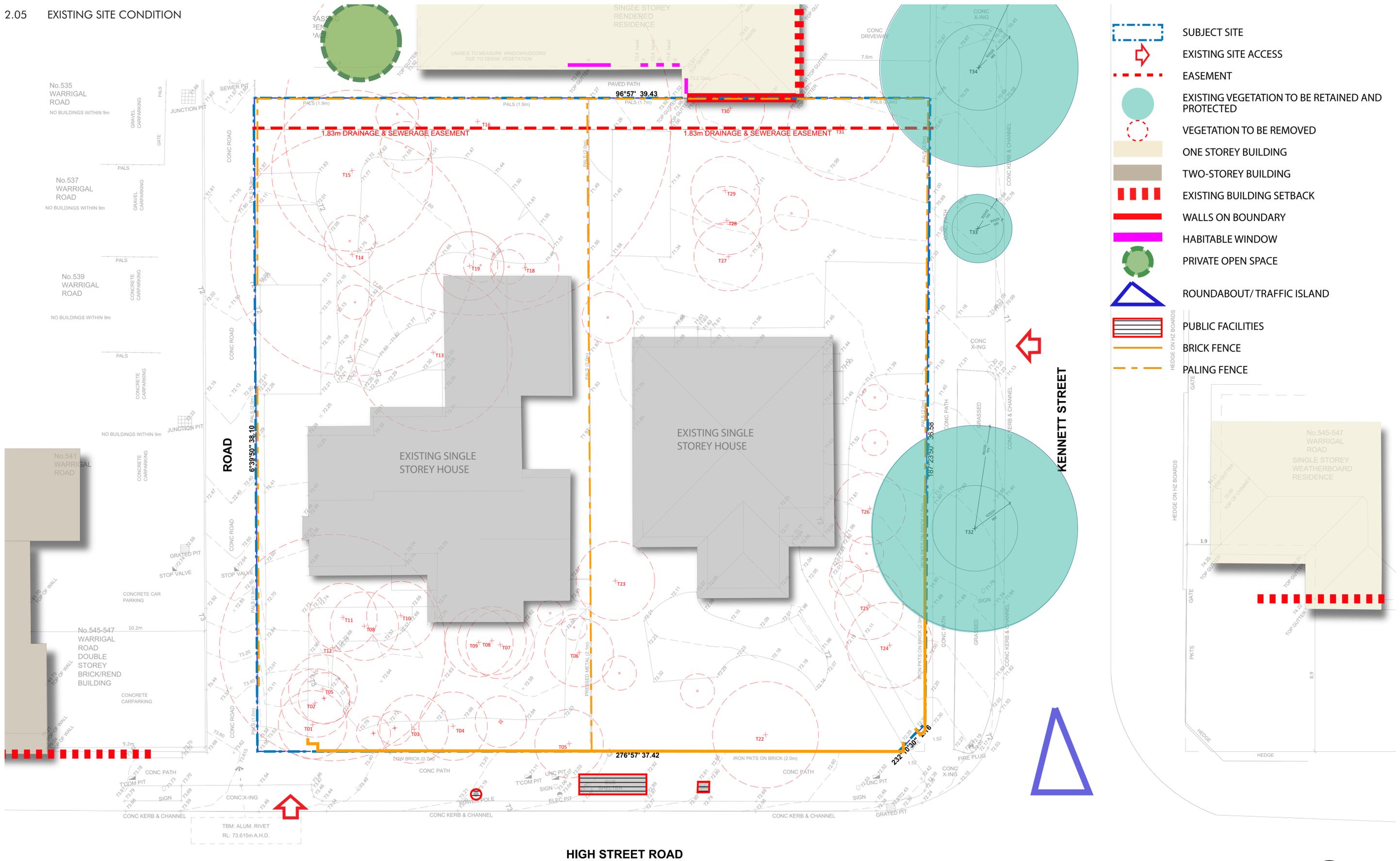
31 - 33 HIGH STREET ROAD, ASHWOOD, VIC. 3147

