

**PLANNING REPORT**  
**MEDICAL CENTRE AND**  
**COVENANT REMOVAL**

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

Date: 18/11/2022

Project No: 2022 COM 22066



### SITE DESCRIPTION

The subject site is located on the northern side of High Street Road. The site is comprised of two side-by-side lots which will form a large square shaped site, with a cutaway at the south-east corner. The site will have a combined frontage to High Street Road of 37.42m, a frontage to Kennett Street of 36.68m, and a total area of approximately 1,491 m<sup>2</sup>.

The two sites are currently occupied by single storey dwellings and associated outbuildings. The land slopes down from the south (High Street Road) towards the north-east by approximately 2m and there is a 1.83m drainage and sewerage easement at the northern boundary of the site.

The site is almost an island site with Kennett Street to the east, High Street Road to the south and a laneway to the west.



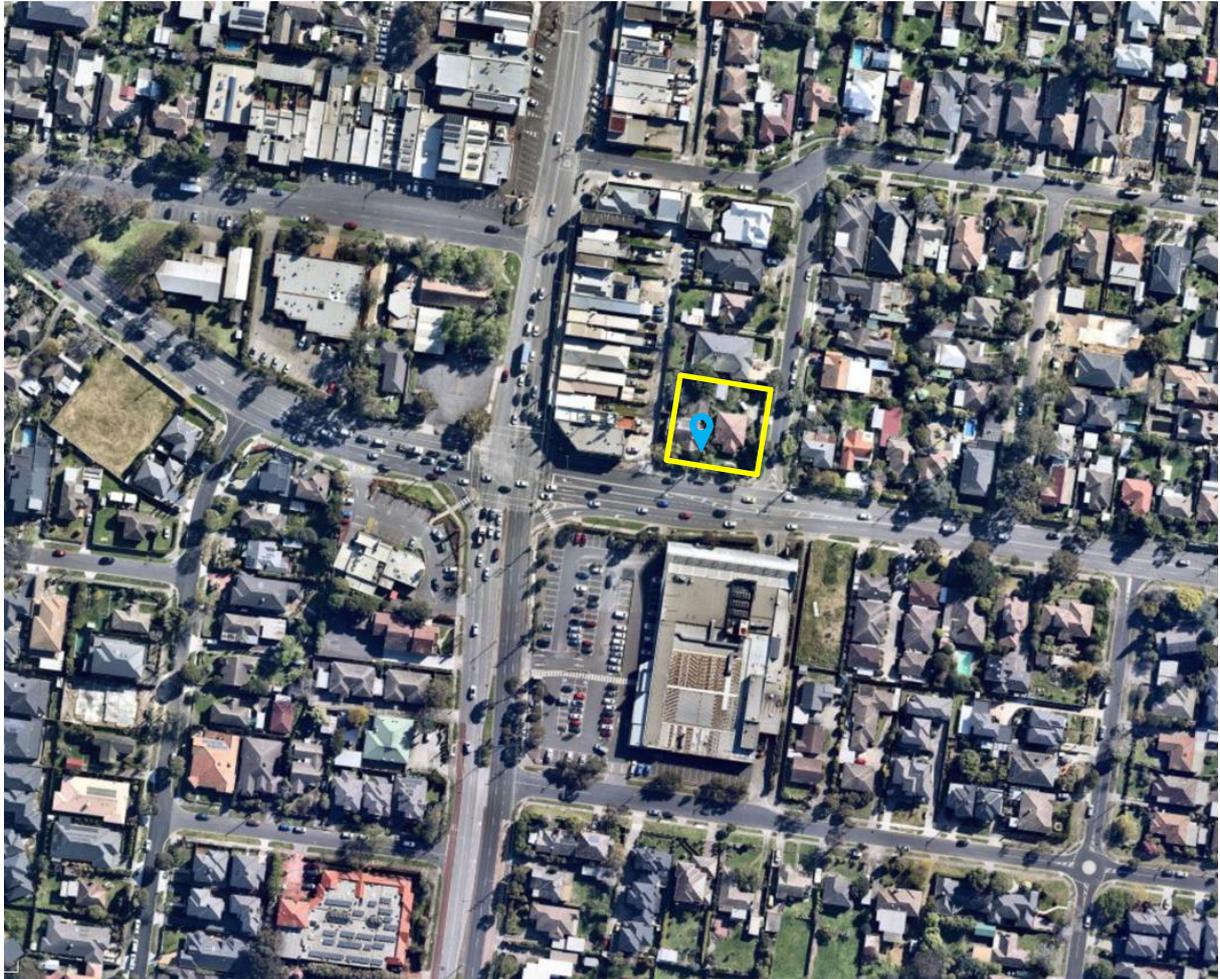
*Aerial view of the site, source: Nearthmap 2022*

