

5.4 320-322 & 324 HUNTINGDALE ROAD, HUNTINGDALE – BUILDINGS AND WORKS AND USE OF THE PREMISES AS A PLACE OF ASSEMBLY

(TPA/35781:MD:HM)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Council Interest

Statutory Processing Date : 10 May 2008

Preliminary Discussions: No

RECOMMENDATION

*The Council having caused notice of planning application No. 35781 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** under the provisions of the Monash Planning Scheme in respect of the land known and described as 320-322 & 324 Huntingdale Road, Huntingdale, for buildings works and use of the premises as a Place of Assembly generally in accordance with the plans submitted with the application and 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 use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 2. One or both of the entrances at 320 or 322 Huntingdale Road shall be utilised as the main pedestrian access to the premises.*
- 3. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*
- 4. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the existing internal drainage system.

- 5. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:*
 - a) a trench grate (175 mm minimum internal width) located within the property; and/or*

- b) *shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) *another Council approved equivalent.*
6. *Stormwater discharge is to be detailed on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.*
7. *Any new drainage work within the road reserve or right of way requires the approval of the Council's Engineering Division prior to the works commencing. One copy of the plans for the drainage works must be submitted to the Engineering Division prior to the commencement of works for our records.*
8. *The eastern side of the property shall be kept clear of gate posts, fencing or any other item which would potentially block vehicular access or which could be hit by a vehicle to the satisfaction of Council.*
9. *Wheel stops should be placed between the car park and concrete walkway at the rear of the buildings to prevent cars on the walkway to the satisfaction of Council.*
10. *Before the use and/or development starts, areas set aside for parked vehicles and access lanes shown on the endorsed plans must be:*
- a) *Constructed to the satisfaction of the Responsible Authority.*
 - b) *Properly formed to such levels that they can be used in accordance with the plans.*
 - c) *Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority.*
 - d) *Drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority.*
 - e) *Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
- Parking areas and access lanes must be kept available for these purposes at all times.*
11. *No fewer than 12 (twelve) car spaces are to be provided on the land for the use and development.*
12. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
- a) *transport of materials, good 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; and

- d) *parking of vehicles on the site, in the public car park or surrounding roads.*

13. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

14. To the satisfaction of the Responsible Authority the following hours of operation and patron numbers are permissible:

Office: 9 am to 10.30 pm attended by up to 5 persons.

Education: 5.00 pm to 9.00 pm weekdays and on weekends attended by up to 20 persons.

Prayers: 5.00 pm to 10.30 pm for scheduled prayer periods attended by up to 10 persons.

Weekly

Event: 12.30 pm to 2.30 pm attended by up to or about fifty (50) persons for the lecture followed by prayer.

Seminars: Weekends attended by not more than thirty (30) persons.

Social

Events: 7.30 am to 9.30 am on two (2) occasions per year on weekends with up to one hundred (100) persons attending social gatherings and on special Muslim occasions.

Library: 9 am to 10.30 pm.

15. To the satisfaction of the Responsible Authority, a: "Traffic Management Plan" shall be clearly displayed (in English and appropriate languages for all members) at the entry of the premises, which provides the following details with regard to parking management, a copy of which is to be provided to the Responsible Authority.

- For the Weekly Event, in preference to parking in the Huntingdale Road shopping centre or Hume Street, members are directed to park in areas to the south of the site including the off street car park on the north-east corner of Huntingdale Road and North Road and the on-street parking along North Road.*
- For Social Events held on weekends, in preference to parking in the Huntingdale Road shopping centre or Hume Street, members are directed to park in areas to the south and west of the site including the off street car park on the north-east corner of Huntingdale Road and North Road, the Huntingdale Railway Station car park opposite the site and the on-street parking along North Road.*
- At these peak demand times the on-site parking is reserved for designated members use. Where car parking spaces are available, members are encouraged to utilise these spaces in preference to other off site parking areas.*

- *At all other times the on-site parking is available for members' use, to be used in preference to other off-site parking areas.*

16. The existing buildings and any extensions thereto, shall comply with Victorian Building Regulations 1994, in relation to, the provision of adequate toilet and bathroom facilities for the use of 100 people both able and disabled; the provision of adequate pedestrian access and egress for both able and disabled persons; the provision of suitable ventilation; and the provision of suitable fire protection measures.

