

**STATUTORY PLANNING COMMITTEE**  
**16 NOVEMBER 2009**

<b>2.</b>	<b>14 DICKENS STREET, ELWOOD</b>
<b>ADDRESS:</b>	<b>14 Dickens Street, Elwood</b>
<b>PROPOSAL:</b>	<b>To use the land as an education centre (primary) for 50 students and 4 staff members</b>
<b>WARD:</b>	<b>Catani</b>
<b>NEIGHBOURHOOD:</b>	<b>St Kilda</b>
<b>TRIGGER FOR COUNCIL REPORT:</b>	<b>More than 15 objections</b>
<b>APPLICATION NO.:</b>	<b>690/2009</b>
<b>APPLICANT:</b>	<b>Network Planning Consultants</b>
<b>EXISTING USE:</b>	<b>Disused club room</b>
<b>ABUTTING USES:</b>	<b>Residential</b>
<b>ZONING:</b>	<b>Residential 1</b>
<b>OVERLAYS:</b>	<b>Nil</b>
<b>RESPONSIBLE EXECUTIVE DIRECTOR:</b>	<b>George Borg, Manager, City Development</b>
<b>AUTHOR:</b>	<b>Ashley Treloar, Urban Planner</b>

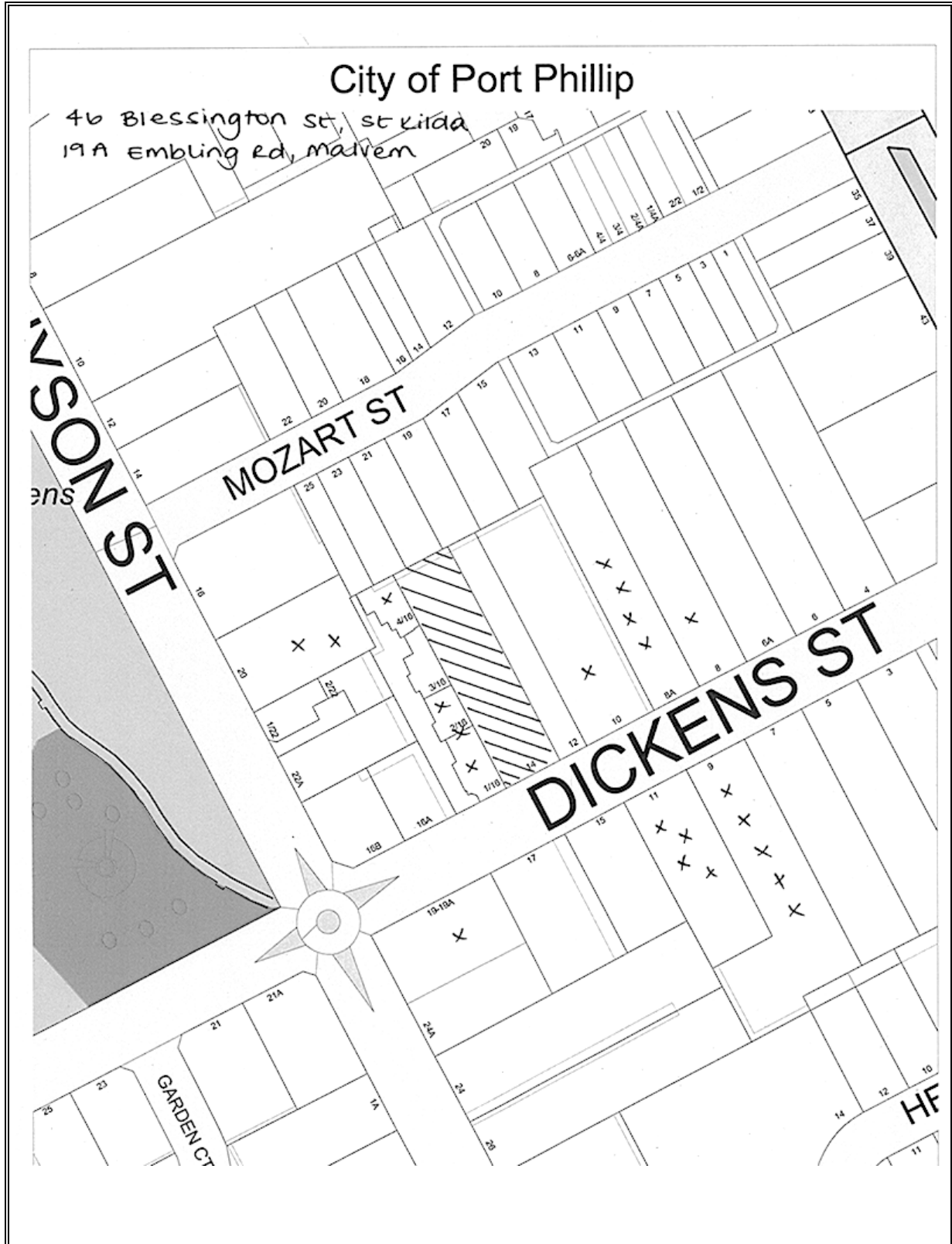
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**1. EXECUTIVE SUMMARY:**

