

1 MEDICAL CENTRE, 352 - 354 ROSSITER ROAD, KOO WEE RUP

FILE REFERENCE INT1712194

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Vageesha Wellalage

RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T160292 be issued for the use and development of the land for a two (2) storey building for the purpose of a medical centre and alteration of access to RDZ1 at 352-354 Rossiter Road, Koo Wee Rup VIC 3981 subject to the conditions attached to this report.

Attachments

1 Locality map
2 Copies of objections circulated to councillors only
3 Development plans
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9 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.: T160292

APPLICANT: ASK Planning Services P/L

LAND: 352-354 Rossiter Road, Koo Wee Rup VIC 3981

PROPOSAL: Use and development of the land for a two (2) storey building for the

purpose of a medical centre and alteration of access to RDZ1

PLANNING CONTROLS: Neighbourhood Residential Zone Schedule 1

Land Subject to Inundation Overlay

NOTIFICATION & OBJECTIONS: Notice of the application was given by way of notices to adjoining

and nearby land owners and occupiers and by displaying two (2)

signs on the site. Four (4) objections have been received.

KEY PLANNING CONSIDERATIONS: Appropriateness of land use in the Neighbourhood Residential Zone

Schedule 1

Consistency with the Koo Wee Rup Township Strategy

Built form

Off-site amenity impacts

RECOMMENDATION: Approval.

BACKGROUND:

Council records indicate that there is no planning permit history for the site.

SUBJECT SITE:

The site is located on the south-west corner of Rossiter Road and John Street, Koo Wee Rup approximately 285m from Station Street. The site is generally square in shape, has a frontage to Rossiter Road of 40.23m, a frontage to John Street of 50.29m and a total site area of 2023 square metres.



The site is undeveloped and contains minimal vegetation.

Vehicle access is provided via a crossover located centrally on the Rossiter Road frontage.

The topography of the land is generally flat. Timber paling fencing defines the southern and western boundaries.

Land in the vicinity is characterised by both residential and commercial use and development.

The main characteristics of the surrounding area are:

- No. 350A Rossiter Road, a battle-axe lot, adjoins the western boundary and is developed with a single-storey dwelling setback approximately 2.0m from the common boundary. Vehicle access is provided along the common boundary.
- No. 350 Rossiter Road is located directly west of the site and is developed with a single dwelling setback 8.0m from the common boundary.
- A 3.66m wide road reserve abuts the southern boundary.
- No. 2 John Street is located directly south of the site and is developed with a single dwelling setback approximately 8.3m from the common boundary.

PROPOSAL:

Approval is sought for the use and development of the land for a medical centre.

A maximum 11 medical practitioners are proposed to be on the site at any one time.

Proposed hours of operation are: Monday to Friday: 8:00am – 6:00pm Saturdays: 8:00am – 1:00pm.

A two-storey building with a flat roof form is proposed for the site with a setback of 6.5m from Rossiter Road and 4.73m from John Street. The building has an overall height of 8.9m visible from Rossiter Road. The ground floor comprises a lobby, consulting rooms, bathroom facilities and the lift entrance. The first floor comprises a lobby, reception and waiting area, six (6) medical rooms, a staff room and bathroom facilities. Two separate tenancies are also provided on the first floor (200sqm and 160sqm). They layout of Tenancies 1 and 2 has not been provided.

External materials comprise face brick work, render and natural timber cladding. The built form can be described as contemporary.

It is proposed to remove the existing vehicle crossover and a new 6.4m wide crossover is proposed on John Street which leads to 38 car spaces at the rear of the building.

There is no business identification signage proposed as part of this application. A landscaping plan has been submitted in support of the application which shows planting within the front setback, along the car parking area and title boundaries.

PLANNING SCHEME PROVISIONS:

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

Clause 15 Built environment and heritage

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:



- Clause 21.01 Cardinia Shire key issues and strategic vision
- Clause 21.04 Economic development
- Clause 21.07 Local areas

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Clause 52.29 Creation or altering an access to a road in a Road Zone Category 1
- Clause 52.34 Bicycle facilities
- Koo Wee Rup Township Strategy

Zone

The land is subject to Clause 32.09 Neighbourhood Residential Zone Schedule 1

Overlays

The land is subject to the following overlays:

Clause 44.04 Land Subject to Inundation Overlay

PLANNING PERMIT TRIGGERS

The proposal for the use and development of the land for a Medical Centre and alteration to a road in a Road Zone Category 1 requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09 1 (NRZ1), a planning permit is required for the use of the land for a Medical Centre as the total floor area of the building exceeds 250sqm and as the building is not existing.
- Pursuant to Clause 32.09 7 (NRZ1), a planning permit is required for buildings and works associated with a Section 2 Use.
- Pursuant to Clause 44.04 (LSIO), a planning permit is required for all buildings and works.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on site

Council has received four (4) objections to date.

