

2 EDUCATION CENTRE (PRIMARY SCHOOL) AT 6 RAINY HILL ROAD COCKATOO

FILE REFERENCE INT1842228

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T170633 be issued for Use of the land for an Education Centre (Primary School) at 6 Rainy Hill Road, Cockatoo VIC 3781 subject to the conditions attached to this report.

Attachments

1	Site map	1 Page
2	Assessed plans	2 Pages
3	Letters of objection circulated to councillors only	5 Pages

EXECUTIVE SUMMARY:

APPLICATION NO.: T170633

APPLICANT: Mr Ian Parsons, School of Creative Education

LAND: 6 Rainy Hill Road, Cockatoo VIC 3781

PROPOSAL: Use of the land for an Education Centre (Primary School)

PLANNING CONTROLS: Rural Conservation Zone Schedule 1
Bushfire Management Overlay
Environmental Significance Overlay Schedule 1

NOTIFICATION & OBJECTIONS: Notice of the application was given by way of sending notices to adjoining and near-by land owners/occupiers and by placing a sign on site

To date Council has received three (3) objections

KEY PLANNING CONSIDERATIONS: Land use within the zone

RECOMMENDATION: Approval

BACKGROUND:

The application is before Council at a request of a Councillor.

The subject site is currently unoccupied, the building was used for the purpose of an education centre which occupied the site from 1983 until the closure of the campus in 2014. The original permit for the use of the site for an education facility allowed a maximum of 45 students before this was increased via amendment to 70 students. The permit did not restrict hours of operation or staff numbers.

The site has been unoccupied since the previous education provider ceased operation in 2014 with all of the existing built form retained on site.

The built form associated with the use expanded over the years, the full site history listed below.

- Permit P4283 was issued 19 December, 1983 which allowed for the use and development of the land for the purposes of a community co-operative school
- An application was lodged to amend Permit P4283a, however this lapsed, 16 March, 2008.
- Permit T030648 was issued 30 September, 2003 which allowed for the removal of one (1) oak tree
- Permit T080235 was issued 23 September, 2008 which allowed for the use and development of the land for a car park and vegetation removal (two trees).
- Application T080399 for vegetation removal was determined to not require a planning permit on 15 September, 2008.
- Permit T080786 was issued 2 April, 2009 which allowed to carry out buildings and works for the construction of two (2) sheds and a retaining wall
- An amendment to Planning Permit P4283 was issued 1 May 2009 to allow for the increase student numbers to 70 and to amend some conditions relating to septic.
- Planning Permit T090545 was issued November 2009 for the development of the land for the purpose of buildings & works ancillary to an existing education centre (classroom) with a reduced setback.
- Planning Permit T110102 was issued June 2011 for the development of the land for the purpose of a building (storage shed) associated with an education facility
- Planning application T160058 for the development and use of land for a recreational ropes course was withdrawn prior to decision in May 2016.

SUBJECT SITE

The site is located on the north-east corner of Evans Road and Rainy Hill Road, Cockatoo.

Vehicle access to the site is via two crossovers that link the sealed onsite car park, one crossover is via Rainy Hill Road on the western boundary and the other one is via Evans Road on the southern boundary. No easement affects the site.

The site has a total area of 1.93 hectares, the topography of the land slopes from the south-west to the north-east, the land is gently undulating. The site currently contains two single storey education buildings, a car parking area to the west of the site, shed, play areas and water tanks.

There is substantial vegetation on the property, which is a mix of exotic and native. A dam is located within the dense vegetation in the north-east corner of the site.



Surrounding land use and development includes:

North: A rural/residential lot exists to the north, which contains a dwelling and ancillary outbuildings.

South: Evans Road, is a gravel road, and forms the southern property boundary. To the south of Evans Road a property is located, which contains a dwelling and ancillary development.

East: A large property exists to the east, which contains a dwelling.

West: Rainy Hill Road, which is a gravel road, forms the western property boundary. To the west of Rainy Hill road, a small property exists which contains a dwelling and ancillary development.

PROPOSAL

Planning approval is sought for the use of the land for an education centre, namely a primary school. The site currently contains buildings associated with the previous education facility that occupied the subject site.

