

5.1 77 & 77A ATHERTON ROAD OAKLEIGH – TO USE AN EXISTING BUILDING FOR AN EDUCATION CENTRE AND REDUCTION IN THE CAR PARKING REQUIREMENTS OF THE MONASH PLANNING SCHEME

(TPA/35871:MD:HM)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Council Interest

Statutory Processing Date : 11 April 2008

Preliminary Discussions: Yes

RECOMMENDATION

*The Council having caused notice of planning application No. 35871 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit and issue a **Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 77 and 77A Atherton Road, Oakleigh, to use the existing building for an education centre for overseas students and reduction in the car parking requirements of the Monash Planning Scheme generally in accordance with the plans submitted with the application subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

1. *Before the use starts, three copies of amended plans drawn to scale and dimensioned, 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 generally in accordance with the plans submitted with the application, but modified to show :

- a) *Site layout plan clearly showing the entire site including car parking and internal layout of each level of the building;*
 - b) *Location of 5 bicycle parking spaces on the site;*
 - c) *Details of and location of any additional electricity substation or gas metres required for the proposed education centre;*
 - d) *Location of waste facilities.*
2. *The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 3. *The education centre may only operate between the hours of 8.00am to 10.00pm Monday to Friday (inclusive) and 8.00am and 5.00pm Saturday and Sunday (inclusive) unless the Responsible Authority gives consent in writing.*

4. *No more than 80 students and 10 staff may be on site at any one time.*
5. *Over 75% of students attending the education centre must be overseas students.*
6. *The use hereby permitted must not include the serving of meals to the general public.*
7. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin.*
8. *No form of public address system may be installed so as to be audible from outside the building/site.*
9. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
10. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
11. *Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The Waste Management Plan shall provide for:*
 - a) *The method of collection of garbage and recyclables;*
 - b) *Appropriate areas of bin storage on site and areas for bin storage on collection days;*
 - c) *Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
 - d) *Litter management.*

A copy of this plan must be submitted to Council.
12. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*

Expiry of Permit

This permit will expire if the following circumstance applies:

- *The use is not started within two years of the date of this permit.*

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

NOTES:

1. *Any external buildings and works ie installation of flues/mechanical equipment or signage will require a further planning permit from Council. The current permit relates to use only.*
2. *Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *A waste storage area of sufficient size to contain all rubbish receptacles must be provided. Waste storage must be sealed, graded and drained to the sewer.*
5. *Deliveries and waste collection must only be carried out within prescribed EPA guidelines.*
6. *Construction and performance of kitchen exhaust system must comply with AS 1668.2 (or as amended). The flue from the kitchen exhaust canopy must terminate at least 1 metre above the building line.*
7. *Motors for equipment and air-conditioning/heating units must be located where there is no noise nuisance created to neighbours or insulated/sound proofed.*
8. *A grease trap is to be provided and located outside in accordance with the relevant water authority requirements.*
9. *External wet areas or wash areas must be graded and drained to a sewer connection. Wastewater from these areas must not be discharged to the stormwater system.*
10. *Offensive odours must not be emitted from the premises.*
11. *All enclosed areas within or adjacent to the premises must only comply with the requirements of the Tobacco Act 1987 and any amendments or regulation made thereunder.*

and directs that the Applicant and the objector be given a notice of the Council's decision to grant the permit.

BACKGROUND

The subject site is located on the north side of Atherton Road, approximately 85 metres east of Atkinson Street, Oakleigh. The site is regular in shape with a frontage to Atherton Road of approximately 18 metres and overall site area of 504 square metres. See Attachment 1 for Locality Plan.

The site is occupied by a two storey office building with 16 car parking spaces located at ground level at the rear of the building. Access to the car parking is via a right of way to the north of the site that provides access to Atherton Road.

The building is presently occupied by a call centre for Carsales.com and has a total floor area of 1,300 square metres.

The subject site is located at the eastern end of the Oakleigh business centre. Surrounding land in Atherton Road is mainly used for offices. The land immediately to the east of the site is being developed for a 4 storey mixed use building with commercial space at ground level and dwellings at upper levels with at grade car parking.

Planning application TPA/35730 is also being reported to this Council meeting (Item 5.3) and proposes a 5 storey building comprising 2 shops and 45 apartments on the subject site. It is noted that there is no prohibition under the Planning and Environment Act for more than one application being lodged at the same time and being considered by Council for the same site. (Item 5.3).

PROPOSAL

It is proposed to use the existing building for the purpose of an Education Centre, which will train International Students in the hospitality industry particularly as chefs and waiters.

The application provides for the following:

- The centre is proposed to operate seven days a week between the hours of 8am and 11pm.
- A total of 200 students are proposed to be enrolled in the college with a maximum of 80 students on campus at any one time.
- A total of 10 staff are proposed.
- The trainer/student ratio is proposed to be 1:24.
- Students are required to attend the centre a total of 20 hours per week.
- Classes will be held in blocks of 4 hourly shifts:
 - Shift 1: 8am – 12pm
 - Shift 2: 1pm – 5pm
 - Shift 3: 6pm – 10pm
- A total of 16 car parking spaces are provided on site at the rear of the building with access from a right of way.

No external alterations to the building are proposed. See Attachment 2 for plans of the proposal.

POLICY IMPLICATIONS

The policies relevant within the Monash Planning Scheme for the current application include the following:

State Planning Policy Framework

Clause 12.01-2: Activity Centres

The subject site is located within the Oakleigh Major Activity Centre. A key objective of major activity centres is to broaden the base of activity in centres to include a wider range of services over longer hours.