### SURROUNDING AREA

The site is located on the periphery of a commercial area. There is a bus stop directly out front of the site on High Street Road. Immediately to the west of the site along Warrigal Road is a shopping strip providing uses such as retail, food and beverage, beauty, health and medical. A Woolworths complex lies directly across High Street Road to the south. To the north and east of the site are residential properties.

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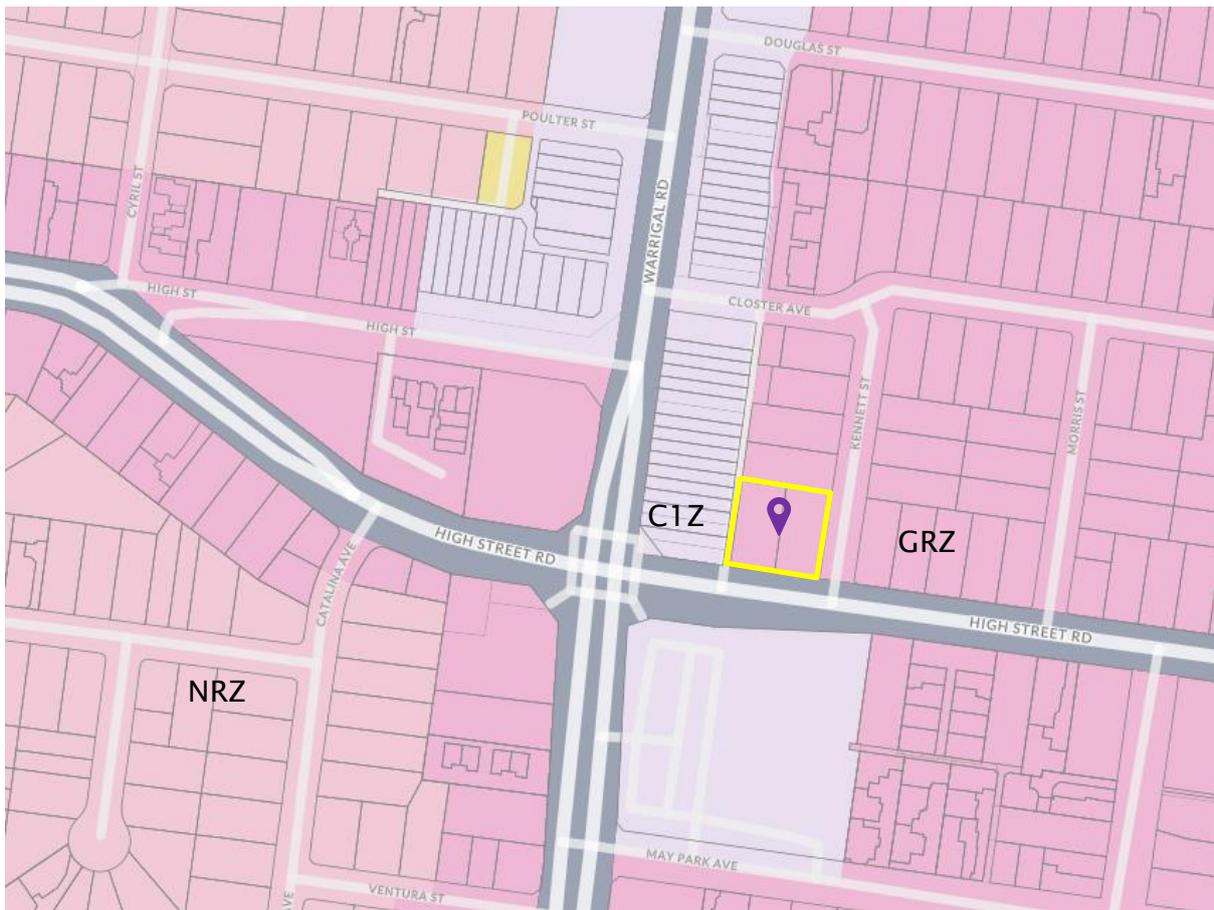
The details of the area have been accurately described with the accompanying site analysis plan and photographs.