Details of the education facility include:

- Use of the two existing buildings on site for a primary school use.
- Maximum fifty (50) students on site
- Maximum five (5) staff on site
- No buildings and works are proposed.
- No vegetation removal is proposed.
- Thirty (30) sealed car spaces on site to be utilised for the use

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 17.01-1 Business
- Clause 17.01-2 Out-of-centre development
- Clause 19.02-2 Education Facilities

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 Employment
- Clause 21.07 Cockatoo

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 - Car Parking
- Clause 65 – Decision Guidelines
- Cockatoo Township Strategy

Zone

The land is subject to the **Rural Conservation Zone Schedule 1 – Schedule 1**

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay – Schedule 1
- Bushfire Management Overlay

PLANNING PERMIT TRIGGERS

The proposal for use of the site for an education centre (primary school) requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 35.06-1 the Rural Conservation Zone a planning permit is required for the use of the site for an education centre (primary school).

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing two signs on site

Council has received 3 objections to date.

The key issues that were raised in the objections are:

- Traffic concerns – primarily safety at the intersection
- Road movements and maintenance costs
- Health impacts including dust & noise

REFERRALS

Internal Traffic Department

The proposal was referred to Council's Traffic Department who did not object to the proposal as the car parking rate is satisfied and the use will not add a greater impact on the road network than what was previously occurring on the site. This will be discussed further under the objection part of this report.

DISCUSSION

Local and State Planning Policy

A number of state and local policies are relevant to this application, such as Clause 17.01 (Business), Clause 17.01 (Out-of-centre development) and Clause 19.02 (Educational facilities), which aim to encourage development that meets the needs of communities, promote a high standard of design and achieve attractive, diverse, sustainable and liveable townships.

At a local level, Clause 21.04-1 (Employment) and Clause 21.07 (Cockatoo) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of employment types to residential areas, whilst being consistent with the existing and/or preferred landscape character.

The proposed development responds to these clauses and will support the increase educational options to the Cockatoo township area and contribute towards a diversity of jobs, while respecting the character of the area.

The proposed use of the land for an education centre (primary school) is consistent with the aim and objectives of the State Planning Policy Framework and Location Planning Policy Framework, including the Municipal Strategic Statement. The provision of educational services, particularly for children within this Cockatoo area is vital for a growing community and is consistent with the strategic direction of the area.

Rural Conservation Zone:

The purpose of the Rural Conservation Zone is to protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values. It also encourages development and use of land which is consistent with sustainable land management and which takes into account the conservation values and environmental sensitivity of the locality. The proposed use supports the purposes of the Rural Conservation Zone, in that the proposal will re-establish the existing use of the land for a school, which embraces rural issues without any additional built form required. The subject site is located on the fringe of the Cockatoo Township, and it is considered that the proposed use will not detrimentally affect the character of the immediately surrounding area.

In summary the proposal has suitably addressed the decision guidelines of the zone with additional detail summarised as:

General issues

The proposed use for an education facility will be within the existing built form that operated as a primary school for almost 20 years, in which time the site had minimal expansion of the built form. The site is well vegetated with various species of trees and the overall developed area has a small site coverage, maintaining the significant landscape character of the area. The proposal does not seek to increase built form, as the school is anticipated to be a temporary location prior to the developing a larger school campus at an alternate site. The renewal of an existing use is

considered to be appropriate in this site context as the built form exists for a very specific use, an education facility, and the proposed student and staff numbers remain low with no expansion anticipated.

Rural issues

The adjoining properties are of a large rural scale with dense vegetation. The site to the east, No. 65 Evans Head Road, contains cleared land, which has the capacity to be used for agricultural purposes. While this presents a potential land conflict, namely odours, noise etc from the agricultural use, there is a heavily vegetated buffer zones within 60 metres between the common boundary and the built form on the subject site. This level of vegetation in the area between the eastern building and common boundary provides some relief for both land uses to avoid conflict. It is noted that the dwelling for the east-adjoining neighbour is in excess of 400 metres from the common boundary, and no dwelling on the adjoining properties are within 100 metres of the built form.

The proposed use has a substantial distance between dwellings of adjoining neighbours and with no additional built form proposed it is considered that the rural amenity enjoyed by adjoining properties will not be detrimentally impacted by the proposed use.

Environmental Issues

The proposed use will occupy the buildings on the subject site, which is currently two educational buildings. With no additional buildings and works proposed, the use will not require earthworks, vegetation removal or require changes to the existing site conditions. The existing dense vegetation will be maintained, with established sealed surfaces play areas already established on the site to be utilised for external use. The site has an established effluent disposal system, which was established for the previous educational facility and will have the capacity to manage the proposed use with fewer students.