In particular, Major Activity Centres should accommodate ongoing investment and change in retail, office, service and residential markets and should have:

- A mix of activities that generate high numbers of trips including business, retail, services and entertainment.
- Are well served by multiple public transport routes and are on the Principal Public Transport Network or capable of linking to that network.

Clause 17.01: Activity Centre

The key objective is to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.

Clause 18.02: Car Parking and Public Transport Access to Development

The key objective is to ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas.

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

Clause 21.03-2: Economic Development

The strategic vision is to develop sustainable employment opportunities and maintain Monash as the predominant business location in Melbourne's eastern region by supporting a proactive, progressive business community and creating attractive, convenient and vibrant business centres.

Zoning

The subject site is located within a Business 1 Zone under the provisions of the Monash Planning Scheme. A planning permit is required for an education

centre as the ground floor frontage exceeds 10 metres. In addition a planning permit is required for the reduction in the car parking requirement for the proposed use.

CONSULTATION

Notification of the application was sent by mail to owners and occupiers of land opposite and adjoining the site. One large notice was also displayed on the land.

One objection has been received to the proposal. The grounds of objection are summarised as follows:

- Increased noise due to the large number of people constantly coming and going from the education centre.
- Loss of privacy and security from people overlooking into the neighbouring property.
- Increased traffic congestion, which will obstruct access to other properties from the right of way.
- Odours being emitted from the kitchens.
- Increased waste and problems with storage of rubbish.
- Overcrowding and congesting of local amenities, transport services and other services.
- Increased danger due to the major increase in traffic from the adjacent laneways into the surrounding streets.
- Loss of property values.

The application was referred to Council's Traffic Engineering Section for comment. There is no objection to the proposal. In addition Council' Health Section require conditions to be placed on any permit issued.

ASSESSMENT

The use of the existing building for an education centre is consistent with State and local policies and the provisions of the Municipal Strategic Statement and will broaden the base of activity within the Oakleigh Centre.

The main issue for discussion is the provision of car parking for the proposed use.

Clause 52.06 of the Monash Planning Scheme identifies a car parking ratio of 0.6 spaces per full time student for a 'tertiary institution'. Using this ratio a total of 48 car parking spaces would be required on site for the current proposal.

Under the provisions of the Planning Scheme, Council is able to reduce or waive the statutory parking requirement provided Council is satisfied that the applicant can adequately justify the reduction.

A traffic report has been submitted with the application, which indicates that the likely car parking demand for the centre will be 13 car parking spaces. This in part is due to the characteristics of the students who will be attending the centre.

The report provides an assessment of data from similar educational establishments that have comparable student profiles of overseas students. Survey results indicate that the level of private motor vehicle ownership for the students is low with only 4% of students driving their cars to the facilities.

Accordingly a peak parking demand of 0.04 spaces per student has been adopted for the current application, which equates to a parking demand of 3 spaces if 80 students are proposed on site at any one time.

A total of 10 car parking spaces will be provided for the 10 staff proposed for the education centre.

Overall the report indicates that the 16 on site car parking spaces will adequately satisfy the proposed car parking demand.

Council's traffic engineers have indicated that they have no objection to the proposal and it is acknowledged that the Oakleigh Activity Centre is well serviced by public transport with four different bus routes operating along Atherton Road adjacent to the subject site and the Oakleigh Railway Station approximately 600 metres from the site.

In addition, as this facility is an educational establishment it is considered that the operators will be able to properly advise students to seek alternative means of transport to the motor vehicle. The low cost and convenience of public transport, particularly trains, will be attractive to international students and will result in low traffic generation.

Overall it is considered car parking for the proposal is considered satisfactory, provided a condition states that over 75% of students enrolled in the education centre must be overseas students.

A total of 5 bicycle parking spaces are proposed for the facility, which satisfies the requirements of the Planning Scheme. In addition it is noted that two bike racks, which can hold 4 bikes each are also available in Atherton Road along the frontage of the site.

Objection Response

- Increased Noise – The main pedestrian access to the building is from Atherton Road with 16 car parking spaces being accessed via a lane way at the rear of the site. However it is considered that the hours of operation which are proposed to be between 8am and 11pm, 7 days a week could lead to some disruption to residents in dwellings located at the rear of the laneway particularly at weekends. Accordingly the hours of operation should be limited to between 8am and 5 pm on a Saturday and Sunday with the operating hours ceasing at 10pm on week nights.

- Loss of Privacy and Security – The current application does not change the form of the existing building. Accordingly there will be no change in the current circumstances regarding these issues. The building is well set back from the laneway and there will be no increase in overlooking.
- Traffic Congestion – As the number of car parking spaces on site are not being altered, there will be no increase in traffic congestion. The majority of students will be travelling to the site by public transport.
- Increased Odours – If offensive odours were to emanate from the premises, compliance would be required under the relevant legislation.
- Increased Waste and Storage of Rubbish – Provision of a waste management plan would be required as a condition of any permit issued.
- Congestion on local amenities – The transport system and other services have the capacity to accommodate the subject proposal.
- Safety Issues – The proposal is expected to have a negligible impact on the local traffic network and the number of vehicles using the laneway to access the rear car park will not increase from the existing situation.
- Loss of Property Values – This is not a valid town planning consideration

CONCLUSION

The proposal for an education centre to be established within the existing building is considered satisfactory and will broaden the base of activities within the Oakleigh Major Activity Centre. It is recommended that a permit be issued subject to appropriate conditions.