

5.12 101 NORMANBY ROAD, NOTTING HILL – DEVELOPMENT OF A 120 PLACE CHILDCARE CENTRE AND ASSOCIATED CAR PARKING AND PLAYGROUNDS

(TPA/36791:MM:RMK)

Ward : Oakleigh

Responsible Director: Paul Kearsley

Reason for Council Consideration: Cost of Development \$4 million

Statutory Processing Date : 13 January 2009

Pre-Application Discussion: Yes

RECOMMENDATION

That Council having considered Section 52 of the Planning and Environment Act 1987 and being satisfied that the grant of a permit would not cause material detriment to any person has not required that notice be given for Planning Application No. 36791.

*The Council having considered planning application No. 36791 and 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 101 Normanby Road, Notting Hill, for the purpose of the development of a 120 place childcare centre and associated car parking and playgrounds 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. Before the development and 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) Greater detail on the plans of the proposed 1.8 metre high fence that is setback 7.6 metres from the front (western) property boundary.*
- b) The new crossing a minimum of 1 metre clearance from any services in the naturestrip;*
- c) The location of any external plant/mechanical equipment located on the site and if located above the roof, details of screening which must be integrated as part of the architectural style of the building;*
- d) The location and design of any proposed electricity supply meter boxes/kiosks. The electricity supply meter boxes/kiosks must be located at a distance from the street which is at or behind the setback alignment of buildings on the site or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash";*
- e) The location of gas and water meters;*

- f) *The location of any fire hydrants, booster assemblies, sprinkler control valves or booster assemblies which may be required and details of screening;*
- g) *Modification to the proposed vehicle crossing so that the crossing is located at least 13 metres clear of the front of the bus stop, to allow a bus to prop without adversely affecting the access to the development.*
- h) *The provision of a minimum of 39 on-site car parking spaces.*
2. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *No more than 120 children may be cared for in the childcare centre.*
4. *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 commencement of any works. 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*
 - *provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development*
 - *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*
 - *the location and details of all fencing*
 - *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - *details of all proposed hard surface materials including pathways, patio or decked areas*
- When approved the plan will be endorsed and will then form part of the permit.*
5. *Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
6. *Before the use permitted is commenced, areas set aside for parked vehicles and access lanes as 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.

7. *The driveway and parking area should be designed in accordance with Australian Standard for Off-Street Parking, AS/NZS 2890.1-2004, apart from the dimensions of car parking spaces and associated accessways which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.*
8. *The gradient on and near access driveways should be a maximum of 1 in 20 (5%) between the edge of the frontage road and the property line, building alignment or pedestrian path and for at least the first 6 metres into the car park.*
9. *The proposed crossing is to be constructed in accordance with City of Monash standards.*
10. *Any redundant vehicle crossings must be removed and the area reinstated with appropriate kerbing and channelling and then sown with grass to the satisfaction of the Responsible Authority.*
11. *Disabled access to the building and all access ramps 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.*
12. *The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:*
 - *Monday to Friday (inclusive) – 7am to 6pm;*
 - *Saturday – 9am to 1pm;*
 - *Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);**unless otherwise approved in writing by the Responsible Authority.*
13. *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. The Waste Management Plan shall provide for:

- a) The method of collection of garbage and recyclables for the use;*
- b) Designation of methods of collection including the need to provide for private services;*
- c) Appropriate areas of bin storage on site and areas for bin storage on collection days;*
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;*
- e) Litter management.*

A copy of this plan must be submitted to Council.

- 14. The loading and unloading of goods from vehicles must only be carried out on the land.*
- 15. Vehicles under the control of the operator of the use or the operator's staff must not be parked on the nearby roads.*
- 16. No form of public address system may be installed so as to be audible from outside the building/site.*
- 17. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
- 18. 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.*
- 19. 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.*
- 20. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.*
- 21. 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 the driveway onto the footpath. Such a system may include either:*
 - a) a trench grate (175mm 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.

22. *Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from the City of Monash, the Responsible Authority, prior to works commencing.*
23. *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 conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the south-west corner of the property where it must be collected and free drained to the 675 mm Council drain via the existing pit in Normanby Road to be constructed to Council Standards.

24. *Any new drainage work within the road reserve or connections into a Council easement drain requires the approval of Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of \$1000 is to be paid prior to the drainage works commencing.*

Expiry of Permit

Notes:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
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. *No structures, building works, paving or similar are to be constructed over the western most easement.*
5. *A drainage contribution will not be accepted in lieu of a detention system.*
6. *Stormwater detention requirements may be obtained from the City of Monash prior to the design of any stormwater detention system.*
7. *Prior to any work being carried out on-site the owner is to confirm the*

precise location of the point of discharge. If the point of discharge cannot be located then the City of Monash Engineering Division must be notified immediately of the discrepancy so that the issue can be resolved.

