

YR-2022/834 - 1 BAYNES PARK ROAD, MONBULK – PLANNING REPORT

APPLICATION DETAILS

Site Address	1 Baynes Park Road, Monbulk (Lot 1 on Plan of Subdivision 119336)
Application No.	YR-2022/834
Proposal	Use of land for a childcare centre, building and works to construct a childcare centre, building and works to construct of a front fence, removal and lopping of vegetation and removal of access to a Transport Zone 2
Existing Use	Residential dwelling
Applicant	Apex Town Planning
Zone	Clause 32.03 - Low Density Residential Zone
Overlays	Clause 42.03 - Significant Landscape Overlay (Schedule 22) Clause 44.06 - Bushfire Management Overlay (Schedule 1)
Permit triggers	Clause 32.03 - Low Density Residential Zone <ul style="list-style-type: none"> Use and Development of the land for a childcare centre Clause 42.03- Significance Landscape Overlay - Schedule 22 <ul style="list-style-type: none"> Removal and lop vegetation To construct a building or construct or carry out works (front fence, site coverage, permeability, and building height over 7.5 metres) Clause 44.06- Bushfire Management Overlay-Schedule 1 <ul style="list-style-type: none"> To construct a building or construct or carry out works – childcare centre
Submissions	22 objections, and One (1) letter of support
Encumbrances on Title (Covenants/Section 173 Agreements/easements)	The subject site includes a three metre wide drainage and sewerage easement that extends a length of three metres along the south-western boundary.

	There are no other encumbrances on the Certificate of Title.
Reason for Council Decision	More than 10 Objections
Ward	Chandler

SUMMARY

The proposed childcare centre is located within Monbulk township's residential area adjacent to Monbulk commercial precinct. The childcare centre provides for an essential community infrastructure for Monbulk and surrounding communities in a location that is both compatible and commonplace within a residential area.

The application was reviewed by the Country Fire Authority (CFA) and internally by Council's Engineering Traffic and Drainage departments, Strategic Planning and Urban Design Department, and Arborist. All referral assessments determined no overarching concerns with the proposal, subject to conditions.

The design response draws special attention to minimising negative impacts to adjoining neighbours by its an effective layout, generous setbacks and installation of acoustic measures and overlooking treatments. The design response integrates and responds to the constraints and characteristics of the site and surrounds with its residential scaled building form and residential design details.

At the time of writing this report the proposal received 22 objections and one letter of support. The primary concerns raised were land use appropriateness, accumulative amenity impacts including noise concerns, visual bulk of the development, accumulative traffic impacts including increase in traffic, increase in car noise and fumes, decreased traffic/pedestrian safety and potential for poor driving behaviour, lack of car parking on site and within Baynes Road, and vegetation removal. The submission in support identifies the site as a good location promoting walkability between site, town centre and schools, intersection was not too dangerous and identified a general need for this community infrastructure.

Overall, the proposed development has an appropriate design response and is satisfactory when assessed against the relevant policies including Municipal Planning Strategy and the Planning Policy Framework, provisions, and prescribed design standards of the Yarra Ranges Planning Scheme. Therefore, it is recommended that the application be approved subject to conditions.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2022/834 for Use of land for a childcare centre, building and works to construct a childcare centre, building and works to construct a front fence, removal and lopping of vegetation and removal of access to a Transport Zone 2 at 1 Baynes Park Road, Monbulk and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* as to the need for a Cultural Heritage Management Plan. It has been assessed that a Cultural Heritage Management Plan is not required.

EXTRACTIVE INDUSTRY

The subject site is not located within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

SITE LOCATION AND DESCRIPTION

The subject site:

- Is a corner allotment on the south-western corner of Baynes Park Road and Emerald-Monbulk Road in Monbulk (Figure 1).
- Has a land area of approximately 1,559 square metres and a 35.50 metre frontage along Emerald-Monbulk Road and a frontage of approximately 50 metres along Baynes Park Road (Figure 2 and Figure 3).

- Has a downward slope of approximately 6.3 metres from the north-west to south-east direction.
- Is currently occupied by a single storey brick and weatherboard dwelling, galvanised iron garage and a pool. All existing buildings and structures are to be removed.
- Has two vehicle access crossovers. One is located at the north-west corner to Baynes Park Road, and the second vehicular access is to the east side of Emerald–Monbulk Road (Figure 4).
- Has a moderate level of vegetation and exotic canopy trees scattered throughout the site. Exotic canopy trees identified as being of low to high retention value, with six trees identified as significant as defined by the Scheme.



Figure 1 - Subject site



Figure 2 - Facing east from Baynes Park Road



Figure 3 - Facing south on the corner of Baynes Park Road and Emerald-Monbulk Road



Figure 4 - Facing west from Emerald-Monbulk Road

SURROUNDING AREA

The immediate surrounding area consists of an established low-density residential area comprising both single and double storey dwellings, adjacent to Monbulk Town Centre commercial precinct, comprising varied commercial uses; sporting venues and other community infrastructure (Figure 5 and Figure 6).