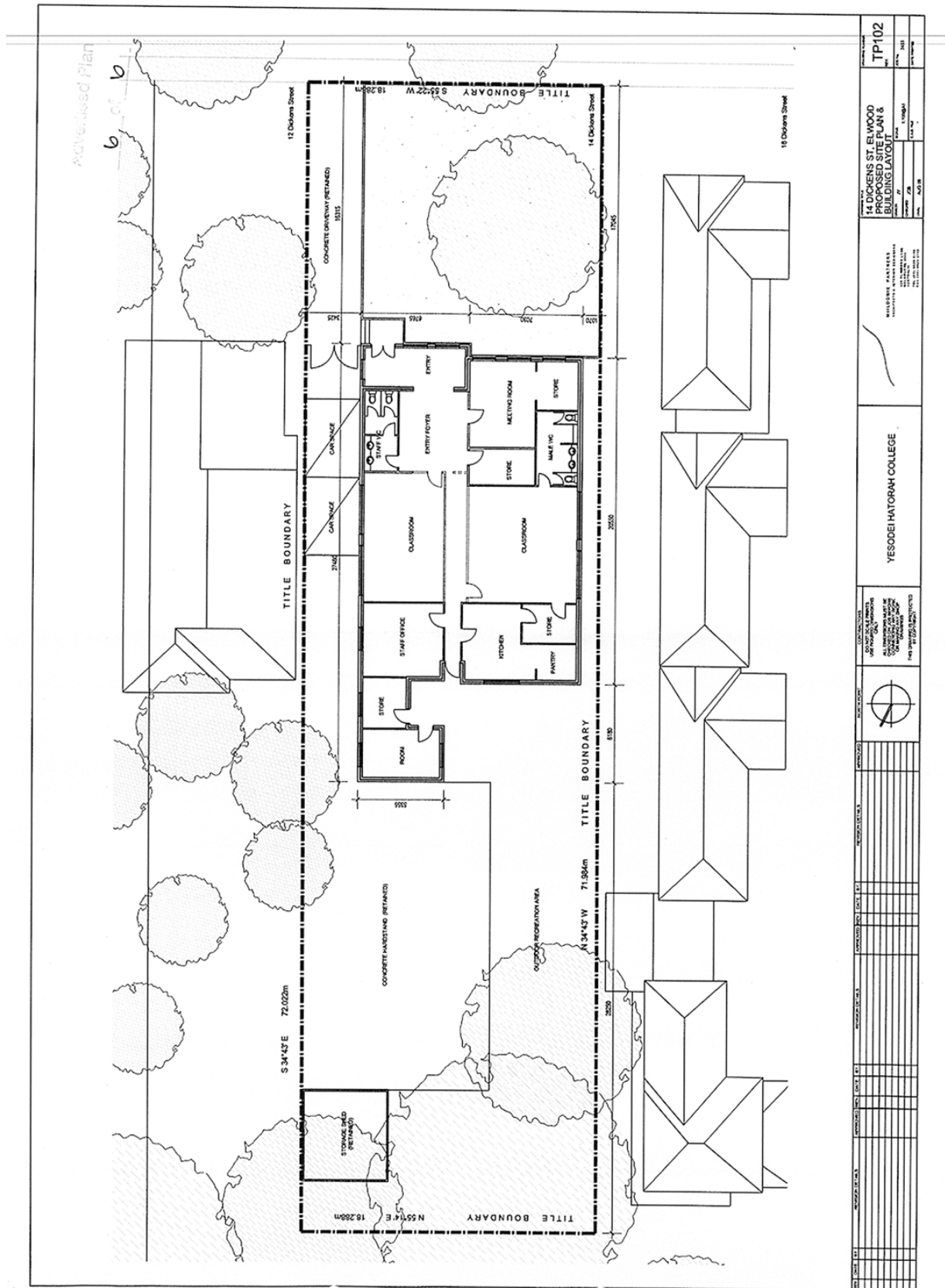
- 1.1. As lodged, the application sought approval to temporarily use disused club rooms on the subject site as an education centre (primary) for 50 students and 4 staff members. The education centre was to be open between 8am and 6pm Monday to Friday, and between 9.15am to 1.30pm Sunday. This has since been reduced. The education centre would require dispensation for the car parking rate required by the Scheme.
- 1.2. The temporary use is required until a classroom building is constructed at the main campus at 39 Dickens Street or other strategies are put in place. It is anticipated the site will be required for a period of up to three years.
- 1.3. In response to objections, the permit applicant has offered concessions to address concerns regarding the nature of the use, hours, amenity, parking and traffic.
- 1.4. The application is supported subject to conditions to restrict the use and protect the amenity of area, in line with the concessions offered by the applicant.