8. *Engineering permits must be obtained for new or altered vehicle crossings and for new or altered connections to Council drains and these works are to be inspected by Council. (telephone 95183409).*
9. *Tree planting should be kept clear of the drainage easement.*
10. *A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifiers registration number must be included on the certificate.*

BACKGROUND

The subject site is located on the eastern side of Howleys Road, approximately 42.5 metres to the north of Normanby Road in Notting Hill. The site is in close proximity to Ferntree Gully Road (to the north) and Blackburn Road (to the east).

Refer to Attachment 1 for Locality Map.

The site is part of a larger block of land that also encompasses the student accommodation facilities of Normanby House for Monash University on its eastern side. The area of land allocated for the proposed development is currently vacant, located towards the north-west end of the broader allotment, rectangular in shape and has an area of 8,888m². The frontage to Howleys Road is 91.9 metres, the shared boundary with 52 Howleys Road to the north is 105.2 metres and the southern boundary is 89.8 metres in length.

The site has a fall of 3.3 metres from the north to the south and is encumbered by a number of trees as well as a 2.41 metre wide easement that runs parallel with the front length of the property.

The immediate neighbours to the north and west of the site are commercial premises, to the east is the student accommodation for Monash University and to the south is the Monash University Clayton Campus.

PROPOSAL

An application has been received for the development of a 120 place childcare centre together with associated car parking and playgrounds. It is intended that two existing childcare facilities within the university, with a total of 75 childcare places, will be closed and relocated into the new centre. The plans submitted with the application provide for the following (Attachment 2):

- A single storey building form, setback 7.6 metres from the Howleys Road frontage, 30metres from the northern boundary of the site, 12.5 metres from Normanby House and 71 metres to Normanby Road.
- The building is located with an east/west orientation and is made up of two wings comprising:
 - 3 x 10 place long day care babies/toddlers rooms;
 - 4 x 15 place long day care rooms for 2-5year olds incorporating a 30 place kinder room separated by an operable wall;
 - 2 x 15 place sessional care rooms;
 - 1 x multi purpose 50m² room incorporating 21m² for an interview/consulting room;
 - 1 x dedicated interview/consulting room; and
 - associated staff, administration, kitchen, bathroom and playground facilities.
- Playgrounds are located to the north of the site with direct access to the playrooms.
- Access to the site is via a 6 metre wide driveway from Howleys Road located at the southern edge of the site.
- An on grade car parking area for 29 cars has been provided, including 1 disabled space.
- Trees have been retained and incorporated into the design of the building where possible.
- All playground areas will be fenced with minimum 1500mm high non scalable fencing.
- Whilst the plans submitted with the application detail a “timber paling fence” setback 7.6 metres from the Howleys Road frontage, the report submitted with the application details that it is proposed that this fence be 1800mm high, timber picket fencing constructed from either recycled or radial sawn timbers allowed to grey off naturally.

Private commercial waste collection will be arranged during ordinary business hours, at a time that does not conflict with peak pick up and drop off times.

The applicant advises that a maximum of 31 staff will be on site at any one time. Of these staff members, 27 are full time and 4 are part time. The hours of operation will be from 7am to 6.30pm Monday to Friday. Activities in the foyer and multi-purpose room may operate beyond these hours.

The building form is contemporary in style with rendered walls and a low pitched roof form. Randomly angled columns support skillion roofs to the northern playground verandahs.

The centre is to be owned and operated by Monash University Clayton.

POLICY IMPLICATIONS

The policies relevant to the current application under the provisions of the Monash Planning Scheme 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 and broadening the base of activity in centres that are currently dominated by shopping to include a wider range of services over longer hours by locating new small scale education, health and community facilities that meet local needs in or next to Neighbourhood Activity Centres.

Clause 14.01: Planning for Urban Settlement

Clause 15.12: Energy Efficiency

Clause 15.06 Soil Contamination

'To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.'

Clause 18.02: Car parking and public transport access to development

'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.'

Clause 19.03: Design and Built Form

'Development should achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.'

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

The City of Monash is characterised by its garden city character, which is predominant in residential areas and higher quality commercial areas. In respect to demographics the City has a high proportion of families with dependent children.