PROPOSED MEDICAL CENTRE DEVELOPMENT



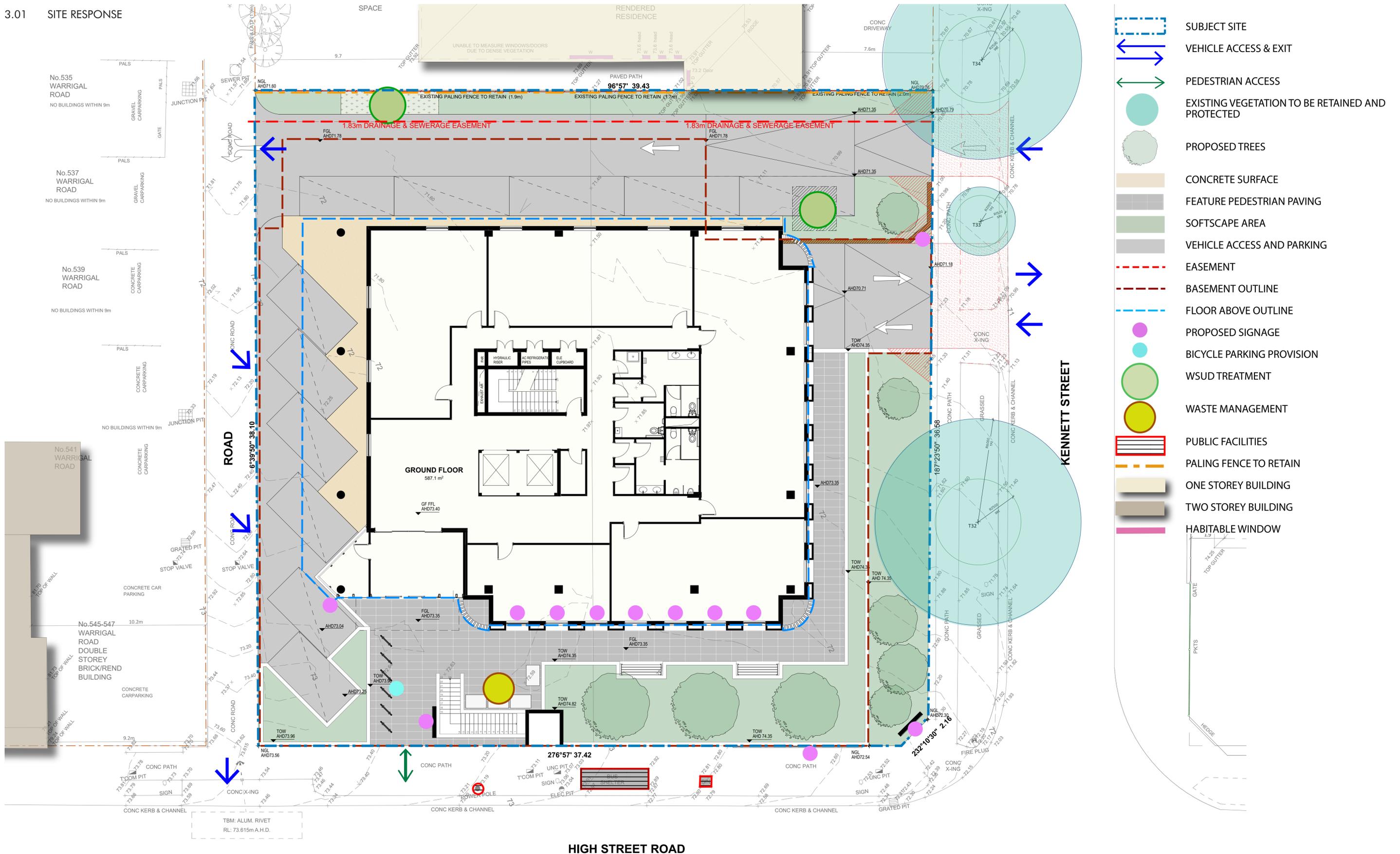
2.0 URBAN CONTEXT & SITE ANALYSIS

2.05 EXISTING SITE CONDITION



3.0 DESIGN RESPONSE

3.01 SITE RESPONSE





STREETScape - HIGH STREET ROAD



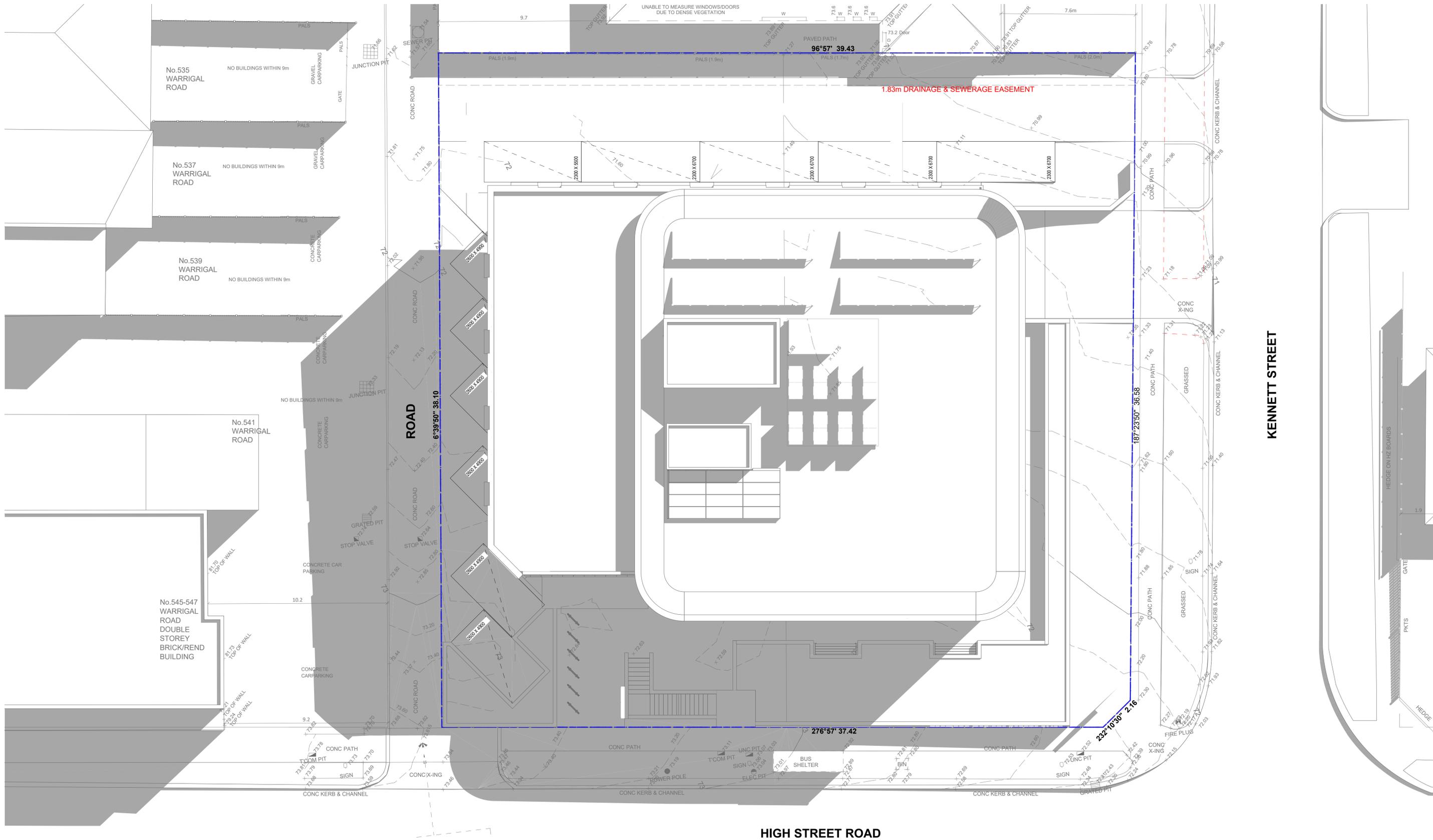
STREETScape - KENNETT STREET





5.0 SHADOW DIAGRAM

5.02 22 SEPTEMBER - 10AM



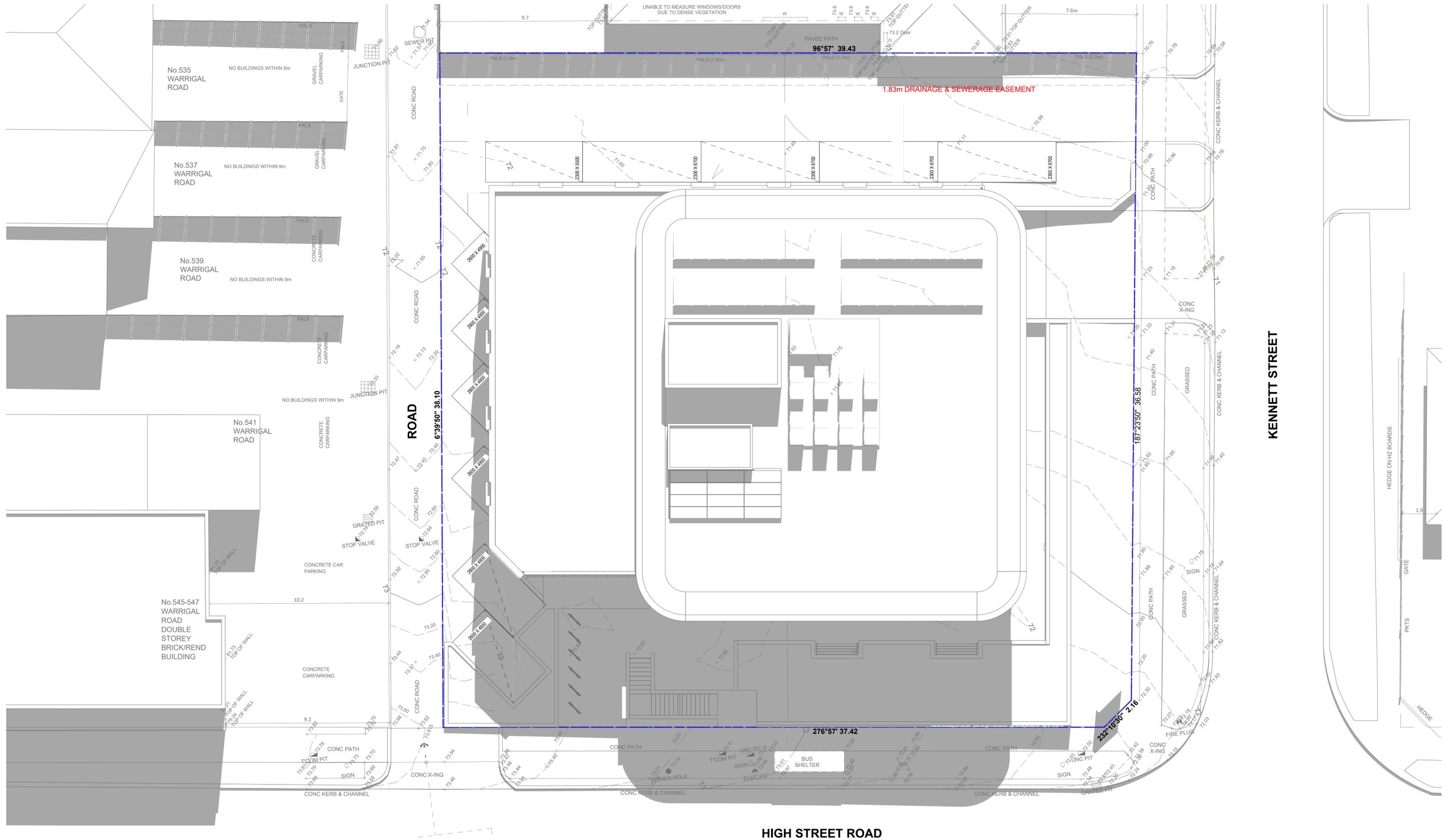
KENNETT STREET

HIGH STREET ROAD

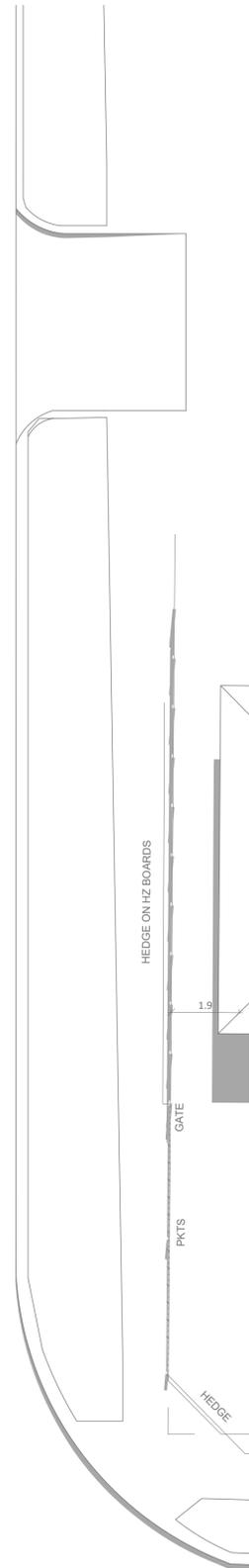


5.0 SHADOW DIAGRAM

5.04 22 SEPTEMBER - 12 PM

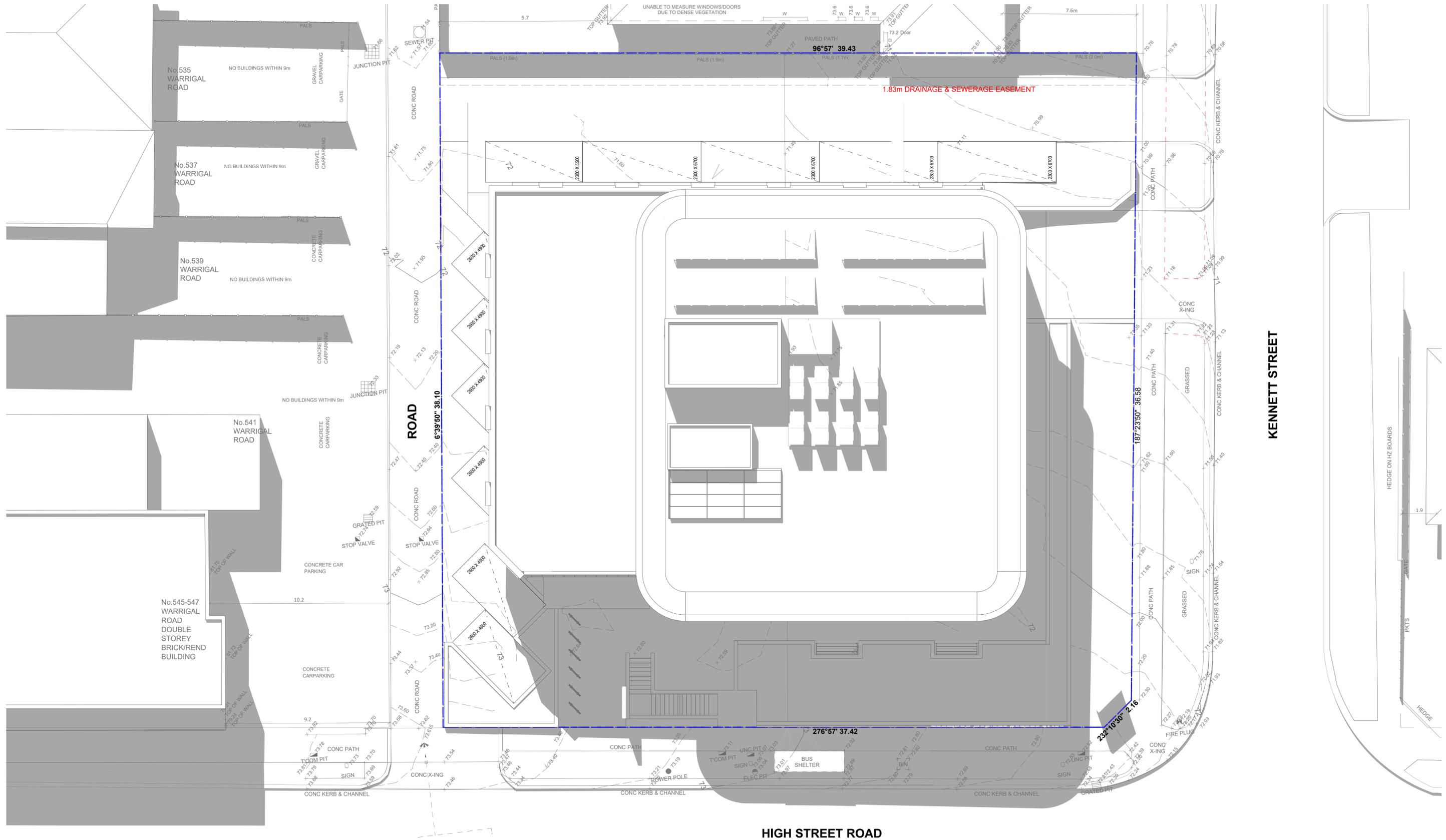


KENNETT STREET



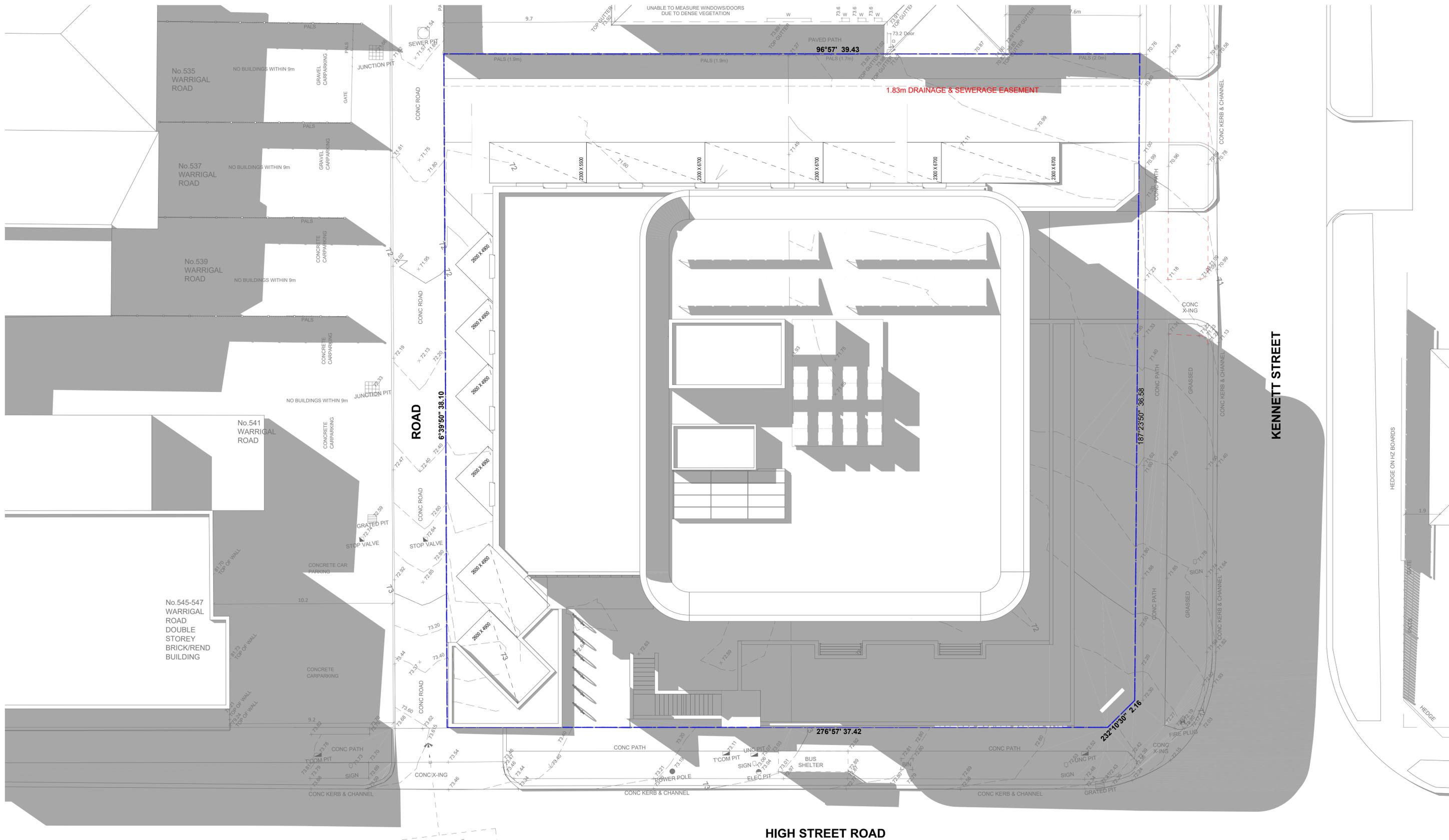
5.0 SHADOW DIAGRAM

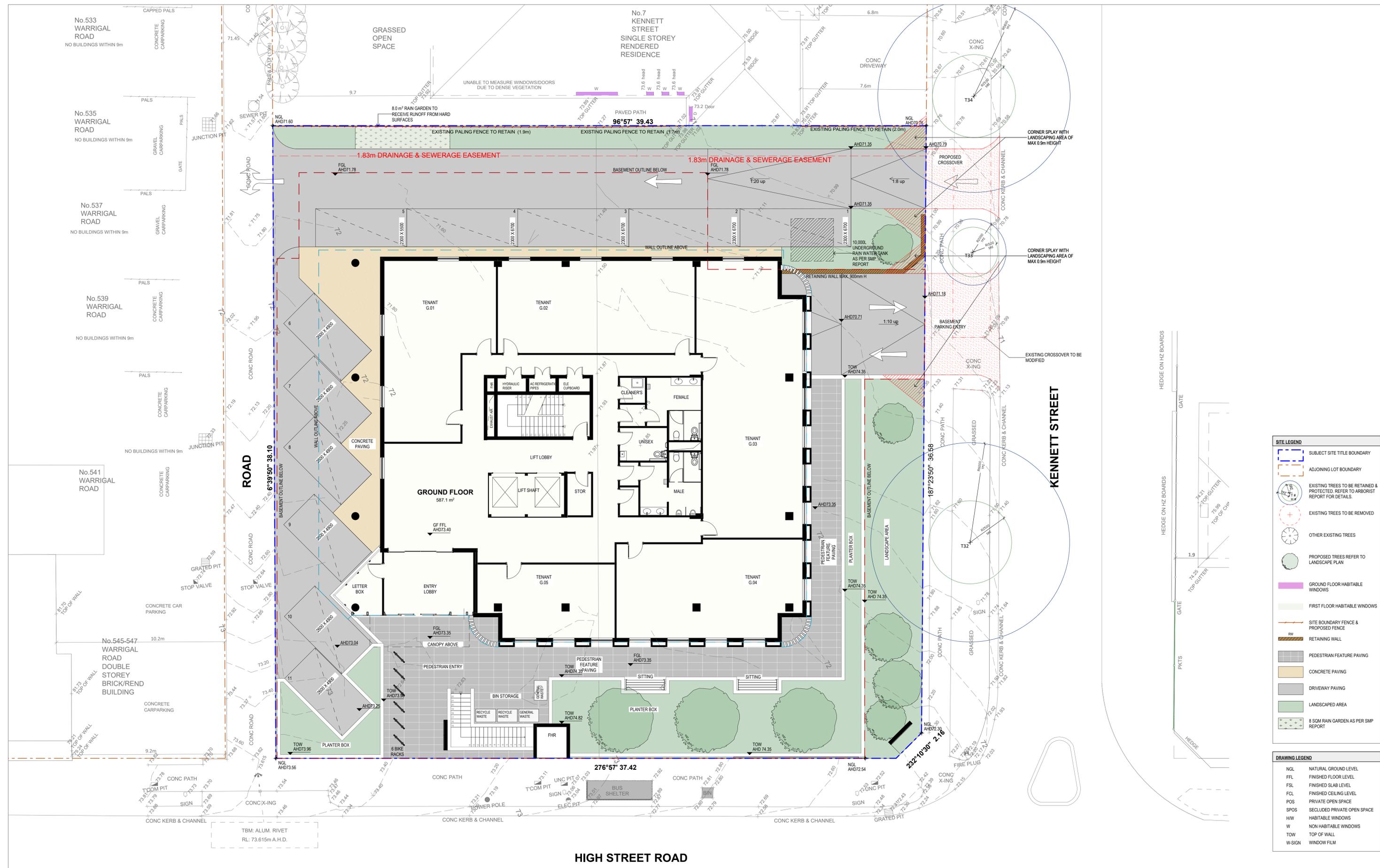
5.05 22 SEPTEMBER -1PM



5.0 SHADOW DIAGRAM

5.07 22 SEPTEMBER - 3 PM





- SITE LEGEND**
- SUBJECT SITE TITLE BOUNDARY
 - ADJOINING LOT BOUNDARY
 - EXISTING TREES TO BE RETAINED & PROTECTED. REFER TO ARBORIST REPORT FOR DETAILS.
 - EXISTING TREES TO BE REMOVED
 - OTHER EXISTING TREES
 - PROPOSED TREES REFER TO LANDSCAPE PLAN
 - GROUND FLOOR HABITABLE WINDOWS
 - FIRST FLOOR HABITABLE WINDOWS
 - SITE BOUNDARY FENCE & PROPOSED FENCE
 - RETAINING WALL
 - PEDESTRIAN FEATURE PAVING
 - CONCRETE PAVING
 - DRIVEWAY PAVING