**KEY ISSUES**

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|-------------------------|
| 1. Parking and Traffic. |
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- Subject Site
- Objectors in proximity
- Supporters in proximity
- ↑ North



<p>14 DICKENS ST. ELWOOD                  PROPOSED PLAN &amp;                  BUILDING PERMIT</p>		<p>TP102</p>
<p>WALSH &amp; ASSOCIATES                  ARCHITECTS &amp; ENGINEERS                  111/113 ST. ALBANS ST.                  ELWOOD VIC 3011</p>	<p>DATE: 10/11/09                  SCALE: 1:500                  DRAWN BY: J.A.                  CHECKED BY: J.A.</p>	<p>NO. 1                  DATE: 10/11/09</p>
<p>YESODEI HATORAH COLLEGE</p>		
<p>CONTRACT NO. 14/09                  PROJECT NO. 14/09                  ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED                  THIS PLAN IS UNLAWFUL IF USED FOR ANY OTHER PURPOSE</p>		
<p>NO. 1</p>	<p>NO. 2</p>	<p>NO. 3</p>
<p>NO. 4</p>	<p>NO. 5</p>	<p>NO. 6</p>
<p>NO. 7</p>	<p>NO. 8</p>	<p>NO. 9</p>
<p>NO. 10</p>	<p>NO. 11</p>	<p>NO. 12</p>
<p>NO. 13</p>	<p>NO. 14</p>	<p>NO. 15</p>
<p>NO. 16</p>	<p>NO. 17</p>	<p>NO. 18</p>
<p>NO. 19</p>	<p>NO. 20</p>	<p>NO. 21</p>
<p>NO. 22</p>	<p>NO. 23</p>	<p>NO. 24</p>
<p>NO. 25</p>	<p>NO. 26</p>	<p>NO. 27</p>
<p>NO. 28</p>	<p>NO. 29</p>	<p>NO. 30</p>
<p>NO. 31</p>	<p>NO. 32</p>	<p>NO. 33</p>
<p>NO. 34</p>	<p>NO. 35</p>	<p>NO. 36</p>
<p>NO. 37</p>	<p>NO. 38</p>	<p>NO. 39</p>
<p>NO. 40</p>	<p>NO. 41</p>	<p>NO. 42</p>
<p>NO. 43</p>	<p>NO. 44</p>	<p>NO. 45</p>
<p>NO. 46</p>	<p>NO. 47</p>	<p>NO. 48</p>
<p>NO. 49</p>	<p>NO. 50</p>	<p>NO. 51</p>
<p>NO. 52</p>	<p>NO. 53</p>	<p>NO. 54</p>
<p>NO. 55</p>	<p>NO. 56</p>	<p>NO. 57</p>
<p>NO. 58</p>	<p>NO. 59</p>	<p>NO. 60</p>
<p>NO. 61</p>	<p>NO. 62</p>	<p>NO. 63</p>
<p>NO. 64</p>	<p>NO. 65</p>	<p>NO. 66</p>
<p>NO. 67</p>	<p>NO. 68</p>	<p>NO. 69</p>
<p>NO. 70</p>	<p>NO. 71</p>	<p>NO. 72</p>
<p>NO. 73</p>	<p>NO. 74</p>	<p>NO. 75</p>
<p>NO. 76</p>	<p>NO. 77</p>	<p>NO. 78</p>
<p>NO. 79</p>	<p>NO. 80</p>	<p>NO. 81</p>
<p>NO. 82</p>	<p>NO. 83</p>	<p>NO. 84</p>
<p>NO. 85</p>	<p>NO. 86</p>	<p>NO. 87</p>
<p>NO. 88</p>	<p>NO. 89</p>	<p>NO. 90</p>
<p>NO. 91</p>	<p>NO. 92</p>	<p>NO. 93</p>
<p>NO. 94</p>	<p>NO. 95</p>	<p>NO. 96</p>
<p>NO. 97</p>	<p>NO. 98</p>	<p>NO. 99</p>
<p>NO. 100</p>	<p>NO. 101</p>	<p>NO. 102</p>