Aerial view, source: Nearmap 2022

 Subject Site

## 31-33 HIGH STREET ROAD, ASHWOOD



Zoning Map



Subject Site

## PROPOSAL

It is proposed to use the site as a Medical Centre. The Medical Centre will be comprised of three (3) storeys and a basement providing car parking.



*High Street Road perspective of the proposed medical centre*

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### USE

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It is proposed to use the site as a specialist Medical Centre:

- The medical centre will be open from:
  - Monday to Friday – 8am to 10pm
  - Saturday and Sunday – 8am-8pm
- There will be a maximum of 16 medical practitioners proposed.
- The building will be leased to a range of specialist medical uses such as pathology, medical imaging or specialist doctors such as surgeons, paediatricians or gynaecologists.

### BUILDING AND WORKS

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Maximum height of the building is 15.96m

The basement contains 33 car spaces, including 8 tandem spaces that will be for staff, stairs, service areas and lifts. Access to the basement will be via a ramp to Kennett Street.

Above the basement are three levels of consulting rooms. The layout of each floor is similar, with a central functional area containing stairs, lift, toilets and services, with tenancies around the outside.

Around the building will be an additional 11 at grade car spaces. These will be accessed via the laneway and a second crossover to Kennett Street is proposed. There will also be 6 bicycle racks provided near the front entry on High Street Road.

### SIGNAGE

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Two (2) signs are proposed:

#### Sign 1

- Located on the south-west corner of the building at the top level
- Ashwood Medical Centre LED backlit sign, brass chrome colour.
- Measures 2,220mm wide and 2,320mm high.
- Total area 5.15m<sup>2</sup>

#### Sign 2

- Located on High Street Road frontage, towards the corner.
- Ashwood Medical Centre LED backlit sign, brass chrome colour.
- Measures 7,500mm wide and 400mm high.
- Total area 3m<sup>2</sup>

#### Signs 3 and 4

- Blade signs located adjacent to the pedestrian entry on High Street Road and on the corner splay.
- The signs will each contain individual signs for the tenants in the medical centre.

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- The sign will be unilluminated.
- Measures 1,800mm wide and 3,200mm high
- Total area for the two signs is 11.52m<sup>2</sup>

### Sign 5

- Directional sign to basement parking.
- Located near the entrance to the basement on Kennett Street.
- Will be unilluminated.
- Measures 1,650mm wide and 700mm high
- Total area of 1.155m<sup>2</sup>

### Sign 6

- Window signage to ground floor windows of High Street Road.
- One way vision vinyl that will allow visibility out.
- Graphics to be determined by individual tenants.
- Each sign will measure 1,300mm wide and 2,400mm high
- Total area for seven windows is 21.84m<sup>2</sup>

The proposed signage has a total area of 42.665m<sup>2</sup>, including 8.15m<sup>2</sup> of backlit illuminated signage.

## COVENANT REMOVAL

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The site is comprised of two lots, Lot 20 and 21 on Plan of Subdivision 012951. There is a covenant on both lots.