 - LANDSCAPED AREA
 - 8 SQM RAIN GARDEN AS PER SMP REPORT
- DRAWING LEGEND**
- NGL NATURAL GROUND LEVEL
 - FGL FINISHED FLOOR LEVEL
 - FSL FINISHED SLAB LEVEL
 - FCL FINISHED CEILING LEVEL
 - POS PRIVATE OPEN SPACE
 - SPOS SECLUDED PRIVATE OPEN SPACE
 - HW HABITABLE WINDOWS
 - W NON HABITABLE WINDOWS
 - TOW TOP OF WALL
 - W-SIGN WINDOW FILM

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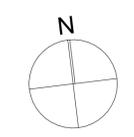
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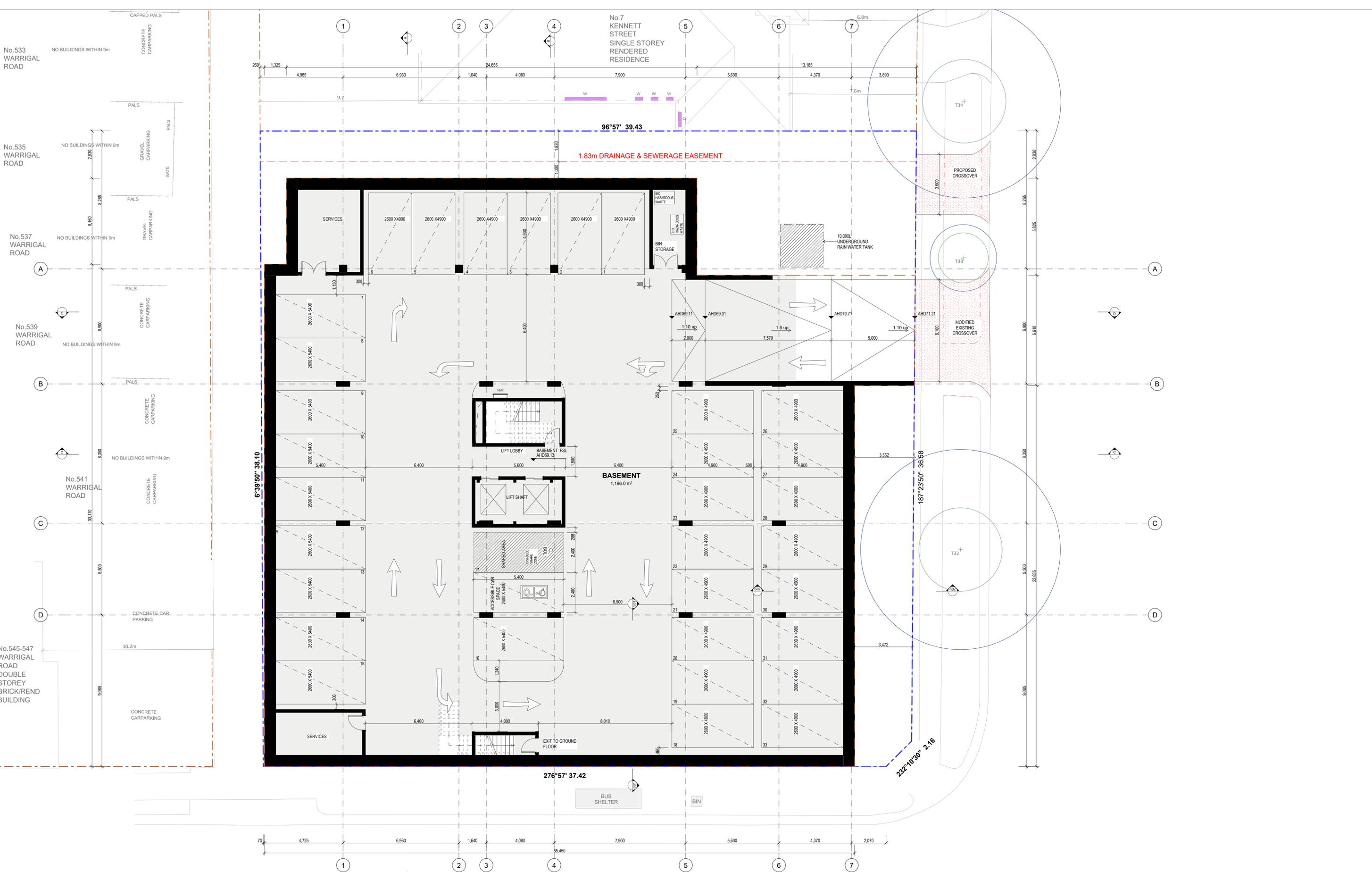
REV	DATE	REVISIONS
A	06/11/22	PLANNING PERMIT APPLICATION SUBMISSION
B	26/01/23	PLANNING PERMIT APPLICATION RFI RESPONSE

PROJECT NAME
 ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
 31-33 High Street Road, Ashwood, VIC.3147



DWG NAME: SITE PLAN		DWG NO.: TP102	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO.: 2201ASH	REV.: B



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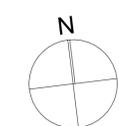


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B	26/01/23	PLANNING PERMIT APPLICATION RFI RESPONSE

PROJECT NAME
ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
 31-33 High Street Road, Ashwood, VIC.3147