**2. BACKGROUND:**

- 2.1. In October 2006, Planning Permit No. 768/2006 was issued for the construction of a new classroom building and associated waiver of car parking at 39 Dickens Street, Elwood (Yesodei HaTorah College).
- 2.2. In November 2007, an extension of time was approved. The time in which the works may commence was extended by 2 years from 18 October 2007 to 18 October 2009.
- 2.3. In August 2009, a second extension of time was approved. The time in which the works may commence was extended by a further 2 years from 18 October 2009 to 18 October 2011.

**3. PROPOSAL (AS ADVERTISED):**

- 3.1. The subject site is approximately 1,332m<sup>2</sup> in area and contains a disused club room (318m<sup>2</sup>). The building includes a large central club room, meeting room, office, store room, kitchen, and male and female bathrooms. The building would be internally altered to provide two classrooms. No external buildings or works are proposed. The rear outdoor area (565m<sup>2</sup>) would provide adequate space for students' morning tea / lunch time activities and physical education.
- 3.2. The proposed education centre would have up to 50 students and 4 staff members at any one time. The proposal would not increase the number of students or staff at the College, but is intended to ease accommodation issues at the main campus.
- 3.3. The education centre would be open between 8am and 6pm Monday to Friday and between 9.15am and 1.30pm Sunday.
- 3.4. The education centre would provide two on-site tandem car spaces along the northeast boundary.
- 3.5. No buildings or works are proposed.
- 3.6. A second and separate planning permit application No. 791/2009 has already been lodged with Council for a redevelopment of the site with a multi-storey multi-dwelling development.

**4. SUBJECT SITE AND SURROUNDS:**

Subject site:

- 4.1. The subject site is 14 Dickens Street, Elwood. The site is located on the north side of Dickens Street between Tennyson Street and Brighton Road. The site is rectangular in shape with a southeast-to-northwest orientation. The site is approximately 1,332m<sup>2</sup> in area. The site has an 18.3m frontage to Dickens Street and depth of 72.8m.
- 4.2. The site contains a single-storey building with rendered brick walls and a terracotta tiled hipped roof. The front façade has a parapet-walled portico with round-arched openings. The building has a 0.6m high rendered masonry wall / front fence.

- 4.3. The building is setback 16.3m from the front boundary.
- 4.4. The site has an existing crossover and concrete driveway with space for two tandem vehicles.
- 4.5. The single-storey building was originally a dwelling, but was later altered and used as a place of assembly. Between 1968 and October 2008 the Betar Youth Movement and a number of other Jewish cultural organisations occupied the building.
- 4.6. The building has an entrance foyer, large central club room, kitchen, male and female bathrooms, meeting room, office and store rooms. The building is approximately 318m<sup>2</sup>.
- 4.7. The rear outdoor area is approximately 565m<sup>2</sup>. There are three large canopy trees at the rear of the property. There is a large area of concrete paved hardstand along the northeast side and lawn along the southwest side. A small storage shed abuts the northeast boundary towards the rear of the site.

Surrounds:

- 4.8. Dickens Street is a tree-lined, established residential street with restricted parallel parking on both sides.
- 4.9. The streetscape includes a mix of two and three-storey flats, two-storey town houses and single-storey dwellings. The style and built form of the buildings vary.
- 4.10. Approximately 75m to the southwest, on the opposite side of Tennyson Street is the St Kilda Botanical Gardens. There is restricted 60 degree angled parking surrounding the gardens.
- 4.11. Approximately 300m to the southwest, on the opposite side of Dickens Street is the Yesodei HaTorah College and associated synagogue (35-39 Dickens Street, Elwood).