Overall, the proposal is considered to be consistent with the objectives of the Rural Conservation Zone.

Clause 52.06 - Car Parking

Pursuant to Clause 52.06 the statutory car parking rate for a primary school is

- One (1) space to each employee that is part of the maximum number of employees on the site at any time.

It is proposed that the maximum staff number is five (5) with the school at capacity, therefore five (5) spaces are required. The car park includes 30 existing sealed car spaces, the statutory car parking rate is satisfied as the site far exceeds requirement.

Clause 63 - Existing uses

Clause 63 relates to existing use rights and states that for a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided no building or works are constructed or carried out without a permit. In this situation planning permit P4283 was issued 19 December, 1983 which allowed for the use and development of the land for the purposes of a community co-operative school generally in accordance with the attached endorsed plan. The site was continuously been used, since the issue of the permit, for the purposes of an education facility up until 2014. The use of the site has ceased for greater than 2 years, as such the existing use rights for the school have expired, and hence the application has been submitted for the use of the site for an education facility within existing buildings.

Clause 65 Decision Guidelines:

It is considered that the proposed development is in accordance with the orderly planning of the area and will have a limited impact on the amenity of the area. The subject site is used as a private education school, which was in operation from the site since December, 1983 through to 2014. It is considered that the proposed use of the land for educational purposes is consistent with the previous land use. The proposed location of the use is the most logical, given it will not require any additional built form on the site and the car parking requirement is met.

Objector concerns

After public notification of the proposal Council received three objections. The objections concerns are summarised below:

- Traffic concerns – primarily safety at the intersection of Rainy Hill Road, Evans Road and Mountain Road.
- Road movements and maintenance costs – increased traffic on the unsealed roads will and increase cost of maintenance
- Health impacts including dust & noise

Council's Traffic Departments were satisfied that the proposed use would not result in an unreasonable increase in traffic to the road network within Cockatoo.

It was concluded that the application for this use does not extend on their previous numbers approved and operated from the site. Under Traffic assessment, there is adequate car parking for 67 students, however they are proposing 50, therefore there are no upgrading works required. The applicant has been advised that if they seek to increase student numbers and/or include any additional buildings and works, a number of reports and documents would be required in a future planning application, including a traffic management report.

The daily road use is low and the number of students proposed is lower than the previous education centre use, which had no Council recorded traffic issues. Based on the previous use and the daily use of the roads, Council's Traffic and Engineering Departments have not requested a permit condition that would subject the applicants to seal surrounding roads. Roads in the area are likely to be sealed in the event of a Special Charge Scheme, this concept has been raised by Council with community groups in the past but has failed to gain community support.

The proposed amenity impacts are considered to be generally low with the previous use occupying the site for many years and with no known land conflicts. The distance between the school and adjoining dwellings is at least 100 metres, this is considered to provide a sufficient distance to reduce noise and other potential amenity impacts. While traffic may increase on the local roads, the level of impact is considered minor and given school hours are limited to day time, it is not anticipated there will be excess vehicle in the evening or weekends.

It is noted that two of the three objections explicitly state that they do not object to the use of the site for an education centre, their concern is traffic and the current road conditions. Given this, it is recognised that the only decision guidelines in relation to this application is the use of the site, as no building and works are proposed and the car parking rate has been satisfied.

CONCLUSION

The proposal for the use of the land for the purpose of an education facility is consistent with the purpose, objectives and decision guidelines of the zone and overlays which apply to the subject

property. The proposal is considered acceptable and as such should be accepted. It is recommended that a Notice of Decision to Grant Planning Permit T170633 be issued for Use of the land for an Education Centre (Primary School) at 6 Rainy Hill Road, Cockatoo VIC 3781 subject to the below conditions:

CONDITIONS

1. The layout of the use on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Except with the written consent of the Responsible Authority, the Education Centre may operate only between the hours of:
 - a. Monday to Friday: 7:30am to 5:00pm
3. No more than 50 students may be present on the premises at any one time without the written consent of the Responsible Authority.
4. A minimum of 30 car spaces must be provided on the subject land and clearly delineated to the satisfaction of Responsible Authority.
5. The use must not detrimentally affect the amenity of the area, 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.
6. The site must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
7. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes
8. Road signage on Mountain Road, Evans Road and Rainy Hill Road related to the presence of the school (including school speed zone, warning and advisory signs) is to be provided to the satisfaction of the responsible road authority, at no cost to the responsible road authority, prior to the school commencing operation..
9. Noise levels emanating from the subject land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria.
10. Before the development is occupied a sign/signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area/s set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
11. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
12. All stormwater being discharged from the site shall be conveyed by means of drains to satisfactory points of discharge approved by the Responsible Authority so they will not cause injury to or detrimental effect to the health and welfare of the community or prejudicially affect the environmental amenity of the locality.