17. On the bi-annual occasions whereby up to 100 persons will be attending the premises, portable temporary amenity facilities (toilets etc) in accordance with the Victoria Building Regulations 1994 and Health Act 1985, shall be provided to the satisfaction of the Responsible Authority.

18. The premises are to be used substantially as a Place of Assembly. The use as a Place of Worship must be subservient to the dominant use.

NOTES:

- 1. Building approval must be obtained prior to the commencement of the above approved works.*
- 2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
- 3. Council records show that the property is liable to flooding. It is recommended that external doors are made water proof.*

Expiry of Permit

This permit will expire if one of the following circumstances applies:

- *The development and use is/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.*

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

BACKGROUND

The subject site is located on the east side of Huntingdale Road between North Road and Hume Street. The land has frontage to Huntingdale of 16.5 metres and is developed with three single storey shops. See Attachment 1 for locality plan.

Surrounding development comprises commercial development to the north and south and on the western side of Huntingdale Road. Small scale industrial development is located to the west of the site. Opposite the site is car parking associated with the Huntingdale Railway Station.

PREVIOUS APPLICATION

Planning Permit No 27191 was issued on 5 April 2001 at the direction of VCAT for the establishment of a place of assembly to be located at 320-322 Huntingdale Road, Huntingdale. It is noted that this permit related to only two shop premises at that time.

Condition 12 of the permit stated:

“The use of the land must cease on or before the 31 July 2001 unless the Responsible Authority gives consent in writing. This consent will be withheld if the premises are not completed at the time in compliance with the requirements of this permit.”

Council issued an extension of time at its meeting of 24 February 2004 which extended the permit until 31 July 2004.

It has come to Council’s attention that the permit has now lapsed. Accordingly the applicant has applied for a new permit which now incorporates a third shop located at 324 Huntingdale Road.

PROPOSAL

The proposal is for the use of the three premises as a Place of Assembly for the continued use by the Australia Bangladesh Islamic Council Incorporated (ABIC). The activities of the ABIC are as follows:

Office: Maintain an informal office to coordinate affairs. This is generally open between 5.00pm to 10.30pm and attended by some committee members and volunteers (2 to 5 people).

Education: Provide religious and language education to children. This mostly occurs after hours from 5.00pm to 9.00pm and on weekends. Approximately 10-20 children attend.

Prayers: Teach and practice prayers which is an integral component of the Muslim faith and office bearers and patrons present at the premises offer their prayers in between other activities as necessary. Approximately 10 people attend mostly after business hours.

Weekly Event: A lecture followed by prayer. This weekly event occurs on Friday between 12.30pm to 2.30pm with approximately 50 people attending.

Seminars: Seminars are held to enlighten and educate people, on religious issues. Seminars occur monthly or a few times during weekends. Approximately 30 people attend.

Social Events: Social gatherings are organised on special Muslim occasions. Social gatherings occur twice a year on weekends in the early morning between 7.00am to 9.30am with approximately 100 people attending.

Library: Maintain religious books and literature for members to study.

The current application also includes the conversion of the existing premises at 324 Huntingdale Road to be utilised as part of the place of assembly. Two openings are proposed between the walls of 322 and 324 Huntingdale Road. In addition the building at 324 Huntingdale Road is to be extended to the rear.

The numbers of people anticipated to attend the Centre will not be increased from that previously approved.

A total of 12 car parking spaces (6 in tandem) are located at the rear of the premises with access from a 3 metre wide right of way from Hume Street.