Lot 20 contains Instrument 1923252 which was varied by a Supreme Court ruling contained in Instrument AR019317V. The varied wording of the covenant is:

*'... 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 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.'*

Lot 21 contains Instrument 1623360 which was varied by a Supreme Court ruling contained in Instrument AQ922633G. The varied wording of the covenant is:

*'... 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 willing of bricks tiles or pottery-ware and further shall not erect more than one residential apartment building on the said land...'*

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As the proposal is to construct a non-residential building it is proposed to remove both covenants so as to allow for earthworks and associated construction for any type of building.

### Beneficiaries

The beneficiaries are identified in the submitted beneficiary search that has been prepared by Feigl and Newell (November 2022).

## PLANNING SCHEME CONTROLS

The subject site is zoned General Residential Zone – Schedule 3. The site is covered by a Vegetation Protection Overlay – Schedule 1.

## PLANNING PERMIT TRIGGERS

- Clause 32.08-2 General Residential Zone:
  - A permit is required for use and construction of a medical centre.
- Clause 42.02 Vegetation Protection Overlay Schedule 1:
  - A permit is required to remove vegetation that meets the height and circumference conditions.
- Clause 52.02 Easements, Restrictions and Reserves:
  - A permit is required to remove a restriction.
- Clause 52.05 Signs:
  - A permit is required to display business signs

## GENERAL RESIDENTIAL ZONE SCHEDULE 3

The purpose of the General Residential Zone (GRZ) is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.8-2 a planning permit is required to use the land for a medical centre, as the conditional requirements relating to the gross floor area of the building and the car parking are not met. Pursuant to Clause 32.08-9 a planning permit is required for buildings and works associated with a Section 2 use.

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The application has been assessed against the Decision Guidelines as detailed at Clause 32.08-13:

### General

- The proposal supports the Municipal Planning Strategy and the Planning Policy Framework, as detailed below.
- The proposal provides a non-residential use that will support the needs of the community, within an appropriate location at the periphery of an activity centre.
- There are no adjoining rooftop solar systems and the building will not overshadow nearby residential properties, as illustrated with the shadow diagrams.

### Non-residential use and development

- The proposed medical centre is compatible with residential use. The building has been well setback from the nearby residential properties and will not unreasonably impact adjoining properties through overshadowing.
- The use will provide for specialist medical needs for the local community. As detailed in the Site Location Plan, the closest medical facilities are general practitioners. This facility will provide for other medical needs for the community to complement the GP's and other services in the area.
- The site adjoins the Commercial 1 Zone and is separated from adjoining land by roads on three sides. The site is well suited to accommodate the proposed larger facility without unduly impacting the nearby residential area.
- The proposed building is well setback on all sides to provide a visual transition. The building is a high quality architectural design that will complement the other recent commercial developments nearby and provide an attractive built form streetscape.
- Landscaping has been carefully considered, particularly at the street interfaces, to provide complimentary landscaping that will enhance the landscape setting. A comprehensive landscape plan has been prepared for the site including a mixture of canopy trees, shrubs and groundcovers.
- The proposal has provided sufficient car parking and bicycle parking and all accessways have been designed with input from a traffic engineer to ensure that access to the site will be safe and efficient.
- Waste management has been considered and a waste management plan prepared for the site (O'Brien Traffic, November 2022).
- Traffic generation and impact has been considered in the Traffic Report prepared for the site. It is considered that the proposed traffic generation can be easily accommodated by the road network.

The proposal has also had regard for the neighbourhood character objectives under the General Residential Zone Schedule 3:

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- The proposal has provided a comprehensive landscape plan that will ensure the new development provides well landscaped garden areas adjacent to the streets with extensive canopy and shrub planting.
- The development has minimised accessways to maximise garden areas along both street frontages.
- The proposed building is well setback on all sides. At the ground floor it is setback 7.9m from the adjoining residential land to the north and a minimum of 6.8m from Kennett Street and 6.7m from High Street Road. The proposal has utilised architectural elements to add visual interest in the building. The street frontages will be well landscaped as well as the provision of a landscape buffer along the northern boundary to soften the built form.
- Car parking is provided within the basement and at the side and rear to minimise disruption to the street frontages.