13. No vegetation shall be destroyed, felled, lopped or uprooted on the subject land except with the written permission of the Responsible Authority
14. In the event of overflow car parking causing a nuisance, additional car parking areas are to be provided on the site or in other approved locations to the Responsible Authority's satisfaction within 3 months of the Responsible Authority, requesting the same in writing.
15. No signs other than those allowed by the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

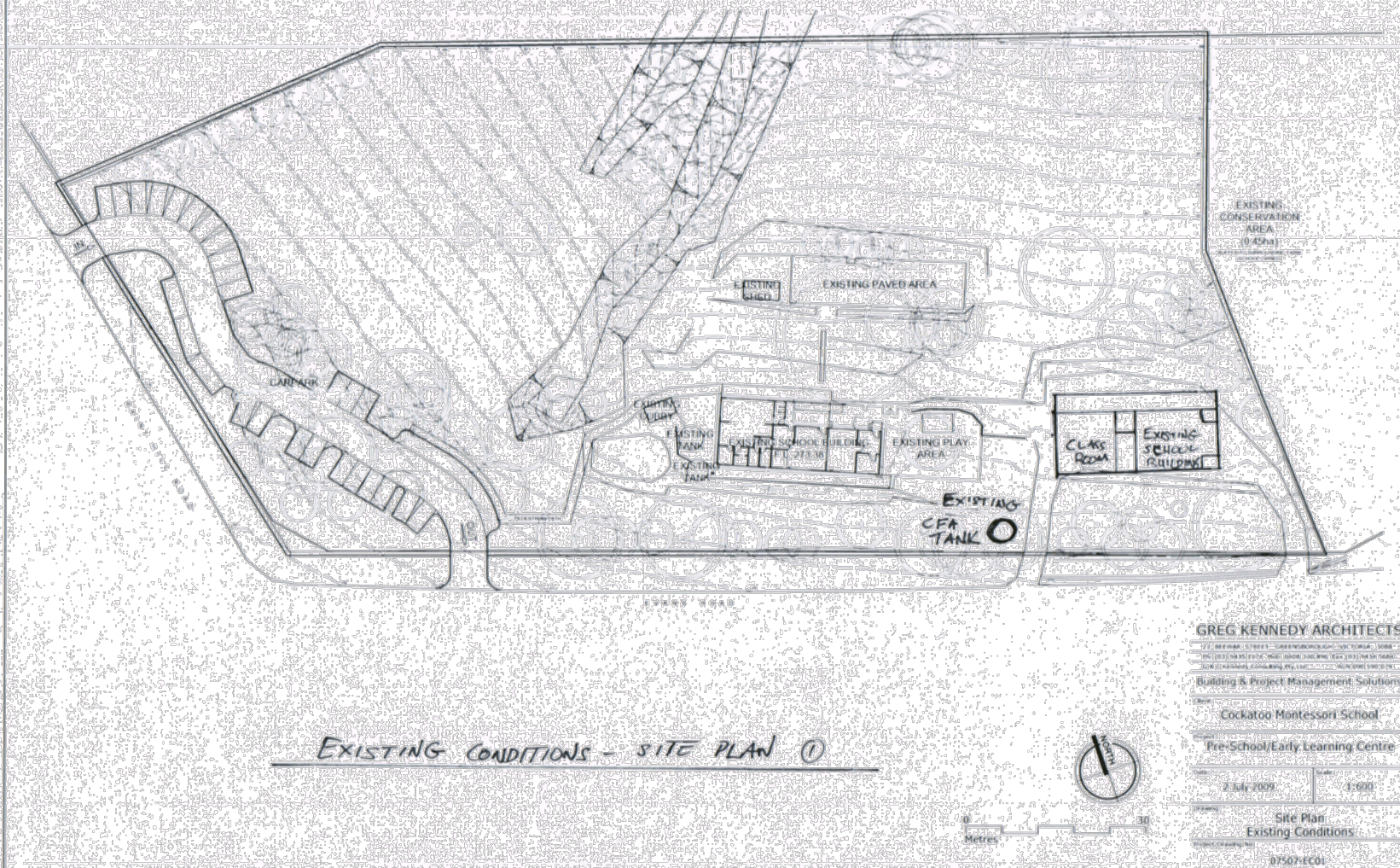
Expiry:

This permit for the use of land expires if—

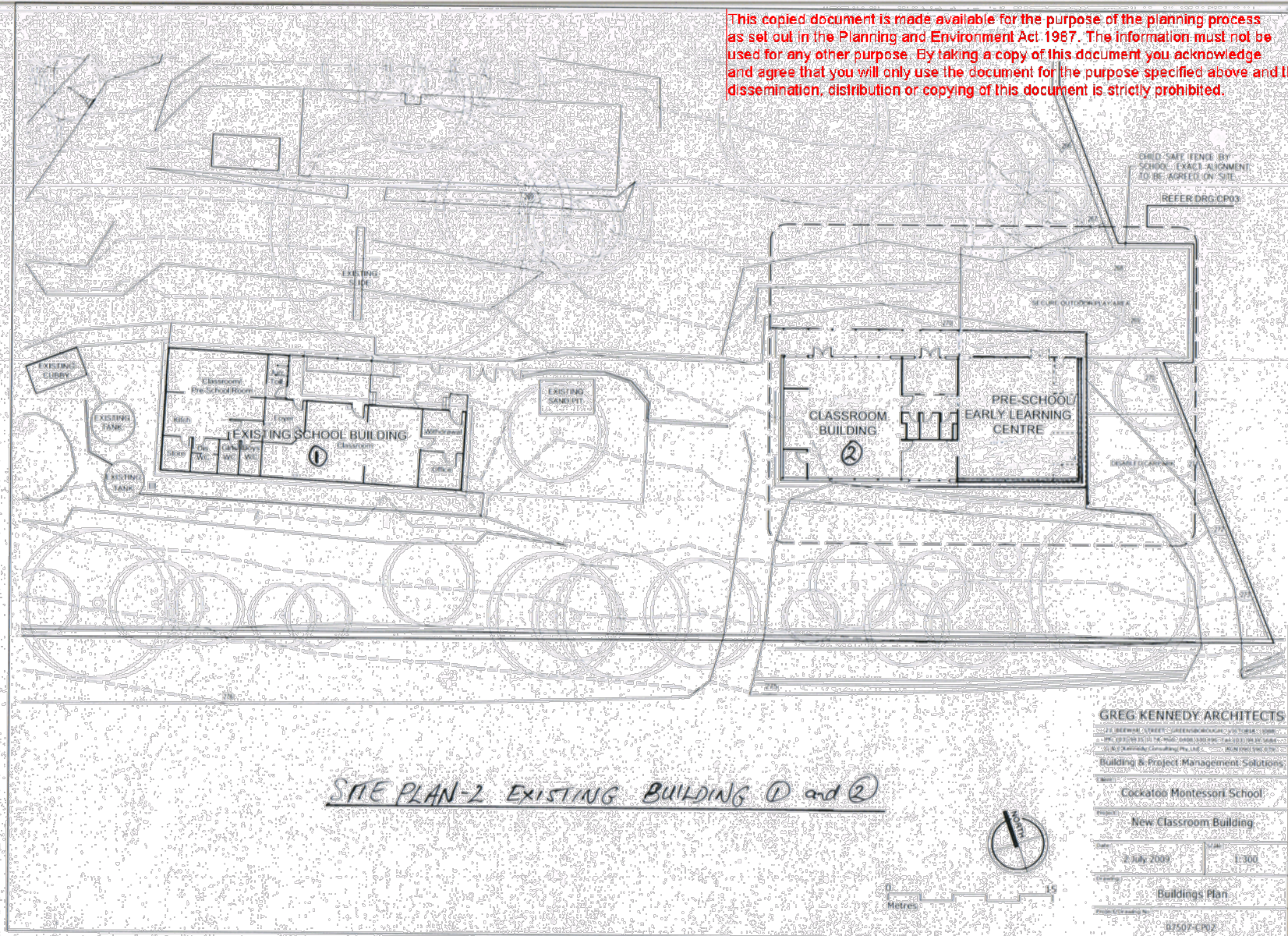
- a) the use does not start within two (2) years after the issue of the permit; or
- b) the use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

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SITE PLAN-2 EXISTING BUILDING ① and ②

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Date: 2 July 2009	Scale: 1:300
Drawing: Buildings Plan	
Project/Client/Drawn By: B1507-CP102	