

**5.4 17 – 55 DUERDIN STREET, NOTTING HILL – USE AND DEVELOPMENT OF A PORTION OF THE SITE AS A SPECIAL EDUCATION CENTRE**

(TPA/36279:LG:HM)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Cost of Development/Public Interest

Cost of Development : \$1,500,000.00

Statutory Processing Date : 1 August 2008

Preliminary Discussions: Yes

***RECOMMENDATION***

*The Council having caused notice of planning application No. TPA/36279 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 17-55 Duerdin Street, Notting Hill for the use and development of a portion of the site as a special education centre with associated car parking generally in accordance with the plans submitted with the application dated 2 June 2008, 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. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. No more than 50 students and 14 staff may be on site at any one time unless with the prior written permission of the Responsible Authority.*
- 3. 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.*
- 4. No drop off or pick up of students who attend the centre is to occur in Erawan Avenue.*
- 5. No form of public address system may be installed so as to be audible from outside the building/site.*
- 6. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must*

*be submitted to and approved by the Responsible Authority prior to the use commencing on the site. The plan must show the proposed landscape treatment of the site including:-*

- *the location of all existing trees and other vegetation to be retained on site,*
- *the location of any proposed trees,*
- *planting to soften the appearance of hard surface areas such as driveways and other paved areas,*
- *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.*

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

*7. Prior to and during construction of the above approved works, all necessary measures to protect trees to be retained on the site against construction works damage should be carried out in accordance with the arborist report by Treeologic Pty Ltd dated 7 February 2008.*

*8. Prior to the use of the site, the occupier 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 and approved by Council prior to the commencement of the use.*

*9. 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.*

**NOTES:**

- 1. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
- 2. 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.*

3. *Deliveries and waste collection must only be carried out within prescribed EPA guidelines.*
4. *Construction and performance of any exhaust system must comply with AS 1668.2 (or as amended). Any flues must terminate at least 1 metre above the building line.*
5. *Motors for equipment and air-conditioning/heating units must be located where there is no noise nuisance created to neighbours or insulated/sound proofed.*

*Expiry of permit:*

*In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*

- *The development and use are not started within two years of the date of this permit.*
- *The development is not completed within four years of the date of this permit.*

*In accordance with section 69 of the Planning and environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permits expires, or within three months afterwards.*

*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 Duerdin Street, approximately 340 metres east of Blackburn Road in Notting Hill. The application relates to the western portion of 17-55 Duerdin Street, which was formally used as Monash Secondary College. The site is irregular in shape with a frontage to Duerdin Street of approximately 79 metres and a depth of between 136 and 142 metres. The overall site area for the proposed use is 5930 square metres. See Attachment 1 for Locality Plan.

The portion of the site to be occupied by the use currently contains a large oval with the central portion of the site devoid of any vegetation. A number of trees of a significant size are located around the perimeter of the portion of the site.

The surrounding land to the east, south and west of the site is predominantly used for industry and offices. The land immediately to the north of the site is residential and contains a mixture of single and double storey detached dwellings on single blocks.

The site is serviced by public transport, with a number of bus services located within 500 metres of the site.

### ***PROPOSAL***

It is proposed to use a portion of the site as described above for a special education centre.

Details of the application are as follows:

- The land has been leased to Berengarra Special School for a period of five years.
- Berengarra Special School is a non-profit co-educational school that provides innovative educational programs to meet the needs of adolescents with social and emotional problems.
- The centre is currently located on Ferntree Gully Road in Glen Waverley.
- The Centre operates Monday – Friday between the hours of 8.30am and 3.30pm.
- A total of 15 staff are proposed (4 full time and 11 part time with a maximum of 14 staff will be present on site at any one time).
- The centre caters for a maximum of 50 students.
- A total of 17 car parking spaces are provided on site with access from Duerdin Street.
- Five detached buildings, a car park, and pedestrian access ways will be constructed on the site.
- Three trees will be removed from the site.

### ***POLICY IMPLICATIONS***

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

#### **State Planning Policy Framework**

Clause 11.03: Principles of Land Use and Development Planning

Clause 11.03-6 Social needs

Planning is to recognise social needs by providing land for a range of accessible community resources

Clause 18.07-Education Facilities

Education facilities should be located in areas, which are highly accessible to public transport.