The key issues that were raised in the objection are:

- Built form inconsistent with neighbourhood character
- Traffic implications/increase in street parking
- Off-site amenity impacts (solar access, privacy, visual bulk, noise, fumes)
- Increase in anti-social behaviour
- Decrease in property value

REFERRALS



Melbourne Water

The application was referred to Melbourne Water as a statutory referral. Melbourne Water had no objection to the proposal subject to conditions.

Vic Roads

The application was referred to Vic Roads as a statutory referral. To date, Council has not received a response and VicRoads are well over there timeframe to provide comments.

DISCUSSION

State and Local Planning Policy Framework

Overall proposal is consistent with the relevant State and Local Planning Policy Framework, the Neighbourhood Residential Zone 1, Land Subject to Inundation Overlay, relevant particular provisions and the Koo Wee Rup Township Strategy. The proposal is consistent with Clause 15 which recognises the significance of urban design and providing a safe, functional and high quality environment. The proposal will enhance the public realm without compromising the amenity of adjoining residential land.

Neighbourhood Residential Zone 1

The purpose of this Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.09 – 1, a planning permit is required for the use of the land as a Medical Centre as the building footprint exceeds 250 sqm and as a new building is to be constructed. It is noted that the site adjoins a Road Zone Category 1 and the proposal meets the car parking requirements specified in Clause 52.06 – 5. Based on this provision it can be concluded that the use of the land as a Medical Centre is appropriate in the Neighbourhood Residential Zone however regard must be given to the sites location, the built form, impact within the streetscape and potential off-site amenity impacts.

Whilst the site is not located directly within the town centre, it does front a main road where other commercial and non-residential land uses are present. It is noted that No. 356 Rossiter Road, directly northeast of the site is used and developed for a Childcare Centre. No. 348 Rossiter Road is used for a Place of Worship. Medical Centres are also located at No.'s 303, 320 and 360 Rossiter Road. The site is located on a prominent corner 145m from land within the Commercial 1 Zone and is on main road with a diverse range of land uses therefore it is appropriate in this site context.

As the land uses vary substantially along Rossiter Road, so too does the built form therefore the proposal is not inconsistent with the rhythm of development. Whilst a two-storey built form is proposed, adequate setbacks are provided from title boundaries which creates spacing within the streetscape and allows substantive landscaping which, once established, will soften the appearance of the building. A variation of colours, material and textures are proposed which provides articulation and minimises the visual massing. It is also noted that the building height varies from 7.9m to 9.0m which also alleviates visual bulk.

The hours of operation are appropriate and are consistent with standard business hours. A maximum 11 practitioners at any one time is suitable as adequate car parking is provided on-site.



Whilst the applicant has specified that Tenancies 1 and 2 are also for medical practitioners, the floor layout does not reflect this. A condition of approval will require amended plans to detail the floor layout to reflect a Medical Centre. It is noted that the use of the land for any other Office is prohibited under the Neighbourhood Residential Zone.

Having regard to the above, it is considered that the proposal is consistent with the purpose and decision guidelines of the Neighbourhood Residential Zone 1.

Land Subject to Inundation Overlay

The application was referred to Melbourne Water who do no object to the proposal subject to conditions. The finished ground floor level of the building (5.75 AHD) complies with Melbourne Water's minimum requirement being 5.6 AHD. Via condition, the objectives of this policy are met.

Clause 52.06 Car parking

Pursuant to Clause 52.06 – 5, thirty-five (35) on-site car spaces are required to be provided as eleven (11) medical practitioners are proposed to be on the site at any one time. Thirty-eight (38) spaces of appropriate dimensions have been provided exceeding the requirements of this provision. The accessway exceeds 3.0m in width and sufficient turning areas have been provided to enable all vehicles to exit the site in a forward direction.

Having regard to the above, the objectives of this policy are met.