DWG NAME: BASEMENT FLOOR PLAN		DWG NO: TP201	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B

DEVELOPMENT DATA

Site Area		
Total Site Area	1491.0 m ²	
Site Coverage	756.7 m ²	50.8%
Site Permeability	308.6 m ²	20.7%

Building Area		
Basement Area	1166.0 m ²	
GF Area	587.1 m ²	
1st Floor Area	647.5 m ²	
2nd Floor Area	647.5 m ²	
Total Above Ground Area	1882.1 m ²	
Total Building Area	3048.1 m ²	

Car Parking		
Ground car parking	11	
Underground parking	33	
Total Parking	44	
Bike parking	12	

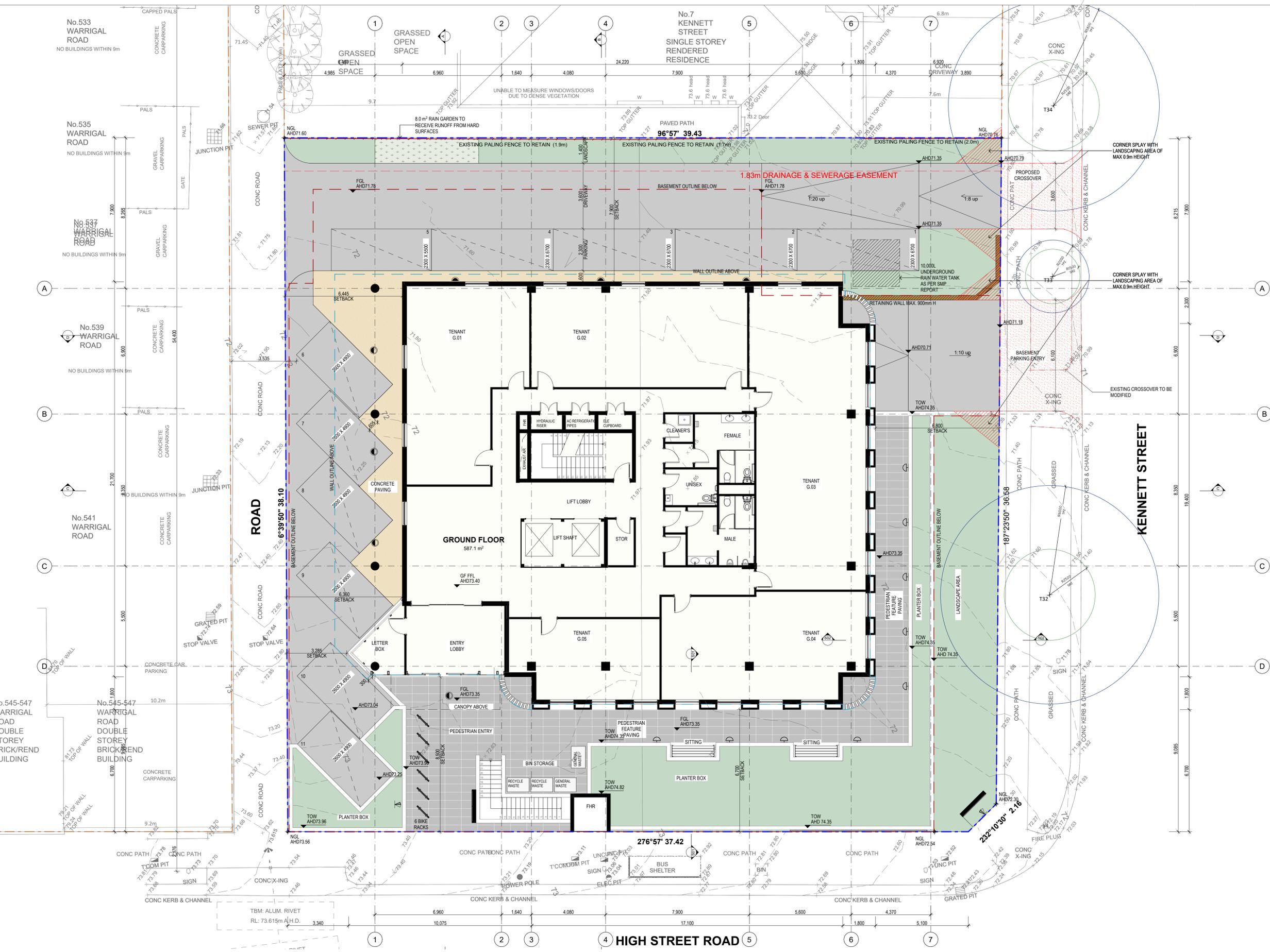
Leasable Area		
Basement Area	-	m ²
GF Area	333.7 m ²	
1st Floor Area	462.3 m ²	
2nd Floor Area	462.3 m ²	
Total Leasable Area	1258.3 m ²	

DRAWING LEGEND

- SUBJECT SITE TITLE BOUNDARY
- ADJOINING LOT BOUNDARY
- EXISTING TREES TO BE RETAINED & PROTECTED. REFER TO ARBORIST REPORT FOR DETAILS.
- EXISTING TREES TO BE REMOVED
- OTHER EXISTING TREES
- PROPOSED TREES REFER TO LANDSCAPE PLAN
- GROUND FLOOR HABITABLE WINDOWS
- FIRST FLOOR HABITABLE WINDOWS
- SITE BOUNDARY FENCE & PROPOSED FENCE
- RETAINING WALL
- PEDESTRIAN FEATURE PAVING
- CONCRETE PAVING
- DRIVEWAY PAVING
- LANDSCAPED AREA
- 8 SQM RAIN GARDEN AS PER SMP REPORT

EXTERNAL LIGHTING LEGEND

- EXTERNAL BRIGHT LIGHT 14 W LED 4000K PIERLITE OSTRO WALL MOUNTED @ 0.6m ABOVE FGL AND SPACING OF 3M
- EXTERNAL BULKHEAD LIGHT PRISMALETTE 360 HOODED. WALL MOUNTED @ 0.6m ABOVE FGL AND SPACING OF 5M.
- EXTERNAL BULKHEAD LIGHT PRISMALETTE 360 PLAN. CEILING MOUNTED SPACING OF 5M.
- GROUND FLOODLIGHT TO ILLUMINATE BUSINESS IDENTIFICATION SIGN AS SPECIFIED. 30W LED 4000K PIERLITE SHADOWECO.



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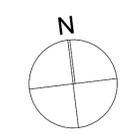
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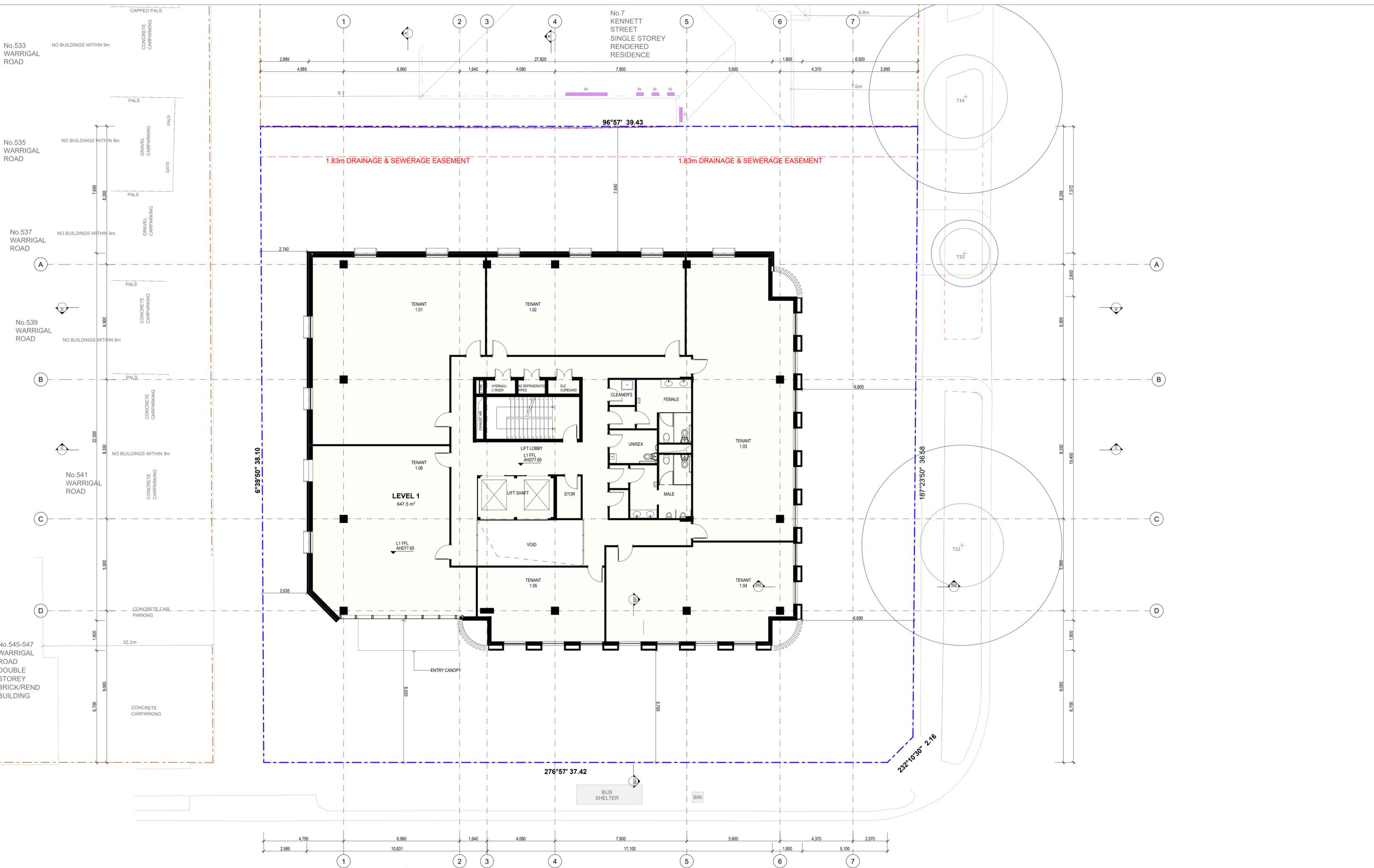
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PROJECT NAME
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PROJECT ADDRESS
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DWG NAME:		DWG NO.:	
GROUND FLOOR PLAN		TP202	
DATE	SCALE	PROJECT NO.:	REV.:
26/01/2023	1:100 at A1	2201ASH	B



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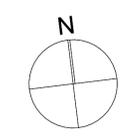