## VEGETATION PROTECTION OVERLAY SCHEDULE 1

The purpose of the Vegetation Protection Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

There are two trees on site that require a planning permit for removal; Tree 12 and Tree 16 as identified in the Arborist Report (Joe Kellett Arboriculture, April 2022). The other large tree identified (Tree 14) is dead and therefore doesn't require a permit for removal. Both Trees 12 and 16 will be required to be removed as they are unsuitable to be retained given their size and location within the site.

A comprehensive landscape plan has been prepared for the site to provide for new vegetation that will enhance the area. This is considered an acceptable outcome for this site and location.

## PLANNING POLICY FRAMEWORK

The proposed medical centre will provide convenient access to specialist medical services in the local area, within an appropriate location abutting an activity centre to support **Clause 11.01 Settlement**. As encouraged by **Clause 1103-1S Activity**

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**Centres**, the proposal will support the diversification of the adjacent activity centre and contribute to the services available to the local community. This will in turn support the strategy of **Clause 15.01-4R Healthy Neighbourhoods – Metropolitan Melbourne**

The proposed development supports the objective of **Clause 15.01-1S Urban Design** and **Clause 15.01-2S Building Design**. The proposal has had appropriate regard for the interface between the public and private realm. It will provide an attractive and accessible development that facilitates safe walking, cycling and public transport journeys with an accessible location and on-site facilities. The design of the building is of a high quality, with both street interfaces receiving suitable treatment. A carefully considered landscape plan has also been provided for the site to provide an attractive development for the area. **Clause 15.01-5S Neighbourhood Character** has also been considered with regards to the siting, design and landscaping proposed for the site.

The proposal supports the needs of **Clause 19.02-1S Health Facilities**. The medical centre use is an important service for the local community and will complement the other services currently available in the area. The site is well located for both public and private transportation and is in an accessible location. The proposal provides sufficient car parking for both staff and visitors.

## LOCAL PLANNING POLICY

There are five local policies that are particularly relevant to this application.

### CLAUSE 22.01 RESIDENTIAL DEVELOPMENT AND CHARACTER POLICY

This Clause seeks to manage the growth and change of the municipality in order to preserve the highly valued garden city character.

The proposed medical centre development responds appropriately to the objectives of this policy. In particular:

- The proposal provides comprehensive landscaping on the site to contribute to the garden city character of the municipality.
- The consideration of neighbourhood character must take into account the site's abuttal to a Commercial Zone to the west/south as well as the General Residential Zone to the east/north, as well as the main road location. The development is a high-quality design that will contribute positively to the area and provides a fitting transition between the two zones.
- The development will achieve best practice environmentally sustainable design with a range of measures such as a water tank for toilet flushing, maximising daylight access and provision of additional bicycle parking included.

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- The proposal consolidates two lots to achieve an appropriate level of intensification within this site adjacent to the activity centre.

### Street setbacks

- The proposal provides appropriate building setbacks along both street frontages.
- The proposed landscaping includes well vegetated street frontages with canopy trees to enhance the overall tree canopy in the immediate area and soften the appearance of the building.

### Site coverage and permeability

- The proposed site coverage and hard surfacing are reasonable for this site. It provides an appropriate transition between the residential to the north and east and the commercial to the south and west. Hard paving will be minimised as driveways and entries have been consolidated.
- The proposal incorporates a water tank for water reuse and a rain garden to suitably manage stormwater generated on site.

### Landscaping

- Ample space is provided to support canopy trees and landscaping around the site.
- The street trees will not be impacted on by the proposal as detailed in the Arborist Report.