Figure 5 - Subject site and surrounds



Figure 6– Zoning and nearby properties and road network

The surrounding properties uses include:

West –

- 3 Baynes Park Road - The property is occupied by an established single-story dwelling with abundant vegetation.

South and south-east -

- 209 Emerald-Monbulk Road and 211 Emerald-Monbulk Road - Each property has a single dwelling with access off their respective roads. Secluded private open space is at the rear of each dwelling.

- To the south-east is Centre Road – the land is within a Low Density Residential Zone and primarily used for dwellings.

East -

- Beyond Emerald-Monbulk Road is land within the Commercial 1 Zone.
- On the opposing corner of Baynes Park Rd and Emerald-Monbulk Road is an Aldi supermarket with its rear section (facing the site) including a car parking area and loading area.

North and North-west–

- 2 Nugent Street – on the north-eastern side of the intersection of Nugent Street and Baynes Park Rd – Two storey building used for a veterinary clinic.
- 1 Nugent Street – on the north-western side of Nugent Street - Has an established dwelling
- 4 Baynes Park Road – is occupied by a single dwelling.
- Approximately 90 metres north, beyond those properties facing Baynes Park Road is the Monbulk Town Centre with a variety of commercial uses and facilities servicing the township and wider surrounding communities.

PROPOSAL

The proposal, as shown in Figures 7-12, comprises a change of use to a childcare centre, and associated building and works on the land as summarised in the table below:

Use - Childcare centre	
Number of Children	88 children
Number of Staff	16 staff
Operating hours	Monday and Friday (inclusive) 6.30am - 6.30pm
Development - Childcare centre (Figure 7 and 8)	
Indoor space	Child room 1: Capacity 22 (floor area 73 square metres)
	Child room 2: Capacity 22 (floor area 73 square metres)
	Child room 3: Capacity 12 (floor area 40 square metres)
	Child room 4: Capacity 12 (floor area 40 square metres)
	Child room 5: Capacity 20 (floor area 66 square metres)
Outdoor space	Outdoor play areas wrap around the building
	Proposed area - 628 square metres
	Required area - 616 square metres
General Characteristics (Figures 9 and 10)	
Number of storeys	Two storey built form
Maximum building height	9.13 metres

Materials/colours	<p>Materials</p> <ul style="list-style-type: none"> Exterior walls - Weatherboard Roofing – Galvanised Iron (Colourbond) <p>Colours</p> <ul style="list-style-type: none"> Bushland and Woodland Grey
Site coverage	34.25 percent
Impervious area	51.81 percent
Boundary Fencing	<p>North</p> <ul style="list-style-type: none"> (Part) 1.5 metre high transparent vertical timber slat fence atop a one metre high retaining wall. <p>East</p> <ul style="list-style-type: none"> 1.5 metre high transparent vertical pool fence atop a 0.8-metre-high retaining wall (setback one metre from the boundary). <p>West</p> <ul style="list-style-type: none"> Proposed solid 2.10 metre high paling fence. <p>South</p> <ul style="list-style-type: none"> Existing 1.8 metre high solid paling fence.
Vehicle Access	via Baynes Park Road
Bicycle storage	Four bicycle storage spaces

Carparking space reduction - Nil			
Carparking Rates - Childcare - 0.22 spaces per child (88 child care places)			
Proposed	19 spaces		
Required	19 spaces		
Front Fence			
Mix of 1.5 metres high transparent vertical timber slats and retaining wall			
Removal of six (6) trees (Figure 11):			
Tree number	Species	Origin	Arboricultural value
Tree 2	Japanese Maple	Exotic	Medium
Tree 6	Silver Banksia	Vic Native	Low
Tree 7	English Oak	Exotic	Medium
Tree 10	Rhododendron	Exotic	Medium
Tree 11	Camellia	Exotic	Medium to High
Tree 12b	Photinia	Exotic	Low