PLANNING & DESIGN

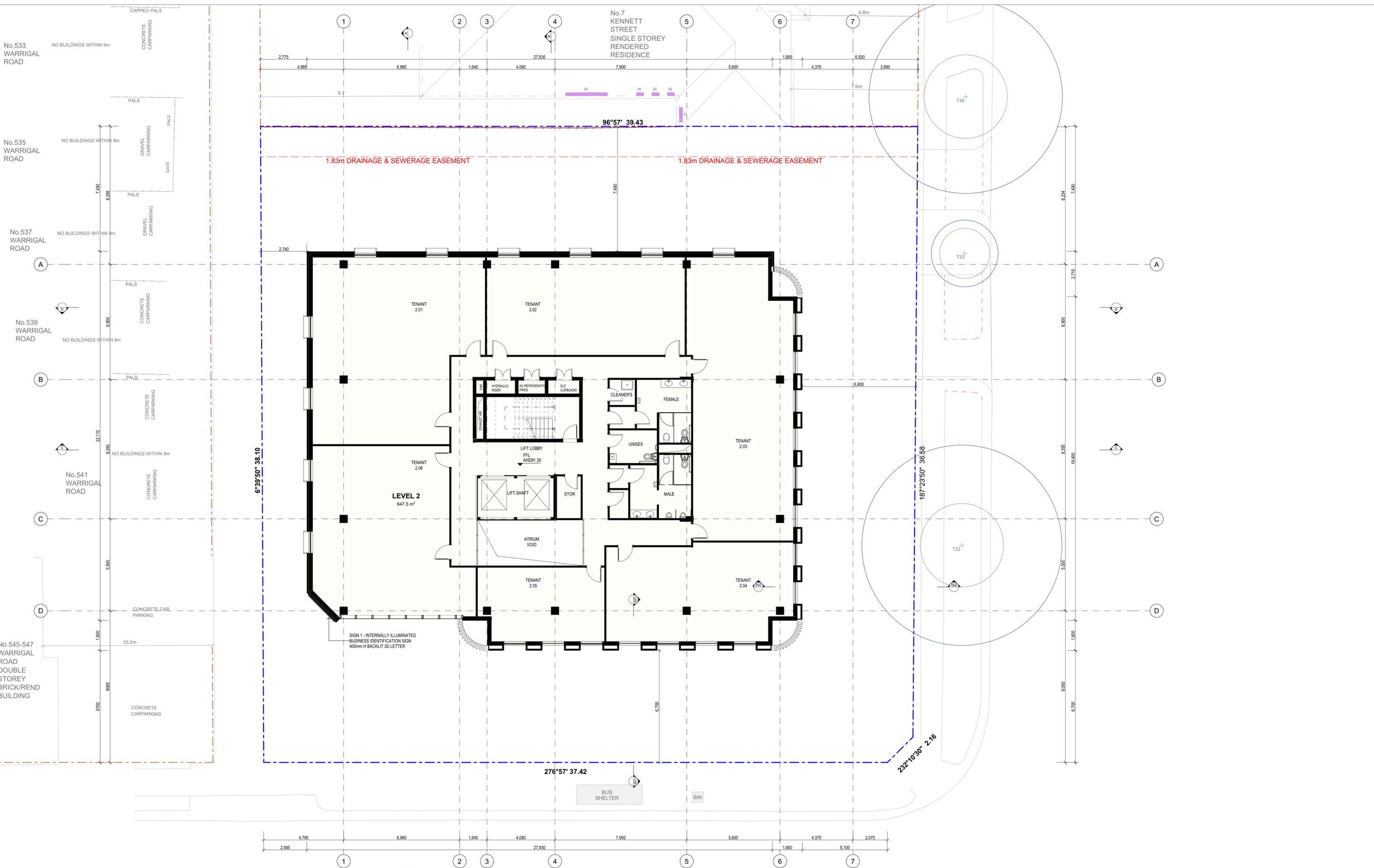
REV	DATE	REVISIONS
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PROJECT NAME
ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
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DWG NAME: LEVEL 1 FLOOR PLAN		DWG NO: TP203	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B



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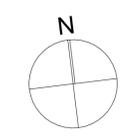


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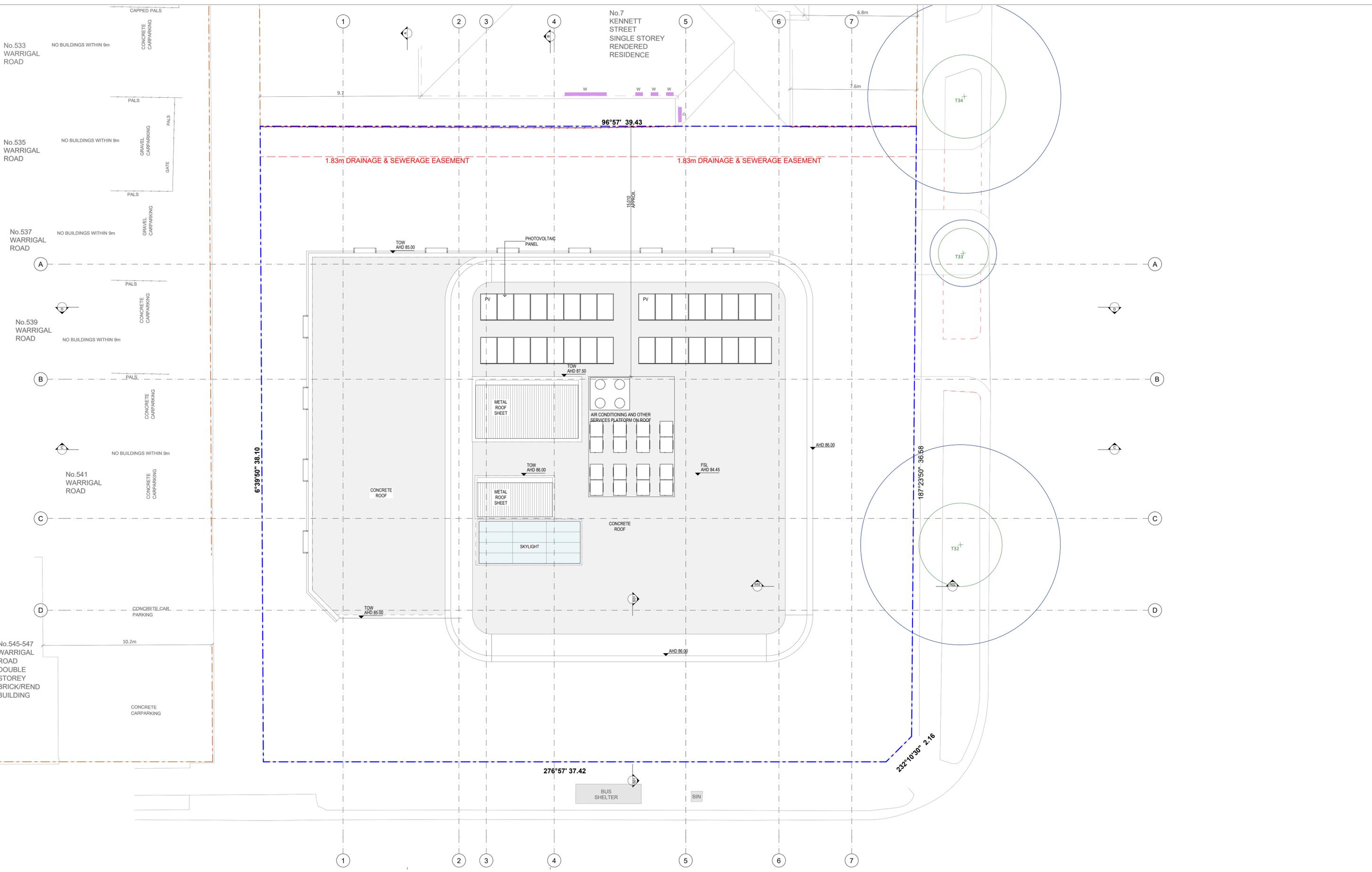
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PROJECT ADDRESS
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DWG NAME: LEVEL 2 FLOOR PLAN		DWG NO: TP204	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B



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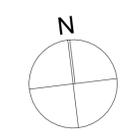


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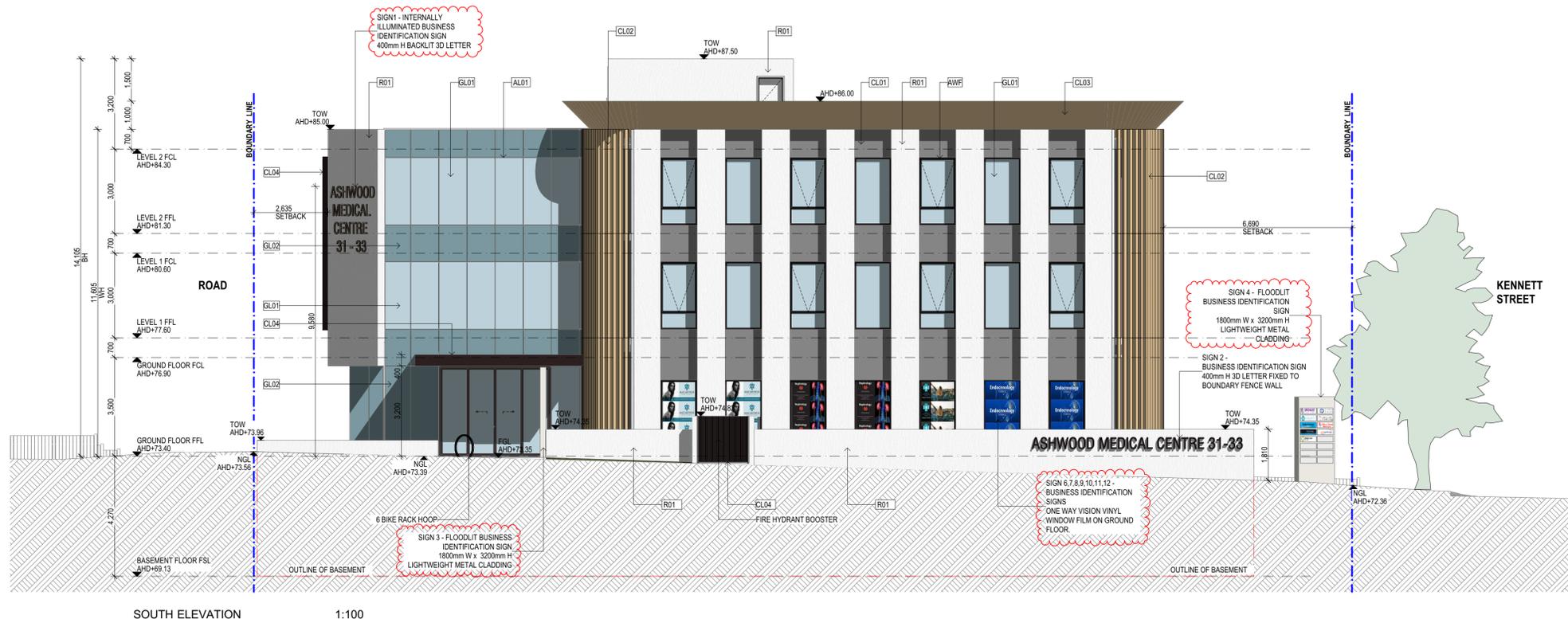
REV	DATE	REVISIONS
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PROJECT NAME
ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
 31-33 High Street Road, Ashwood, VIC.3147



DWG NAME: ROOF PLAN		DWG NO: TP205	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B



SOUTH ELEVATION 1:100

MATERIAL SCHEDULE	
	CL01 CEMENT CLADDING. METALIC FINISHES TO DARK GREY
	CL02 METAL FEATURE BLADES IN BRASS CHROME FINISHES
	CL03 FEATURE CLADDING ON ROOF IN BRASS CHROME FINISHES
	CL04 ALUMINIUM WINDOW SHROUD. FINISH TO COLORBOND - 'WOODLAND GREY'
	R01 PRECAST CONCRETE. RENDER FINISHES TO WHITE
	R02 PRECAST CONCRETE. RENDER FINISHES TO DARK GREY.
	GL01 LOW - E BLUE GREY GLASS
	GL02 SPANDRAL GLASS.
	AFW ALUMINIUM FRAMED WINDOW & DOORS. FINISH TO COLORBOND - 'WOODLAND GREY'
	AL01 ALUMINIUM FRAME FINISH TO COLORBOND - 'SURFMIST'

NO.7 KENNETT STREET SINGLE STOREY RENDERED RESIDENCE



WEST ELEVATION 1:100

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PROJECT NAME
ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
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DWG NAME: ELEVATIONS		DWG NO: TP301	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B