Clause 19.03- Design and built form

## Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

Clause 21.09: Key Regional Assets

Clause 22.05: Tree Conservation Policy

Clause 52.06: Car parking

Under Clause 52.06 of the Monash Planning Scheme and Councils Car Parking Policy, a car-parking ratio for an education centre is not specified. Where a use is not specified, an adequate number of car parking spaces must be provided to the satisfaction of the Responsible Authority. To determine an adequate number the requirements for a secondary school has been used. Based on this, 1.2 spaces must be provided to each employee. The site has a maximum of 14 staff on site at any one time and therefore 16.8 spaces should be accommodated on the site. The proposal incorporates a total of 17 spaces, which is deemed adequate for the proposed use.

## Zoning

Subject to the provisions of the Monash Planning Scheme the subject site is zoned Public Use- Schedule 2 (Education). A planning permit is required for the use of the site as an education centre, as the use will not be carried out by or on behalf of the public land manager. In addition, a planning permit is also required to construct a building or construct or carry out works in this zone.

## ***CONSULTATION***

Notification of the application was sent by mail to owners and occupiers of land opposite and adjoining the site. Two large notices were also displayed on the land, one facing Duerdin Street, the other facing Erawan Avenue.

A public information meeting was held during the notification period and 18 residents attended the meeting.

Five objections have been received to the proposal. The grounds of objection are summarised as follows:

- The proposed development will block pedestrian access from Erawan Avenue to Duerdin Street.
- Loss of availability of on street car parking for other owners/occupiers and customers of adjoining businesses.
- Reduction of on site car parking spaces because of vehicle crossing points.
- Possible use of Erawan Avenue for drop off and pick up - high fence should be installed to prevent this.
- Possible increase in traffic.
- No provisions on site for drop off/pick up parking.

## ***ASSESSMENT***

The use of the site as a special education centre is considered to be consistent with State and Local policies and the provisions of the Municipal Strategic Statement and will service the needs of the community.

The proposed buildings and works are also considered to be appropriate as the portable buildings will be setback from the boundaries to ensure no adverse impact onto the Duerdin Street frontage or the residential properties to the north of the site. Sufficient on site car parking has been provided to the site.

The proposal to remove three trees from the site is considered to be acceptable as the arborist report produced by Treelogic Pty Ltd (7 February 2008) recommends that these trees be removed as they are in poor health. Appropriate replanting is proposed to compensate for the loss of vegetation.

### Objection Response

- The proposed development will block pedestrian access from Erawan Avenue to Duerdin Street.  
Fencing will allow access through the site.
- Loss of availability of on street car parking for other owners/occupiers and customers of adjoining businesses.  
An adequate amount of on site car parking has been provided for staff and any reduction in car parking in Duerdin Street is expected to be minimal and will be limited to a small portion of time in the morning and afternoon. It is noted that on street car parking should not be considered as of right. A sufficient amount of car parking is available for use by all road users.
- Reduction of on site car parking spaces because of vehicle crossing points.  
The proposal will result in one vehicle crossing being added to the street. While this will result in the loss of one car parking space, sufficient space is still available within the street to accommodate parking to meet the needs of surrounding land uses.
- Possible use of Erawan Avenue for drop off and pick up.  
The existing low fencing to the end of Erawan Avenue will be maintained. A condition will be added to any permit issued requiring that no drop off or pick up occur from the Erawan Avenue frontage.
- Possible increase in traffic.  
The proposed use will cater for a maximum of 50 students and 14 staff at any one time. This number is far below that which attended Monash Secondary College when it occupied the site.
- No provisions on site for drop off/pick up parking.  
Given the age of the students who attend the school, the majority of the students travel to and from the site by public transport. A sufficient amount of on street car parking is available to accommodate for those students who may be dropped off or picked up.

## ***CONCLUSION***

The proposal for an education centre to be established on the site is considered satisfactory and will service a need in the community. It is recommended that a permit be issued subject to appropriate conditions.