### Side and rear setbacks

- The building is well setback from all boundaries to provide an appropriate transition and support vegetation.
- There is only one residential property directly abutting the site. The building is well setback from this property. Landscaping opportunities in that area are limited by the easement, however a tall hedging shrub is proposed along the common boundary, which will soften the building and provide an appropriate transition.

### Walls on boundaries

- No walls on boundaries are proposed.

### Private open space

- Not applicable

### Fences

- A concrete retaining wall and planter box is proposed along High Street Road. This wall has a maximum height of 1.81m.
- This retaining wall complements the design of the building and is an appropriate interface for this busy main road.

### Vehicle crossings

- Vehicle crossovers have been located to prevent traffic disruption, with Kennett Street chosen as the appropriate location for the majority of vehicle traffic.
- The number of vehicle crossovers has been limited to two to maximise landscaping areas and preserve all street trees.

### Built form and scale of development

- The proposal has provided an appropriate transition between the commercial and residential areas.
- The design has utilised a number of architectural elements to provide visual interest and articulation across all elevations.
- Human scale has been incorporated in the design with the ground floor canopy and projections as well as extensive windows along the frontages.
- The proposed materials are robust and low maintenance. The finishes will complement the area and the building.
- The pedestrian entry is visible and legible to the street and includes a canopy for weather protection.

### Car parking

- The car parking has been appropriately designed to all vehicles to exit in a forward's direction.
- Car parking is designed and located to have minimal impact on pedestrian and vehicle movements.

### Environment

- The proposed development has had suitable regard for energy efficiency, stormwater management, transport, waste management and urban ecology.

### Garden City Suburbs (Northern)

The proposal provides an appropriate transition between the commercial area and the residential area. It will serve as an interface between the two zones. The building is sufficiently setback from both street boundaries and will provide attractive landscaped frontages that will contribute to the landscape character, including through the provision of canopy trees.

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## CLAUSE 22.04 STORMWATER MANAGEMENT POLICY

This policy applies to all land and seeks to ensure the management of stormwater flow for all new developments.

A Storm Rating Report demonstrating that the proposal will achieve best practice requirements forms part of the Sustainable Management Plan (Green Rate, November 2022). The proposal will minimise impacts of stormwater runoff with the inclusion of a 10,000L water tank that will collect water from the roof area to be

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used for toilet flushing throughout the building. The site will also incorporate a rain garden for treating runoff from the associated hard stand area before it enters the stormwater system.

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### CLAUSE 22.05 TREE CONSERVATION POLICY

This policy encourages the retention of mature trees and the planting of new canopy trees.

- Existing trees on site cannot be retained due to the location and size.
- New canopy trees are proposed around the site.
- Existing street trees will be protected by the proposal.

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### CLAUSE 22.08 OUTDOOR ADVERTISING POLICY

The purpose of this policy is to guide the establishment of signage within the municipality.

The proposed signage for the site meets the applicable objectives and requirements of the policy:

- The signage will allow for the appropriate and effective identification of the business and individual tenants.
- The proposed signage has been designed to integrate with the building in a complementary manner.
- Signage has been minimised along the residential street in order to maximise identification on the main road and minimise any impact on nearby residential uses.
- The signage is in keeping with the adjacent commercial area and has been concentrated to this interface.
- The number of signs has been rationalised and is appropriate for the scale of the development.
- The proposed landscaping will not be eroded by the proposed signs.
- No animated signs are proposed.

It is considered that the proposed signage allows for the effective identification of the medical centre while being respectful of the adjoining residential area.

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### CLAUSE 22.09 NON-RESIDENTIAL USE AND DEVELOPMENT IN RESIDENTIAL AREAS

The purpose of this policy is to provide guidance on the provision and expansion of non-residential uses in residential locations so as to encourage appropriate developments in suitable areas.