NO.7 KENNETT STREET
SINGLE STOREY
RENDERED RESIDENCE

EAST ELEVATION 1:100



NORTH ELEVATION 1:100

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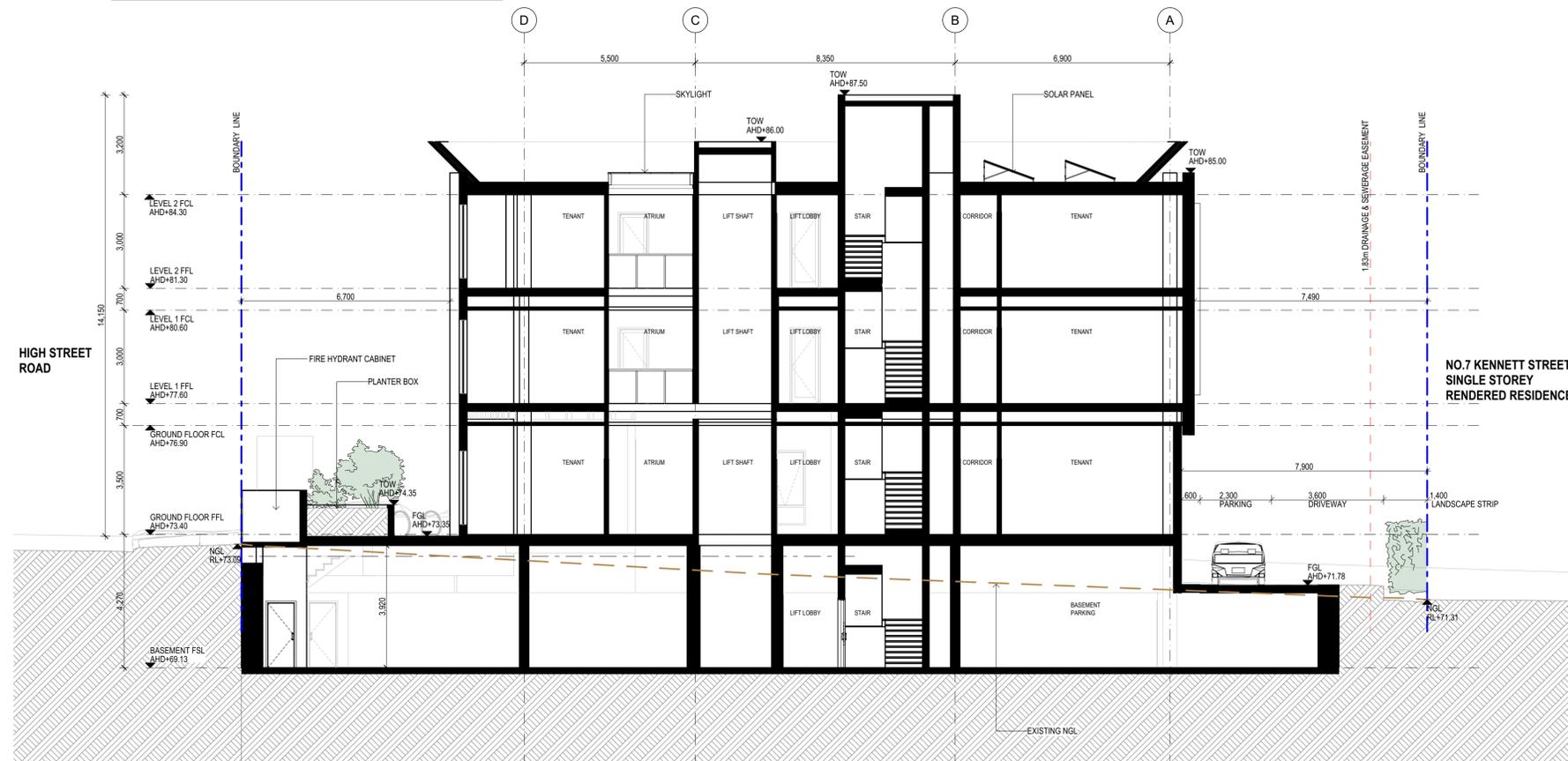
PROJECT NAME
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PROJECT ADDRESS
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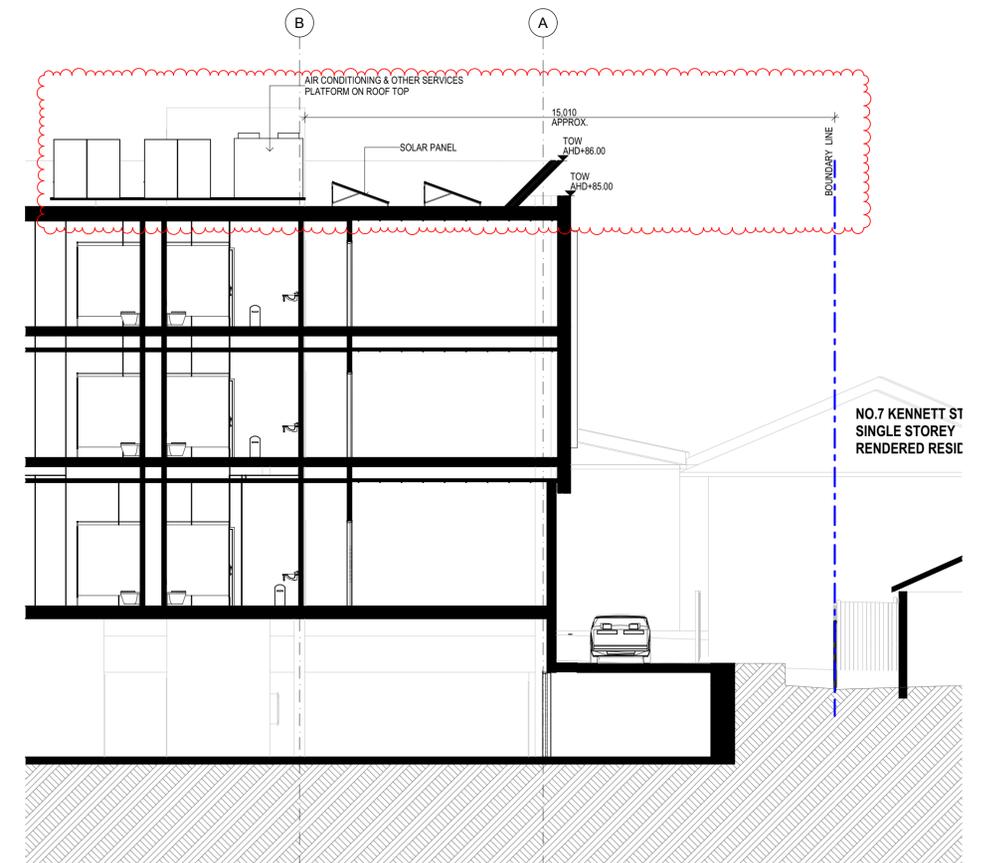
DWG NAME: ELEVATIONS		DWG NO: TP302	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B



SECTION A 1:100



SECTION B 1:100



SECTION THROUGH SERVICE PLATFORM 1:100

NO.7 KENNETT STREET
SINGLE STOREY
RENDERED RESIDENCE

NO.7 KENNETT STREET
SINGLE STOREY
RENDERED RESIDENCE

NO.7 KENNETT ST
SINGLE STOREY
RENDERED RESIDENCE

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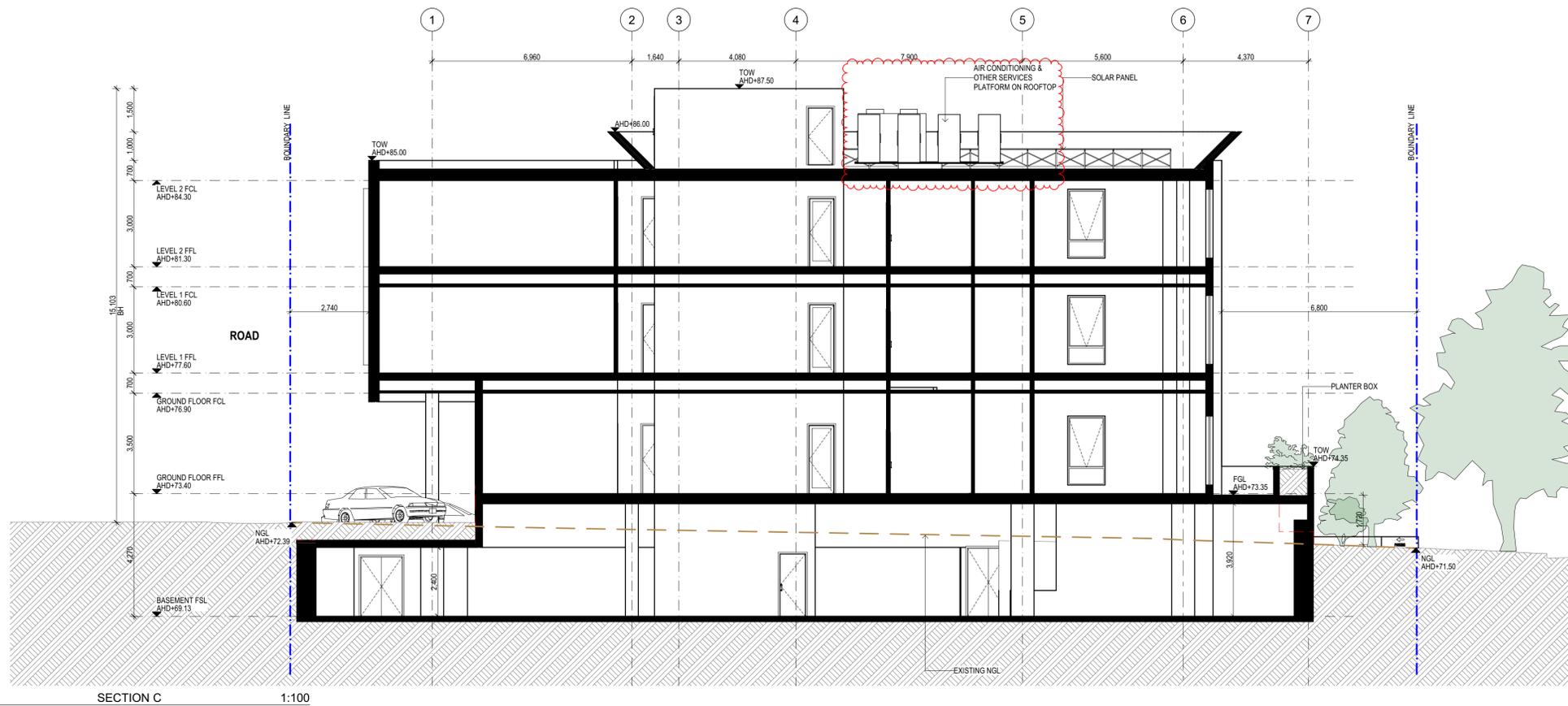


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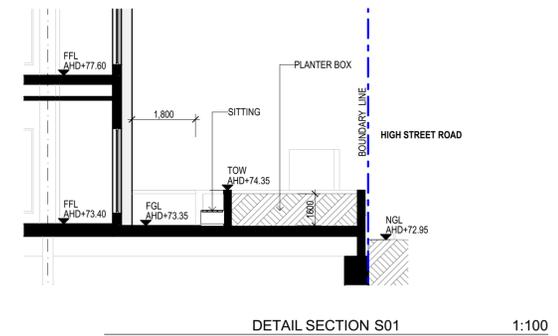
PROJECT NAME
ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
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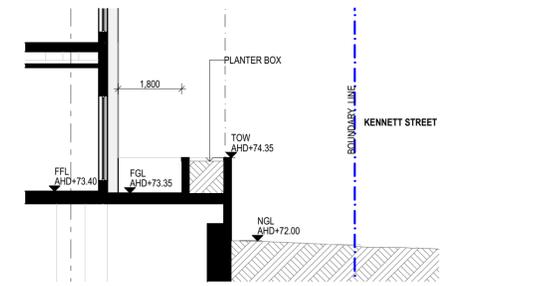
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DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B