See Attachment 2 for proposed plans.

POLICY IMPLICATIONS

The policies relevant to the current application include the following:

State Planning Policy Framework

Clause 12: Metropolitan Development

This clause gives expression to Melbourne 2030 by providing specific objectives and strategies for Metropolitan Melbourne. Strategies include defining the role and function of activity centres. The subject site is located within a small strip shopping centre designated as a Neighbourhood Activity Centre. Among other things, a Neighbourhood Activity Centre should have a mix of uses to meet local convenience needs, are accessible by local bus services with public transport links to Principal and Major Activity Centres and are an important community focal point.

Clause 14: Settlement

Clause 17.01: Activity Centres

The 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 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 21.06: Retail

Council intends to maintain and enhance a cosmopolitan range of business activity centres to continue to meet the community needs and preferences for retail, entertainment, office and other commercial services. These activities will contribute to the level of economic activity and employment, and provide attractive environments to the community. One key issue is some smaller centres are declining in retail activity. Their changing role in the economy should be supported through appropriate planning provisions.

Zoning

The subject site is located within a Business 1 Zone under the Monash Planning Scheme. A planning permit is required for the use of the site as a Place of Assembly.

Under Clause 34.01-4 a planning permit is also required for buildings and works.

It is noted that the purpose of the zone is:

- To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

Huntingdale Road is located within a Road Zone, category 1.

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. No objections have been received.

ASSESSMENT

The use of the premises for a Place of Assembly is considered satisfactory given the location of the site at the edge of a Neighbourhood Activity Centre and adjacent to industrially zoned land. The use has been operating from the site for the past 7 years.

The main issue for consideration is the matter of car parking.

The current application provides for 12 on site car parking spaces, 6 in tandem, accessed from a right of way from Hume Street. This is an increase of 4 spaces

(2 in tandem) compared to the previous permit, as the land at the rear of 324 Huntingdale Road is now also available for parking.

There is no intention of increasing the number of members attending the centre at any one time and it is noted that a condition was placed on the previous permit to control overall numbers. Accordingly it is considered the same condition should be placed on any approval issued.

Condition 15 of the lapsed permit requires a “*Traffic Management Plan*” to be clearly displayed at the entry of the premises to provide the following:

- For the Weekly Event, in preference to parking in Huntingdale Road shopping centre or Hume Street, members are directed to park in areas to the south of the site including the off street car park on the north-east corner of Huntingdale Road and North Road and the on-street parking along North Road.
- For Social Events held on the weekends, in preference to parking in the Huntingdale Road shopping centre or Hume Street, members are directed to park in areas to the south and west of the site including the off street car park on the north-east corner of Huntingdale Road and North Road, the Huntingdale Railway Station car park opposite the site and on-street parking along North Road.
- At these peak demand times the on-site parking is reserved for designated members use. Where car parking spaces are available, members are encouraged to utilise these spaces in preference to other off site parking areas.
- At all other times the on-site parking is available for members’ use, to be used in preference to other off-site parking spaces.

This condition should also be placed on any permit issued as the right of way is used by premises located within the industrial area to the east and south of the subject site and clear access should be maintained at all times.

Advice from Council’s Local Laws Section is that since the opening of the centre in 2001, three complaints have been received where vehicles have been obstructing the laneway. This number of complaints is not considered to constitute a major concern.

To reduce any the likelihood of any reoccurrence it is recommended that the Traffic Management Plan be written in other languages as well as English to ensure all members are adequately informed.

Accordingly it is considered that car parking is satisfactory provided the Traffic Management Plan is maintained at the entry of the premises which clearly indicates the areas for parking to minimise amenity impacts on the surrounding area.

CONCLUSION

Overall the proposal is considered satisfactory and provides for an important community meeting place, which is appropriately located at the periphery of the Huntingdale Road Neighbourhood Activity Centre. It is recommended that the application be approved subject to similar conditions being placed on the permit as required under the previous permit.