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In keeping with this policy:

- The proposed medical centre is located on a main road and adjacent to an existing activity centre.
- The proposal does not contribute to a concentration of non-residential uses and provides a suitable transition between the commercial and residential area.
- The proposal has incorporated landscaping including canopy trees to enhance the landscape character of the area.
- The building has been appropriately setback from both street frontages. The three storey height proposed is fitting for this site. It provides a transition from the allowances under the Commercial 1 Zone to the limits of the General Residential Zone for residential buildings.
- The proposed signage has been suitably designed and sited for the development. Signs have largely been located on High Street Road interface and provide an appropriate response to the adjacent commercial area. The signs have been limited along the residential interface to be respectful of the residential area.
- The provision of car parking provides sufficient parking for the needs of the proposed specialist medical centre, as detailed in the Traffic Impact Assessment Report (O'Brien Traffic, November 2022). The layout and positioning of the parking will allow for safe and efficient vehicle movements to minimise any disruptions to the adjoining residential properties.
- A comprehensive landscape plan has been prepared for the site that will enhance the garden character of this immediate area, including the provision of canopy trees along both streets.

## PARTICULAR PROVISIONS

### CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

Pursuant to Clause 52.02 a planning permit is sought to remove the restrictions on a titles.

It is proposed to remove this restriction from Lots 20 and 21 so as to allow for earthworks and associated construction for any type of building.

### CLAUSE 52.05 SIGNS

A permit is required to display the proposed signs on site.

Pursuant to Clause 52.05-3 an assessment against the Decision guidelines is provided.

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### *The Character of the area*

The proposed signage has focused on the commercial area and main road frontage. It provides signage that is in keeping with the activity centre while also being respectful of the nearby residential area. The proposed signs have been appropriately rationalized to avoid clutter.

### *Impacts on views and vistas*

The proposed signs will not impact any views and will not impact the skyline.

### *The relationship to the streetscape, setting or landscape*

The proportion, scale and form of the signs is suitable for the streetscapes. The signs will not protrude above the building and have been appropriately rationalized to display a cohesive and uncluttered identification of the site.

### *The relationship to the site and building*

The proposed signs are of an appropriate scale and proportion for the proposed building.

### *The impact of structures associated with the sign*

Any structures associated with the signs have been integrated and will not be visible.

### *The impact of any illumination or logo box*

The proposed illuminated signage has been provided to High Street Road only. The provision of back-lit LED lettering is a subtle way to provide for necessary illumination after dark. It will not contribute unreasonable glare to the area. The signs are not adjacent to the residential area to further mitigate any potential impact.

### *The need for identification and the opportunities for adequate identification on the site or locality.*

The proposed signage provides for the necessary identification of the site. The signage package has included signage for future tenants, providing for full needs of the building identification and individual business identification as well, without unnecessary proliferation of signage in the future.

### *The impact on road safety*

The proposed signs will not impact on drivers. It will not dazzle or distract drivers. It will not be mistaken for a traffic control device or in any way mislead or confuse drivers.

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## CLAUSE 52.06 CAR PARKING

Pursuant to Clause 52.06-2 a new use must not commence, or the floor area of an existing use must not increase, until car parking is provided in accordance with this

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policy, or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 sets out the required car parking rates for a medical centre in Table 1. A medical centre within proximity of the PPTN area has a parking rate of 3.5 car spaces per 100m<sup>2</sup> of leasable floor area. The total leasable floor area is 1258m<sup>2</sup> which generates a requirement of 44 car spaces.

A total of 44 car spaces is provided for the development, meeting the requirements of Clause 52.06.

The proposed car parking access and design has been assessed in the Traffic Impact Assessment (O'Brien Traffic, November 2022) and meets the requirements of Clause 52.06-9

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### CLAUSE 52.34 BICYCLE FACILITIES

Under Clause 52.34-1 a new use must not commence until the required bicycle facilities are provided.

Under the table to Clause 52.34-3 a medical centre requires 1 bicycle space per 8 practitioners and 1 visitor bicycle space per 4 practitioners.