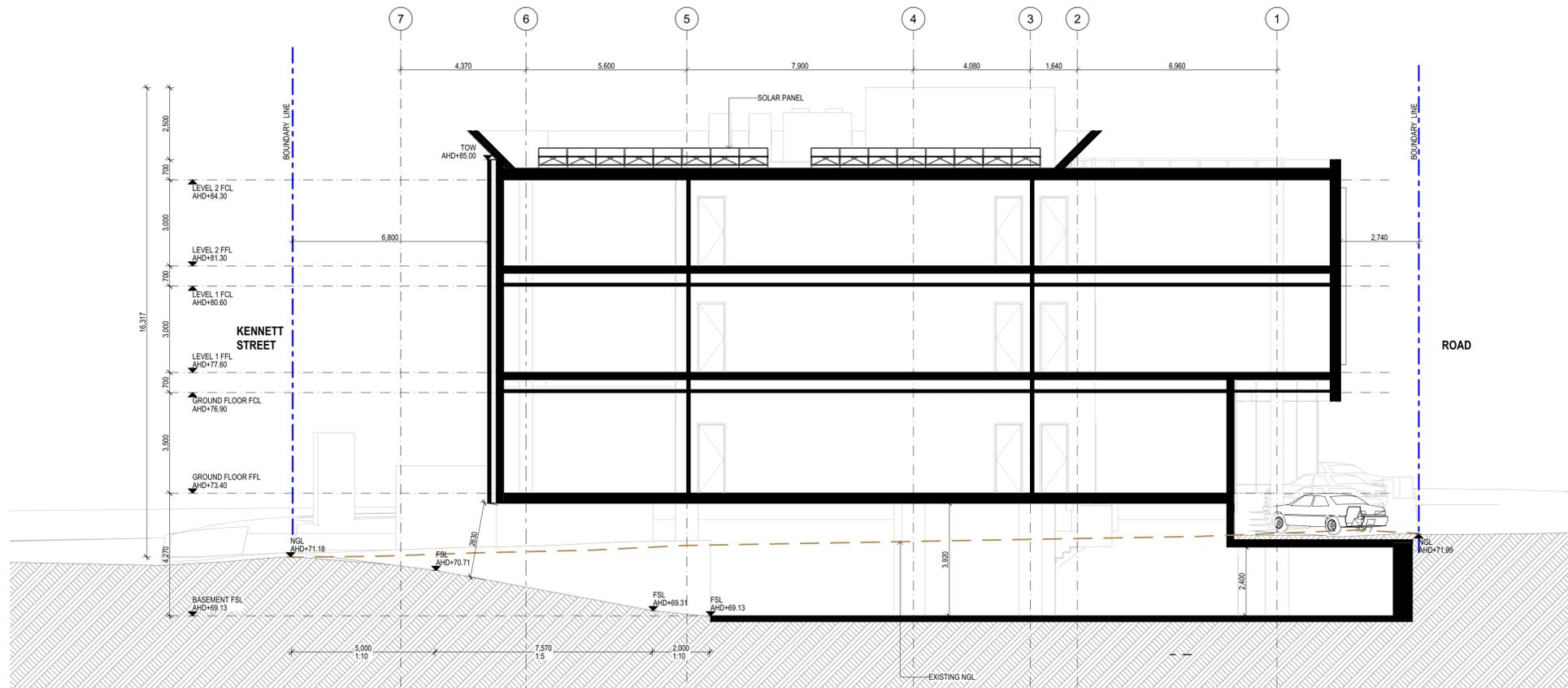
SECTION C 1:100



DETAIL SECTION S01 1:100



DETAIL SECTION S02 1:100



SECTION D 1:100

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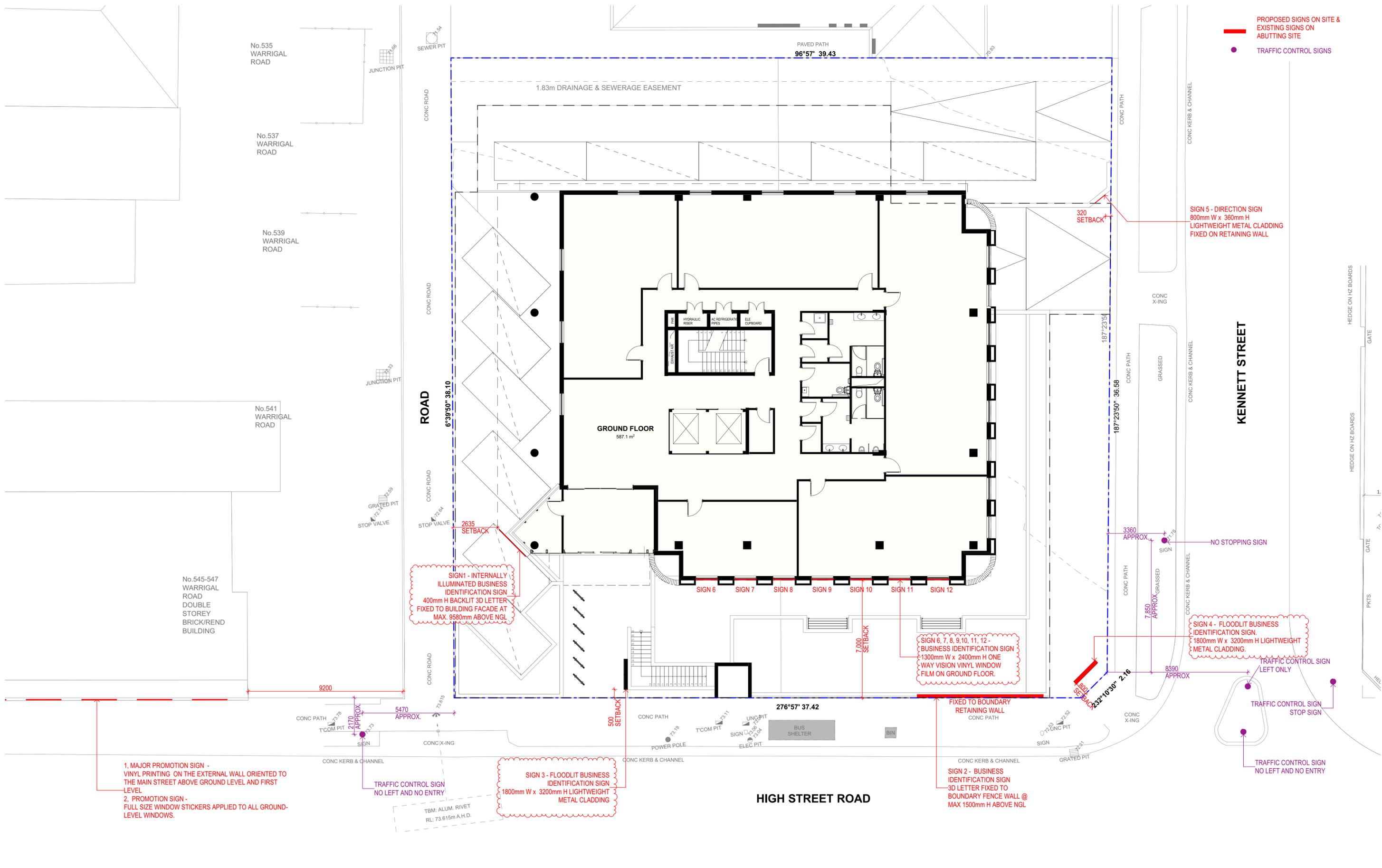
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PROJECT NAME
 ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
 31-33 High Street Road, Ashwood, VIC.3147

DWG NAME: SECTIONS
 DWG NO: TP304

DATE	SCALE	PROJECT NO:	REV:
26/01/2023	1:100 at A1	2201ASH	B



PROPOSED SIGNS ON SITE & EXISTING SIGNS ON ABUTTING SITE

TRAFFIC CONTROL SIGNS

SIGN 5 - DIRECTION SIGN
800mm W x 360mm H
LIGHTWEIGHT METAL CLADDING
FIXED ON RETAINING WALL

SIGN 1 - INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGN
400mm H BACKLIT 3D LETTER
FIXED TO BUILDING FACADE AT MAX. 9580mm ABOVE NGL

SIGN 6, 7, 8, 9, 10, 11, 12 - BUSINESS IDENTIFICATION SIGN
1300mm W x 2400mm H ONE WAY VISION VINYL WINDOW FILM ON GROUND FLOOR.

SIGN 4 - FLOODLIT BUSINESS IDENTIFICATION SIGN
1800mm W x 3200mm H LIGHTWEIGHT METAL CLADDING.

SIGN 3 - FLOODLIT BUSINESS IDENTIFICATION SIGN
1800mm W x 3200mm H LIGHTWEIGHT METAL CLADDING

SIGN 2 - BUSINESS IDENTIFICATION SIGN
3D LETTER FIXED TO BOUNDARY FENCE WALL @ MAX 1500mm H ABOVE NGL

1. MAJOR PROMOTION SIGN - VINYL PRINTING ON THE EXTERNAL WALL ORIENTED TO THE MAIN STREET ABOVE GROUND LEVEL AND FIRST LEVEL.
2. PROMOTION SIGN - FULL SIZE WINDOW STICKERS APPLIED TO ALL GROUND-LEVEL WINDOWS.

TRAFFIC CONTROL SIGN
NO LEFT AND NO ENTRY

TRAFFIC CONTROL SIGN
LEFT ONLY

TRAFFIC CONTROL SIGN
STOP SIGN

TRAFFIC CONTROL SIGN
NO LEFT AND NO ENTRY

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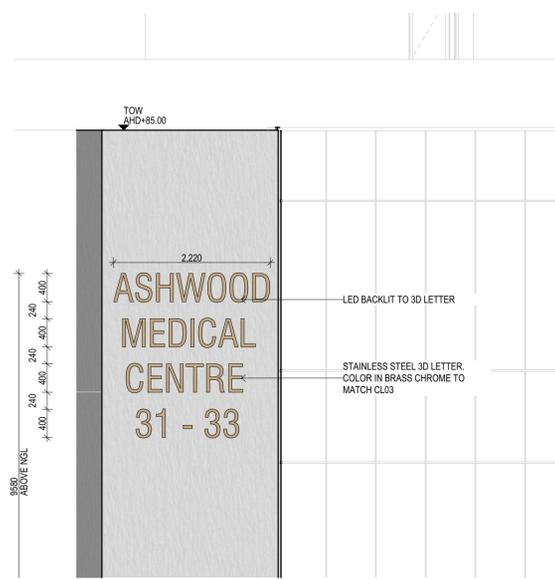
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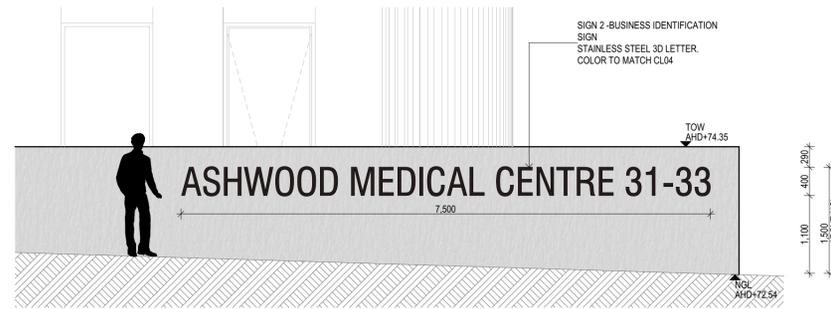
PROJECT NAME
ASHWOOD MEDICAL CENTRE DEVELOPMENT