Adjoining properties:

- 4.12. 12 Dickens Street contains a single-storey dwelling. The dwelling has a 16.3m front setback, in-keeping with the subject building. The dwelling has on-site car parking within the front setback behind the high front fence. The dwelling has approximately 270m<sup>2</sup> of rear secluded private open space.
- 4.13. 16 Dickens Street contains 4 two-storey townhouses. The dwellings have a common driveway along the southwest boundary. The dwellings have secluded private open space and habitable room windows adjoining the northeast (shared) boundary.
- 4.14. At the rear of the subject site is the secluded private open space of the dwellings fronting Mozart Street.

**5. PORT PHILLIP PLANNING SCHEME PROVISIONS:**

Residential 1 Zone:

- 5.1. Pursuant to Clause 32.01 (Residential 1 Zone), a planning permit is required to use the land as an education centre.
- 5.2. One of the purposes of the Residential 1 Zone is:
  - In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Car Parking:

- 5.3. Pursuant to Clause 52.06 (Car Parking), the car parking rate for a primary school is 1 space per employee.

Bicycle Facilities:

- 5.4. Pursuant to Clause 52.34 (Bicycle Facilities), 1 bicycle space is required to each 20 employees and 1 bicycle space is required to each 5 pupils over year 4.

State Planning Policy Framework:

- 5.5. Clause 11.03-6 – Social Needs:
  - Planning is to recognise social needs by providing land for a range of accessible community resources, such as affordable housing, places of employment, open space, and education, cultural, health and community support facilities. Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and developments and quality of urban design.
- 5.6. Clause 18.07 – Educational Facilities objective and general implementation:
  - To assist the integration of education facilities with local and regional communities.
  - Primary education facilities should be located to maximise access by walking.

Local Planning Policy Framework:

- 5.7. Clause 21.05-5 – Residential Land Use, municipal wide strategies include:
  - Ensure that non-residential uses (such as service stations and medical centres) continue to be limited in established residential areas and located on main roads.
  - Ensure that new non-residential uses, where permitted, do not result in a loss of amenity for residential properties, particularly as a result of increased traffic and parking demand.

**6. REFERRALS:**

- 6.1. No internal or external referrals were required.

**7. PUBLIC NOTIFICATION:**

- 7.1. Council gave notice of the proposal by mail to the owners and occupiers of the surrounding properties and directed that the applicant give notice of the proposal by posting one notice on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

- 7.2. The application received 25 objections.

- 7.3. The objections raised the following concerns (summarised):

Non-residential use in a residential street.

The proposed use on Sundays between 9.15am and 1.30pm.

Excessive noise.

Insufficient on-site car parking for staff.

Inadequate on-street parking for parents to drop-off and pick-up their children.

Traffic congestion and safety concerns.

**8. CONSULTATION:**

- 8.1. A consultation meeting was held on the 22 October 2009 attended by the Ward Councillor, 9 objectors, the applicant and planning officers.

- 8.2. Having read and considered the concerns raised by the objectors the applicant offered the following concessions (at the meeting and in writing):

A “sunset” condition that the permit / use would expire in three years.

That the number of students be reduced from 50 to 40.

That the hours be revised as follows:

8am to 6pm Monday to Thursday

8am to 3.30pm Friday

That there would be no use of the premises on weekends.

That the students would be dropped-off and picked-up at 39 Dickens Street and escorted on foot to and from 14 Dickens Street at the commencement and completion of each school day.

That a senior staff member be appointed as Site Manager and contact person for liaising with residents to deal promptly with any complaints and to provide a means of disseminating information that may be of interest to residents.

- 8.3. The concessions offered by the applicant were generally welcomed by the objectors as a positive response to their concerns and form the basis of the following assessment.