Clause 52.29 - Creation or altering an access to a road in a Road Zone Category 1

Pursuant to Clause 52.29 a planning permit is required to alter an access adjacent to a Road Zone Category 1. Whilst the existing access off Rossiter Road is to be removed, the application was referred to Vic Roads. To date, Council have not received a response. As more than 28 days has elapsed since the referral was sent and no new access is proposed onto the RDZ1, Council is in a position to issue a decision. Conditions relating to the redundant crossover will form part of the permit.

Clause 52.34 - Bicycle facilities

Pursuant to Clause 52.34, three (3) bicycle spaces are required. Four (4) bicycle racks have been provided on-site exceeding this requirement.

Koo Wee Rup Township Strategy

This site is located within Precinct 1 – Established Residential Area under the Koo Wee Rup Township Strategy. The strategy includes the following preferred character statement for this precinct:

"Existing characteristics of Koo Wee Rup's established residential areas will be improved. The existing street trees, wide nature strips and overall openness of the existing streetscape will act as a reference point for future development. The connectivity and integration between the town centre and the residential areas will be enhanced. There will be some unit development near the town centre"

A response to the relevant development guidelines for this Precinct is provided below (note: many guidelines relate to unit development and are not relevant);

Maintain 70% of the lots with sizes over 700 square metres:

The site has an area of 2032 sqm and will not be subdivided.

Encourage diversity of development styles

The proposal offers a contemporary built form which adds to the diversity on Rossiter Road and makes a positive contribution to the streetscape and will activate the area.

Maintain continuity of building rhythm along streets with appropriate building frontage



The building is setback between 6.5m and 7.5m from Rossiter Road which is consistent with the building setbacks in the vicinity.

Maintain sense of spaciousness within and between allotments with:

Providing sufficient open space or garden areas;

Adequate area of open space is provided within the front setback and surrounding the car parking area.

ii. Retaining existing vegetation;

There is no significant vegetation on the site worthy of retention.

iii. Providing new trees and garden spaces;

A landscaping plan was submitted detailing proposed planting.

iv. Encouraging no or, if any, low front fences, to allow gardens and nature strips to merge There is no front fence proposed which allows for passive surveillance and viewed into the front setback where landscaping is shown.

v. Minimum side setback of 2.5 metres;

A minimum side setback of 3.5m has been provided.

vi. Minimum front setback of 7 metres or no less than the average setback of adjacent two dwellings; The front setback varies between 6.5m and 7.5m and is appropriate as the site is on a corner, the front wall of the building is staggered and there is adequate area for landscaping within the front setback. Buildings on the north-west side of Rossiter Road also have reduced setbacks.

vii. Maximum building site coverage of 40%;

Site coverage is 36.2% which complies with this requirement.

viii. Minimum lot width of 18 metres

The site has a width of 40.23 metres.

Ensure protection and conservation of native vegetation including street trees and roadside vegetation; There is no roadside vegetation removal required to accommodate the proposed crossover on John Street.

Encourage the inclusion of native vegetation and garden space in new development;

A landscaping plan was submitted detailing proposed planting including appropriate species.

Maintain a high level of quality in the design and construction of new buildings as well as continuity with the character of the areas existing built form;

A contemporary built form is proposed which is well integrated. The variety of colours, materials and textures in conjunction with landscaping will enhance the streetscape character.

Ensure building height respects the existing character of the surrounding area;

The building height varies between 7.9m to 9.0m. Whilst the dwellings on adjoining land are single-storey, this height is appropriate in this context as the site is on prominent corner leading into the town centre. As detailed above, the built form (including heights) along Rossiter Road is diverse.

Encourage an interconnected street network with links between the town centre and surrounding areas, providing good accessibility and streetscape detailing to make walking and cycling pleasant, efficient and safe.

The proposal allows for strong passive surveillance with the inclusion of windows that have views to the road, no fencing and open frontages on both Rossiter Road and John Street. The streetscape will be activated as a result of the proposal.

The application was referred to Council's Urban Designer who is in support of the application noting that the streetscape of Rossiter Road in proximity to the site presents a varied built form including scale and massing consistent with that proposed by the development. It is considered that the proposed built form will create a



pronounced hard edge on this corner site, which will provide a gateway statement at this entrance to the town centre as and such is consistent with the objectives of the Koo Wee Rup Township Strategy.