This results in a requirement for 2 staff bicycle parking space and 4 visitor bicycle parking spaces (6 spaces in total). A total of 12 bicycle spaces have been provided on site in the form of bicycle loops at the front of the site, exceeding the requirements.

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### CLAUSE 53.18 STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

The purpose of this Clause is to ensure that stormwater retention and reuse is managed to mitigate impacts to the environment, property and public safety.

An application to construct a building must meet the objectives and should meet the standards of Clauses 53.18-5 and 53.18-6.

#### Stormwater management objectives for buildings and works Standard W2

A water tank is proposed to provide for the retention and re-use on site of stormwater. A Storm Rating Report has been undertaken for the development to demonstrate that best practice guidelines will be met and is included in the SMP.

### Site management objectives Standard W3

A WSUD Report is included within the SMP (Green Rate, November 2022). This includes details of the water treatment for the site as well as information on site management during construction. Also provided are details of ongoing management of the stormwater treatment systems once the development is complete.

## GENERAL PROVISIONS

### DECISION GUIDELINES

The relevant guidelines in Clause 65 and Clause 52.02 must be considered as part of the application. In support of the application the following should be noted:

- In relation to Section 60(2) of the *Planning and Environment Act 1987* a permit to remove a covenant cannot be approved unless they are satisfied that any beneficiaries of the covenant will be unlikely to suffer detriment.
- The beneficiaries of the covenants have been identified in the included beneficiary search.
- The proposed removal of the covenants will allow for the future development of the site in keeping with the site zoning and location.
- The removal of Instrument 1923252 from Lot 20 will allow for earthworks associated with any type of building. The variation approved by the Supreme Court allowed earthworks such as a basement associated with a development to be undertaken on the site. It is not considered that removing the covenant to allow for a basement associated with other uses will have any impact on the beneficiaries.
- The removal of Instrument 1623360 from Lot 21 will allow for earthworks associated with any type of building and will also allow the construction of a non-residential building. The variation approved by the Supreme Court allowed earthworks such as a basement and the construction of one residential apartment building. It is not considered that removing the covenant to allow for a basement associated with other uses and allowing construction of a non-residential building (over a similar footprint to an anticipated apartment building) will have any impact on the beneficiaries.
- The covenant removal is appropriate having regard to the Planning Policy Framework.
- The covenant removal will facilitate orderly planning on the site and will not impact on the amenity of the area.

## **OPERATIONAL PROVISIONS**

Clauses 71.01 and 71.02 provide guidance on the operation of the Municipal Planning Strategy and Planning Policy Framework and are a relevant consideration for all decisions.

Pursuant to Clause 71.02-3 Integrated Decision Making planning decisions should seek to balance the applicable planning policies and potentially conflicting objectives to favour net community benefit. This proposal represents a net community benefit. It has been sited to take advantage of the adjacent activity centre and main road location. It will provide an important service to the community and has been designed to provide an appropriate transition from the commercial to residential area.

## **CONCLUSION**

The proposal has responded appropriately to the purpose and objectives of the Monash Planning Scheme. The proposed specialist medical centre is an appropriate non-residential use that will provide an important service to local residents. It has been fittingly located adjacent to the activity centre. The proposal provides for a reasonable transition between the adjacent commercial and residential areas and represents a net community benefit.

The proposed signage has been designed in keeping with the proposed development. It provides for attractive signage that will provide for fitting identification of both the centre and the individual tenants. It has been located predominantly along High Street Road to minimise any impacts on the residential area.

The proposed car parking and bicycle parking for the use has been provided in full. The proposed car parking has been suitably designed in accordance with the requirements of Clause 52.06-9 and will provide for efficient and safe access to and from the site. Given the position of the site relative to the turning lane to Warrigal Road, the provision of access to the basement along Kennett Street is the most appropriate position.

The development has incorporated environmentally sustainable design measures to ensure that the proposal will achieve a positive environmental outcome. A well-integrated landscape plan has been provided which provides for suitable landscaping including canopy trees that will enhance the landscape setting of this main road location.