PROJECT ADDRESS
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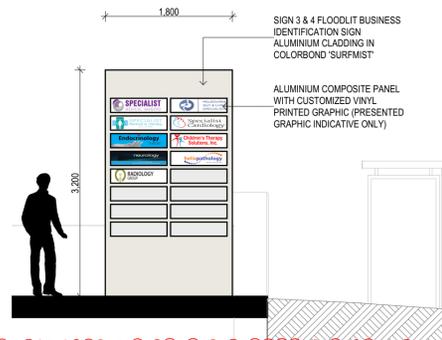
DWG NAME: SIGNAGE PLAN		DWG NO: TP401	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B



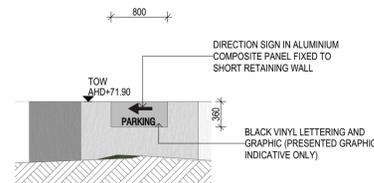
SIGN 1 - INTERNALLY ILLUMINATED BUSINESS IDENTIFICATION SIGN 1:50



SIGN 2 - BUSINESS IDENTIFICATION SIGN 1:50



SIGN 3 & 4 - FLOODLIT BUSINESS IDENTIFICATION SIGNS 1:50



SIGN 5 - DIRECTION SIGN 1:50



SIGN 6,7,8,9,10,11,12 - BUSINESS IDENTIFICATION SIGNS 1:50

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PROJECT NAME

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PROJECT ADDRESS

31-33 High Street Road, Ashwood, VIC.3147

DWG NAME:

SIGNAGE ELEVATION

DWG NO:

TP402

DATE	SCALE	PROJECT NO:	REV:
26/01/2023	1:50 at A1	2201ASH	B

No.533 WARRIGAL ROAD

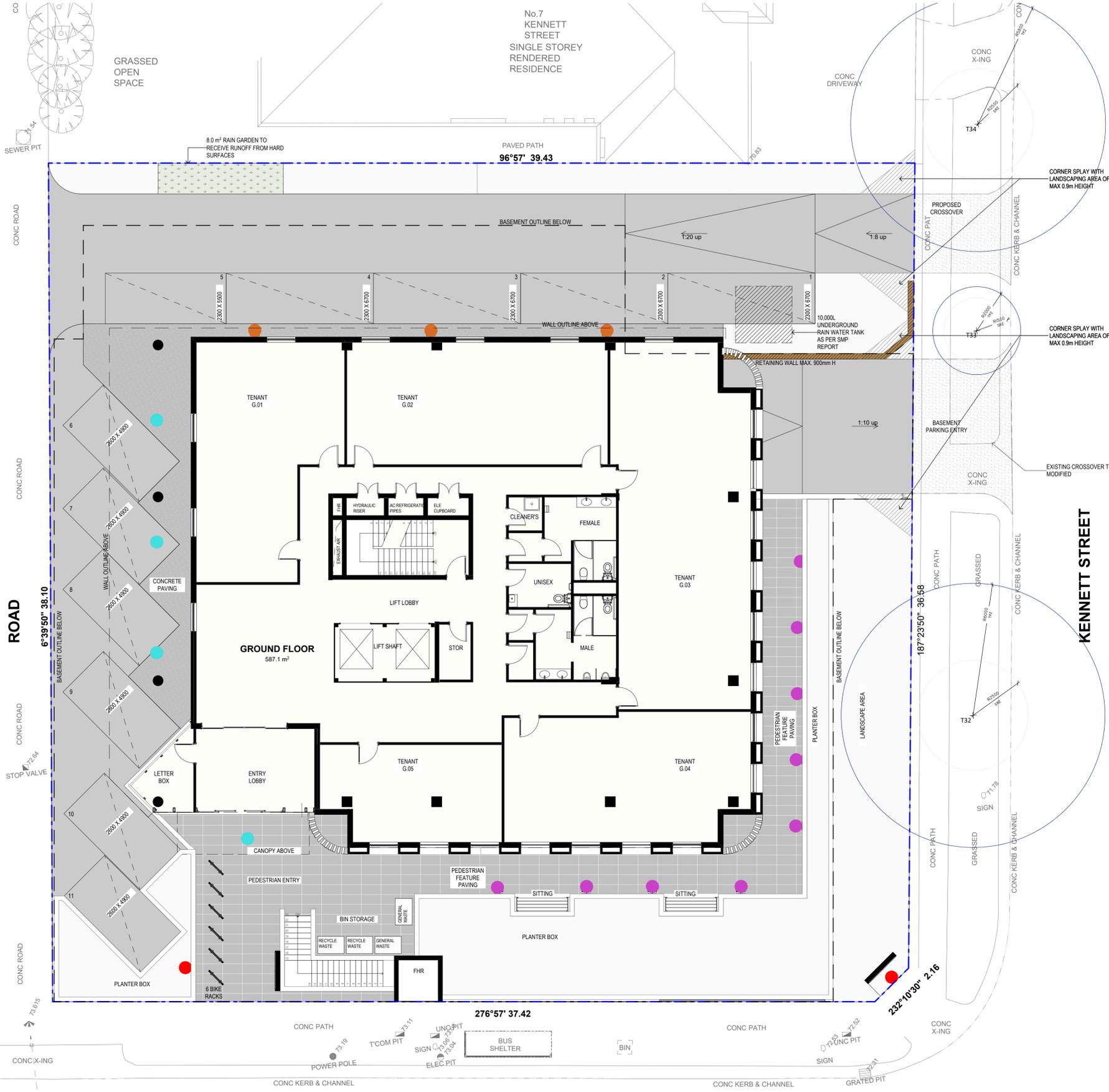
No.535 WARRIGAL ROAD

No.537 WARRIGAL ROAD

No.539 WARRIGAL ROAD

No.541 WARRIGAL ROAD

No.545-547 WARRIGAL ROAD DOUBLE STOREY BRICK/REND BUILDING



- EXTERNAL BRICK LIGHT 14 W LED 4000K PIERLITE OSTRO. WALL MOUNTED @ 0.6m ABOVE FGL AND SPACING OF 3M
- EXTERNAL BULKHEAD LIGHT PRISMALETTE 360 HOODED. WALL MOUNTED @ 0.6m ABOVE FGL AND SPACING OF 8M.
- EXTERNAL BULKHEAD LIGHT PRISMALETTE 360 PLAIN. CEILING MOUNTED SPACING OF 5M.
- GROUND FLOODLIGHT TO ILLUMINATE BUSINESS IDENTIFICATION SIGN AS SPECIFIED. 30W LED 4000K PIERLITE SHADOWECO.

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PROJECT ADDRESS
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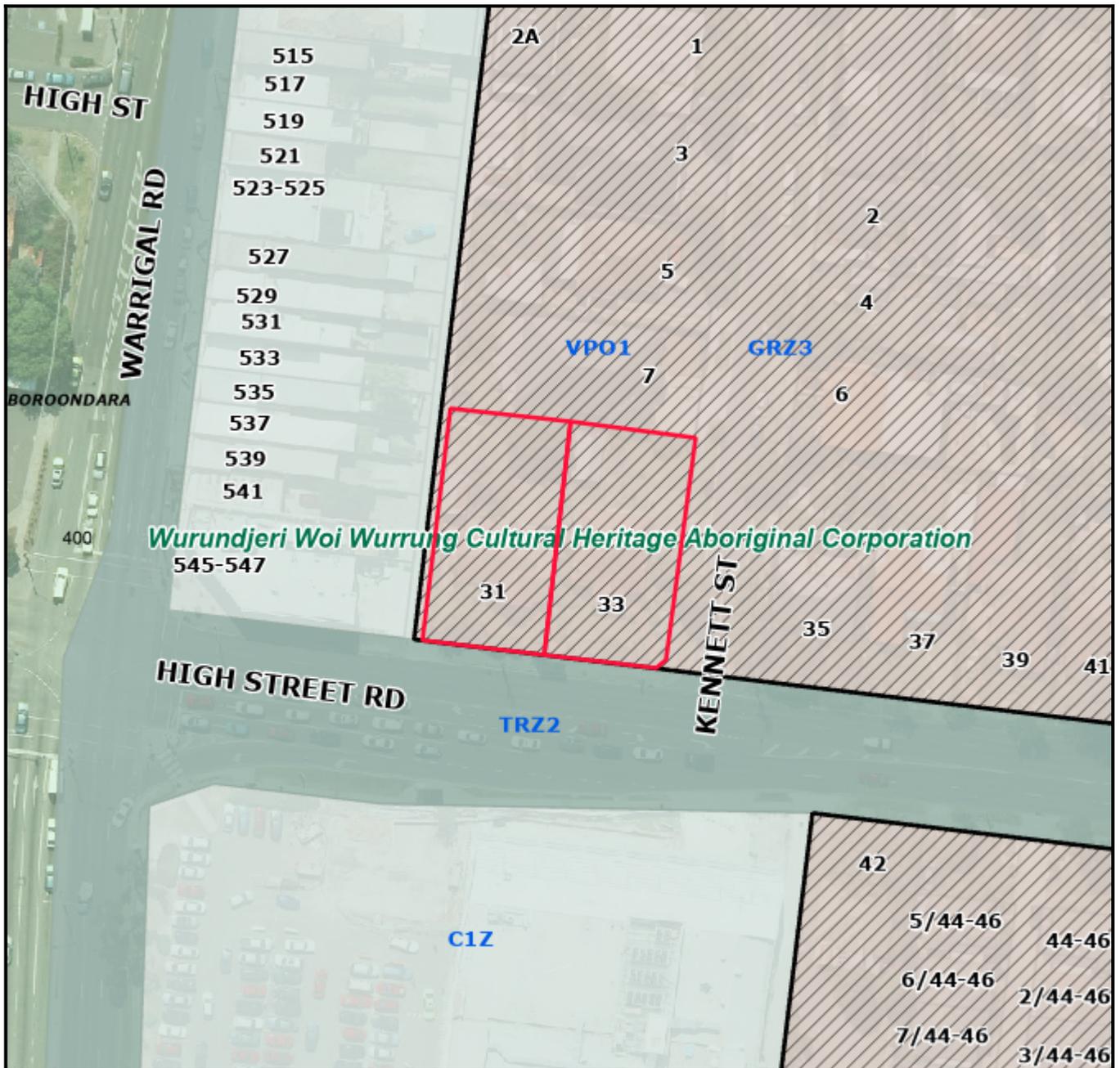
DWG NAME: EXTERNAL LIGHTING LAYOUT		DWG NO: TP403	
DATE 26/01/2023	SCALE 1:100 at A1	PROJECT NO: 2201ASH	REV: B

Attachment 2: 31-33 High Street Road, Ashwood





Planning Overlays and Zones



Legend

Planning Zones

Planning Overlays



Address

31-33 High Street Road ASHWOOD VIC 3147

Objector Map

Subject land shaded light red.
Objector properties shaded dark green and pinpointed.



Legend

-  Property
-  Proposed Property
-  Common Property
-  Easements
-  Railines
-  Reserves
- Open Space Public Access**
-  Accessway/ trail
-  Conservation
-  Memorial Park
-  Play
-  Relaxation/ contemplation
-  Social/ family recreation
-  Sport
-  Utility/ buffer/ enviro constraint
-  Visual amenity
-  Water based recreation

1:1500



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