Response to objections

A response to the objections is provided below:

Built form inconsistent with neighbourhood character

As detailed above, the built form along Rossiter Road varies as do the land uses. Whilst a contemporary built form is proposed, spacing is provided and proposed landscaping will soften the built form and ensure the development is well integrated. The application was referred to Council's Urban Designer who is in support of the proposal as it is consistent with the Koo Wee Rup Township Strategy.

Traffic implications /increase in street parking

38 on-site car spaces have been provided which exceeds the requirement specified in Clause 52.06 – 5. As adequate parking is available on-site, it is expected this will be utilised by patients/staff and will not result in excessive on-street parking. As Rossiter Road is a main road, higher traffic volumes are expected particularly as this road leads into Station Street which is located within the Commercial 1 Zone. As reiterated above, there is a variety of non-residential land uses on Rossiter Road which would also generate extra volume on this road. This land use will not place an unreasonable burden on the local traffic network (including John Street).

Off-site amenity impacts (solar access, privacy, visual bulk, noise, fumes)

As the building is located adjacent to the driveway at No. 350A Rossiter Road and is setback approximately 11.8m from the dwelling at No. 350 Rossiter, solar access to both adjoining lots will not be unreasonably impacted. The two adjoining residential allotments are located south-west of the site therefore any overshadowing will be limited to a portion of the day (during the morning) and will not unreasonably affect areas of secluded private open space and habitable room windows. Given the orientation of the land and proposed building setbacks, the shadow cast is primarily contained within the title boundaries affecting the car parking area.

As car parking is located to the rear, the first floor of the building is set back approximately 11.5m from the dwelling at No. 350A and is well articulated on the rear elevation. The massing is also alleviated through varying building heights, inclusion of windows and the variety of colours and materials used.

It is also noted that the rear- elevation on ground level is open in part (due to car parking) which avoids the presence of sheer walls. The south-western end of the building will face No. 350 and is appropriate as this wall is setback 11.8m from the dwelling and whilst it spans 13.0m, articulation is provided as this wall is staggered over the ground floor. The landscaping plan provided shows screen planting along this boundary which will reach a mature height of 3.0m. Once established, this will partially screen the building and provide a soft visual buffer.

Having regard to the above, it is considered that building is appropriately sited and is not intrusive when viewed from adjoining land.

As each dwelling and secluded private open space is setback in excess of 9.0m from the proposed building, windows are not required to be screened. Whilst Clause 54.04 - 6 relates to residential development, in this context it is appropriate to use Standard A15.

Whilst it is not expected that this use will result in adverse amenity impacts to adjoining residential land, a condition of approval will require that the use must not detrimentally affect the locality by way of noise, fumes, lighting etc. Conditions relating to waste management will also form part of the permit. As the waste bin directly abuts a non-sensitive interface (driveway) its location is appropriate.

Increase in anti-social behaviour



Any anti-social behaviour that could potentially occur on the site is not specific to the use of the land as a Medical Centre and is not a matter that can be considered under this planning application. Any issues relating to anti-social behaviour is a matter to be dealt with by Victoria Police.

Decrease in property value

The Victorian Civil and Administrative Tribunal (VCAT) have determined in many cases that a decrease in property value (perceived or actual) is not a planning consideration therefore this concern raised cannot be considered under this planning application.

CONCLUSION

Having regard to the above, it is considered that the proposal is consistent with the relevant State and Local Planning Policy Framework, the Neighbourhood Residential Zone 1, Land Subject to Inundation Overlay, relevant particular provisions and the Koo Wee Rup Township Strategy. Therefore it is recommended that a Notice of Decision to Grant Planning Permit T160292 be issued for the use and development of the land for a two (2) storey building for the purpose of a medical centre and alteration of access to RDZ1 at 352-354 Rossiter Road, Koo Wee Rup subject to the below conditions:

CONDITIONS

- 1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and must be generally in accordance with the plans submitted with the application but modified to show:
 - i. The floor plan of Tenancies 1 and 2 amended to reflect a medical centre layout;
 - ii. The maximum building height dimensioned;
- 2. The use and development as shown on the approved plans shall not be altered or modified without the consent in writing of the Responsible Authority.
- 3. The use may only operate between the following hours:
 - Monday to Friday: 8:00am 6:00pm.
 - Saturday: 8:00am 1:00pm
- 4. The number of practitioners employed on the site at any time must not exceed eleven (11) persons without the consent of the Responsible Authority.
- 5. Before the development starts, an amended landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape plan submitted with the application must modified to show:
 - i. The Acer negundo 'Sensation' replaced with an alternative species.
- 6. Prior to the occupation of the building, the landscaping works as shown on the endorsed landscaping plan must be carried out to the satisfaction of the Responsible Authority.
- The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
- 8. The use and development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land.
 - b. Appearance of any building, works or materials.
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d. Presence of vermin.