Clause 21.03-3: Garden City Character

This clause particularly requires that the Garden City Character is to form a central component of land development especially when considering aspects such as setbacks of buildings from roads, public spaces and other buildings, the

mass and scale of building envelopes, well designed building facades, canopy tree landscaping and location of car parking and accessways.

Clause 21.03-4: Strategic Framework Plan

Among other things the objectives of the plan include the enhancement of the Garden City Character and enhancement of accessibility to services and facilities.

Clause 22.03: Industry and Business Development and Character Policy

This policy promotes the enhancement of the Garden City Character of Industrial and Business Areas. The subject site is located within Industry Character Area Type 3 which derives its character from post World War Two and contemporary industrial, commercial and retail development in self contained subdivisions with a grid pattern on undulating topography. The desired future character statement states that areas should continue to develop as a modern industrial and technology park within an attractive landscape setting containing a large number of large, mature, native trees. The main road frontages should be well landscaped and contain high profile businesses that should prevent a positive public image of the municipality to road users.

Clause 22.05 Tree Conservation Policy

'To promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash.'

Clause 52.06 Car Parking

'A new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.'

Clause 52.34 Bicycle Parking

A specific rate for childcare facilities is not provided within the Planning Scheme, however 4 bicycle parking spaces have been provided on site, as have shower facilities to encourage cycling as an alternate mode of transport.

Zoning

The subject site is located within a Business 3 Zone under the Monash Planning Scheme. A planning permit is required for a childcare use as well as all buildings and works. The purpose of a Business 3 Zone is to:

'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies; and,

To encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.'

The land is also covered by the Design and Development Overlay-Schedule No.1. Decision guidelines and setback requirements are included in the overlay. In this instance, a front setback of 7.6 metres is prescribed.

CONSULTATION

Due to the location of the site within an established business and industry area, well situated away from property boundaries and comprising of low scale building form, it was not considered necessary to advertise the application. It is considered that the development of the proposal would be unlikely to cause material detriment to any person/s.

The application was referred internally to Council's Drainage, Health and Traffic divisions for comment. A number of standard conditions are required to be placed on the permit. Council's Traffic division have highlighted concern with the location of the proposed vehicle crossing within close proximity to an existing bus shelter. Modification to the crossing is possible and can be conditioned.

ASSESSMENT

The proposal complies with state and local policies and the provisions of the Municipal Strategic Statement and supports the strategic directions as contained within Melbourne 2030.

Design and built form

The proposed building is well setback from property boundaries and is of high architectural standard and urban design. The building has been designed along passive solar principles and additional ESD principals will be incorporated in the building including the use of on site rain water collection.

Use

The location of a childcare facility within a business/industry area will be convenient to the surrounding workforce, in particular Monash University, and will provide a much needed facility. It is not considered that the use will conflict with existing surrounding uses.

Soil Contamination

Given the land zoning, location and identified potential for potentially contaminated fill material at the site, an Environmental Site Assessment has been undertaken by Coffey Environments.

The Environmental Site Assessment has identified that fill had previously been used to cover the site, to a maximum depth of 0.85m below ground surface. However the report concludes that the risk of soil contamination at this site is sufficiently low as to not preclude the use of the site as a licensed childcare facility.

Car Parking

The Monash Planning Scheme does not specify a car parking ratio for childcare centres, however, under Council's Car Parking Policy the number of spaces

required is one space to each full-time staff member, one space to each two part-time staff members and one pick up/drop off car space for every 10 children on site.

Using these rates car parking is required as follows:

	Number of staff / children	Car Parking Required
Staff	27 full time staff 4 part time	29 spaces (1 space/full time & 1 space/two part time)
Pick up/drop off space	130 children	13 spaces (0.1 spaces per child)
TOTAL		39

The proposed provision of 29 spaces will not satisfy the projected car parking demand for the site. Given the layout and location of parking, and the land area set aside for the development, it is considered that the proposed car park area can be extended eastwards and the provision of 39 car parking spaces easily be accommodated on-site. This can be required by planning permit condition.

Existing Vegetation

A number of trees are present throughout the site, particularly surrounding the proposed building. An Arborist report has been submitted with the application. Of the six trees to be removed as part of the proposal, none of these trees are identified as being significant. Where appropriate, trees have been retained and the roof/verandah structures have been designed to accommodate their form.

CONCLUSION

The proposed development is considered appropriate to the site. Adequate car parking can be achieved and a suitable landscape treatment of the site can be provided. The proposal will also meet some of the growing demand for childcare facilities within the municipality. Accordingly, it is recommended that a planning permit be issued subject to appropriate conditions.