**9. OFFICER'S ASSESSMENT**

Use including number of students and hours:

- 9.1. The Residential 1 Zone allows for educational, recreational, religious, community and a limited number of other non-residential uses in appropriate locations to serve local community needs. The proposed primary education centre is considered an appropriate use in this location and serves local community educational needs.
- 9.2. The proposed education centre would be a temporary use of the site for up to three years whilst the classroom building is constructed at Yesodei HaTirah College at 39 Dickens Street, or an alternative accommodation strategy is put in place. The conditions of any permit would include a "sunset" condition that the permit would expire in three years.
- 9.3. 14 Dickens Street is conveniently located within approximately 300m of the Yesodei HaTirah College at 39 Dickens Street. As such, the site is an option for the College to alleviate accommodation shortages until a long term accommodation strategy is established.
- 9.4. The key concern of objectors related to the potential impact on traffic and parking during drop off and pick up times. In response, the College has advised that students would continue to be dropped-off and picked-up at the College and staff would continue to park at the College (noting that they would have the opportunity to use the two on-site tandem spaces). The students would then be walked to and from the subject site at the start and finish of each school day.
- 9.5. Consistent with the concessions offered by the applicant, the education centre would have be limited to no more than 40 students on the premises at any one time (refer condition 4), and hours would be limited to between 8am to 6pm Monday to Thursday and 8am to 3.30pm Friday (refer condition 2). There would be no use of the premises on the weekend.
- 9.6. The reduced number of students and operating hours now proposed are considered fair and reasonable. The hours would be typical of primary education centres i.e. limited to a day-time, weekday use.
- 9.7. The rear outdoor area would provide more than adequate space for 40 students. Given the nature of the use, outdoor activities would be limited as classroom activities would form the greater part of the school day.
- 9.8. General noise from children playing in the rear outdoor area would not cause unreasonable detriment to the surrounding residential properties.
- 9.9. Excessive noise / noise complaints would be managed by the College by way of a senior staff member appointed as Site Manager and contact person for liaising with residents.

- 9.10. A condition of any permit would require a contactable Site Manager and would include an enforceable general amenity condition. However, the first point of call would be the College as excessive noise could quickly and easily be dealt with once brought to the attention of staff.

Traffic and Parking

- 9.11. Clause 52.06 (Car Parking) requires one space per employee for a primary school. The proposed education centre would be occupied by up to four staff and provide two on-site tandem car spaces.
- 9.12. A dispensation of two spaces is supported. The proposed education centre would have limited impact on the existing traffic and parking conditions given the site's close proximity to the existing College and the arrangements to be put in place for walking students between the site and the main campus.
- 9.13. Accordingly a condition of any permit would require that students are dropped-off and picked-up at 39 Dickens Street Elwood (refer condition 4).
- 9.14. Most staff would continue to park at the College as they currently do, with only limited opportunity to park on-site (two tandem on-site spaces).
- 9.15. Clause 52.34 (Bicycle Facilities) requires 1 bicycle space to each 20 employees and 1 bicycle space to each 5 pupils over year 4. There is more than sufficient space on site to accommodate eight bicycles.

**10. COVENANT**

- 10.1. The Copy of Title submitted with the application shows that there are no restrictive covenants on the subject site known as Lot 1 on Title Plan 847007Y (formerly known as part of Lot 3 on Plan of Subdivision 010738), Parent Title Volume 05110 Folio 878, created by instrument 1873611 08/12/1942.

**11. CONCLUSION:**

- 11.1. The proposal is an appropriate temporary use of the site and subject to appropriate conditions would operate in a manner that would overcome the concerns of the objectors.

**12. RECOMMENDATION – NOTICE OF DECISION**

- 12.1. That the Responsible Authority having caused the application to be advertised and having received and noted 25 objections is of the opinion that the proposed use will not cause material detriment to any person other than the applicant.
- 12.2. That a Notice of Decision to Grant a Planning Permit be issued to use the land as an education centre (primary school) for 40 students and 4 staff members at 14 Dickens Street, Elwood, subject to the following conditions.

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

2. The education centre must only operate between the hours of:
  - 8am to 6pm Monday to Thursday.
  - 8am to 3.30pm Friday.
3. The education centre must have no more than 40 students and 4 staff members at any one time.
4. Drop-off and pick-up must continue to occur at 39 Dickens Street. Students must be escorted on foot to and from 14 Dickens Street at the commencement and completion of each school day.
5. A senior staff member must be appointed as Site Manager and contact person for liaising with residents to deal promptly with any complaints and to provide a means of disseminating information that may be of interest to residents.
6. The amenity of the area must not be detrimentally affected by the use through:
  - i. Transport of materials, goods or commodities to or from the land.
  - ii. Appearance of any building, works or materials.
  - iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, steam, soot, as, dust, waste water, waste products, grit or oil.
  - iv. In any other way.
7. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage area must be screened from public view.
8. A minimum of eight bicycle parking spaces must be provided on site.
9. This permit expires on 31 December 2012.