- 9. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
- 10. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.
 - Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.
- 11. Before the building is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
- 12. The area set aside for car parking, as shown on the approved plan, must be used for the parking or vehicles and for no other purpose.
- 13. Prior to the occupation of the building, all car spaces as shown on the endorsed plans must be line marked to the satisfaction of the Responsible Authority.
- 14. Before the development is occupied any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
- 15. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
- 16. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Melbourne Water

- 17. The building, including the lobby and garage, must be constructed with finished floor levels set no lower than 5.6 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 5.3m to AHD.
- 18. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 19. The undercroft parking area must be set at existing natural surface level so as not to obstruct the passage of overland flows.
- 20. The areas outside the building envelope must maintain where possible the existing surface levels. No filling of the property is permitted outside of any building footprint.
- 21. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Expiry:

A permit for the development and use of land expires if—

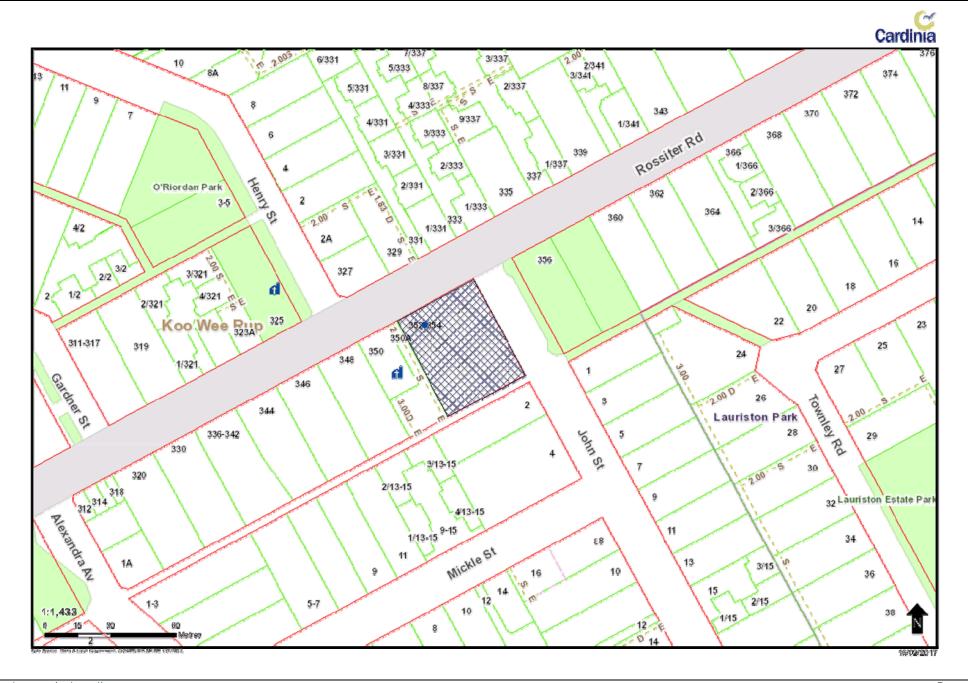


- a) the development does not start within two (2) years after the issue of the permit; or
- b) the development is not completed within four (4) years after the issue of the permit; or
- c) the use does not start within two (2) years after the completion of the development; or
- d) the use is discontinued for a period of two (2) years.

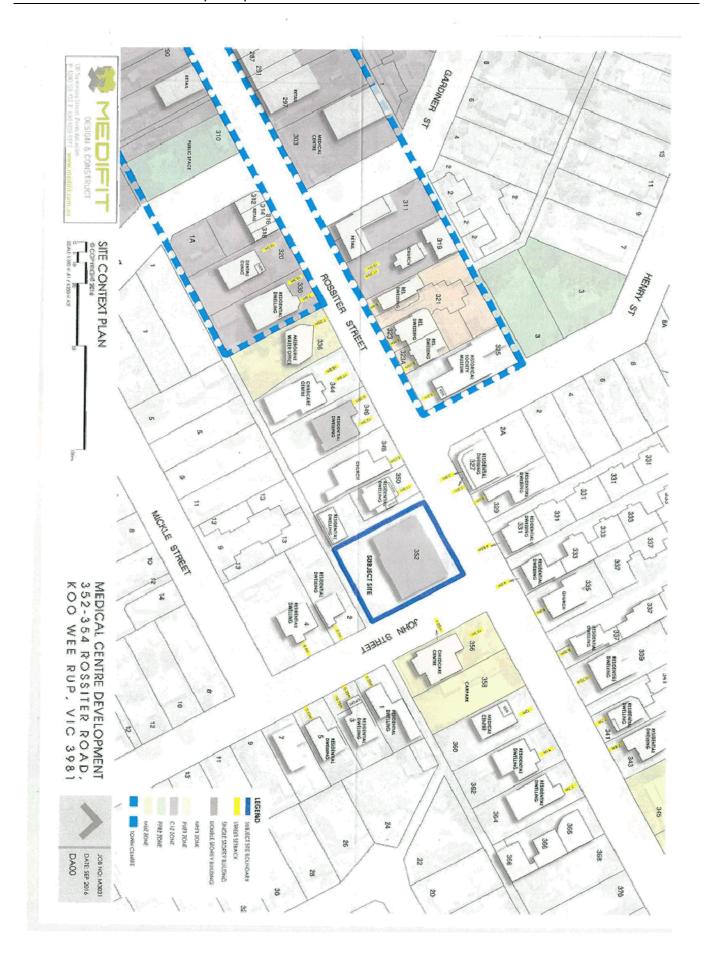
In accordance with Section 69 of the *Planning and Environment Act* 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

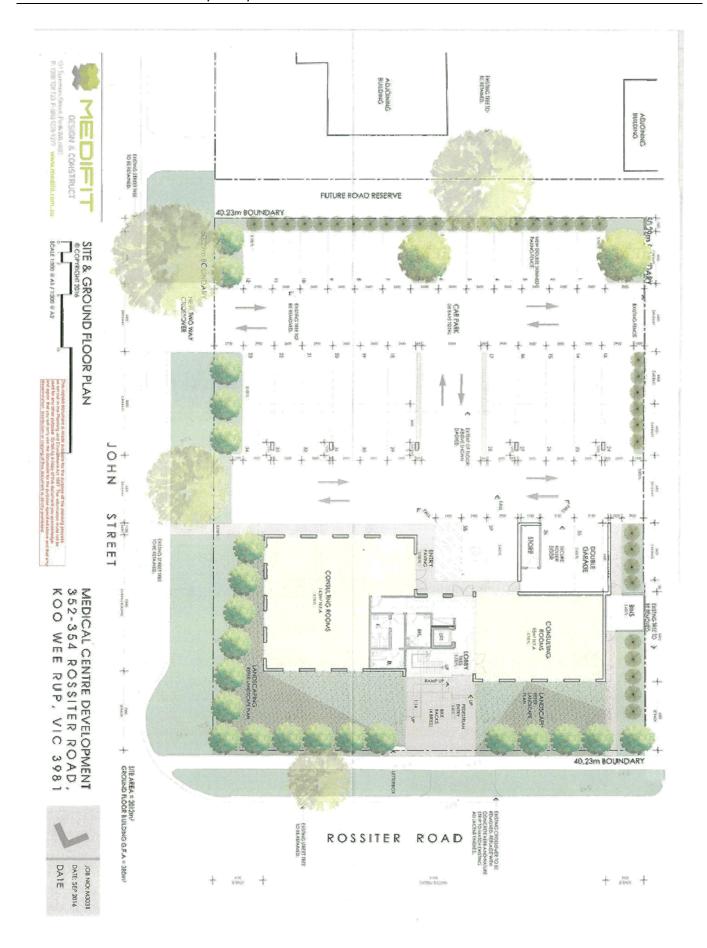
Notes:

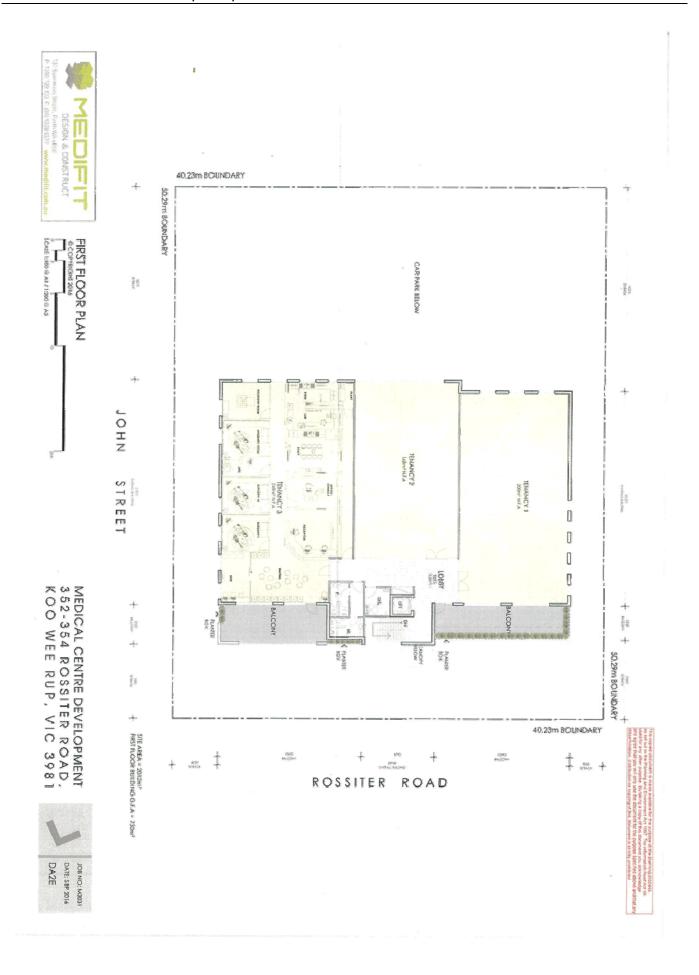
- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- Pursuant to Clause 52.05 9 of the Cardinia Planning Scheme, a Planning Permit is required to display Business Identification signage.

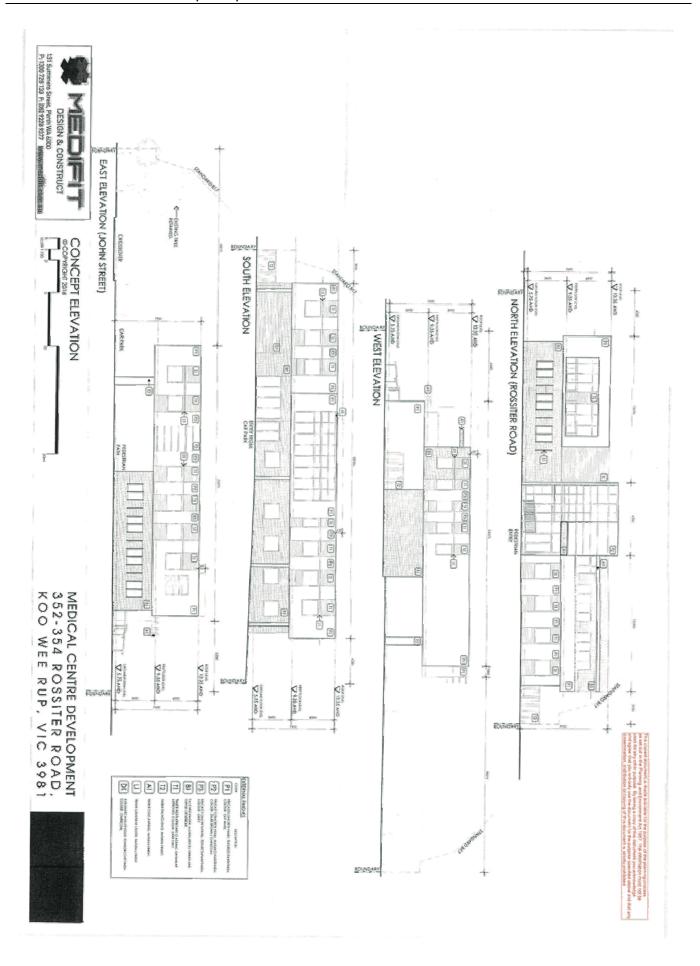


Attachment 1 - Locality map Page 13













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