Figure 8 - Proposed First Floor Plan

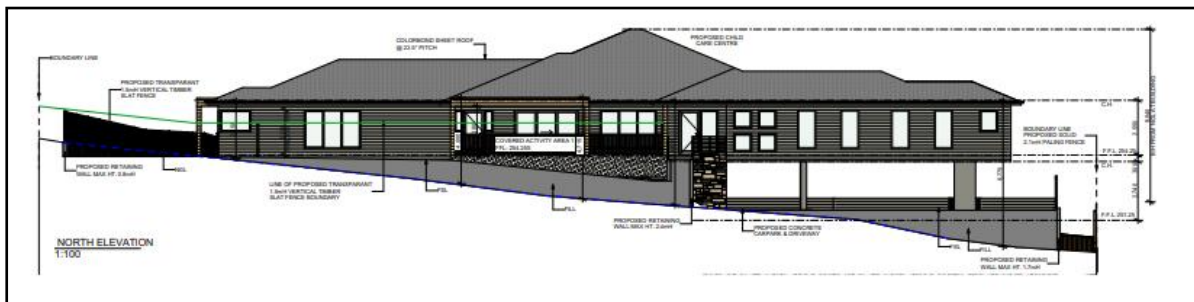


Figure 9 - North Elevation - Baynes Park Road

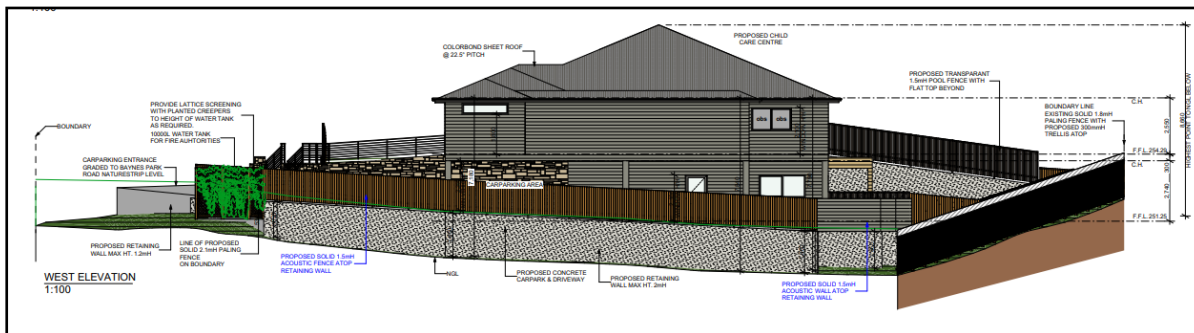


Figure 10 - West Elevation - Emerald-Monbulk Road

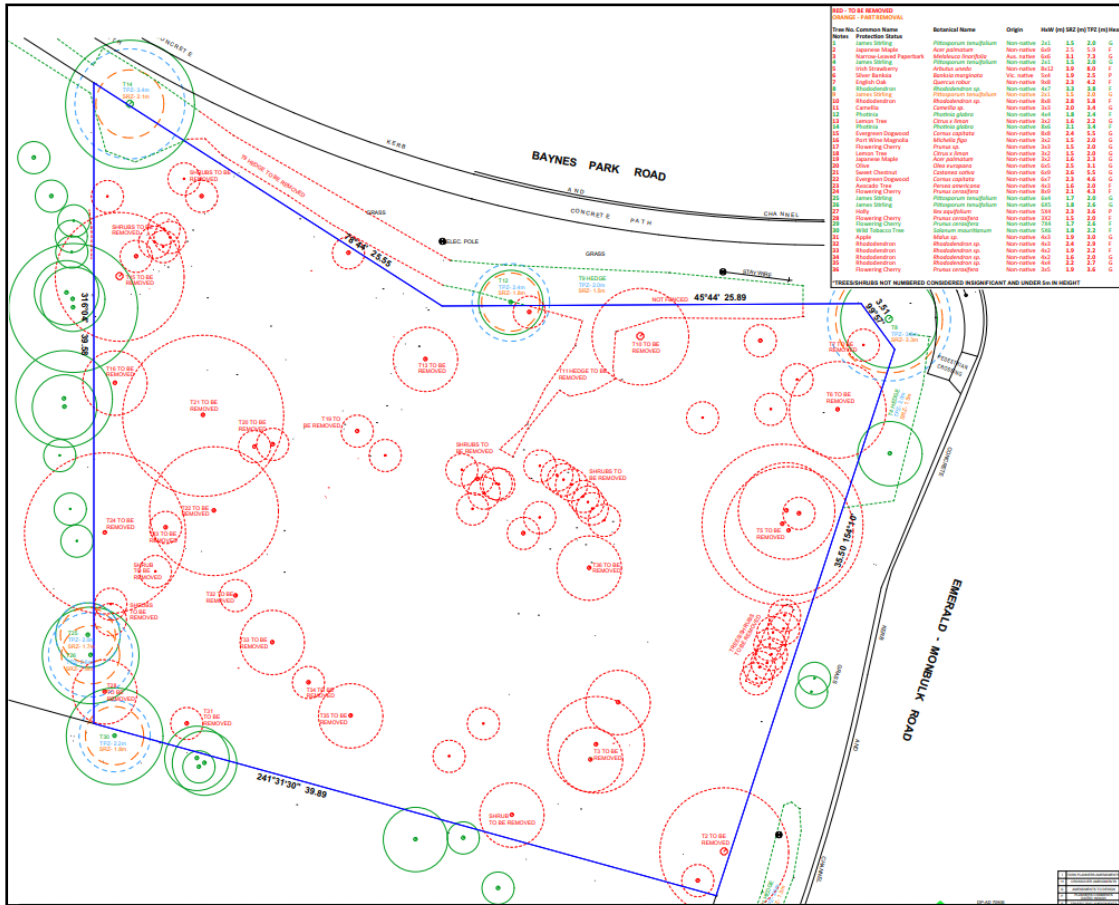


Figure 11 - Proposed Tree Removal

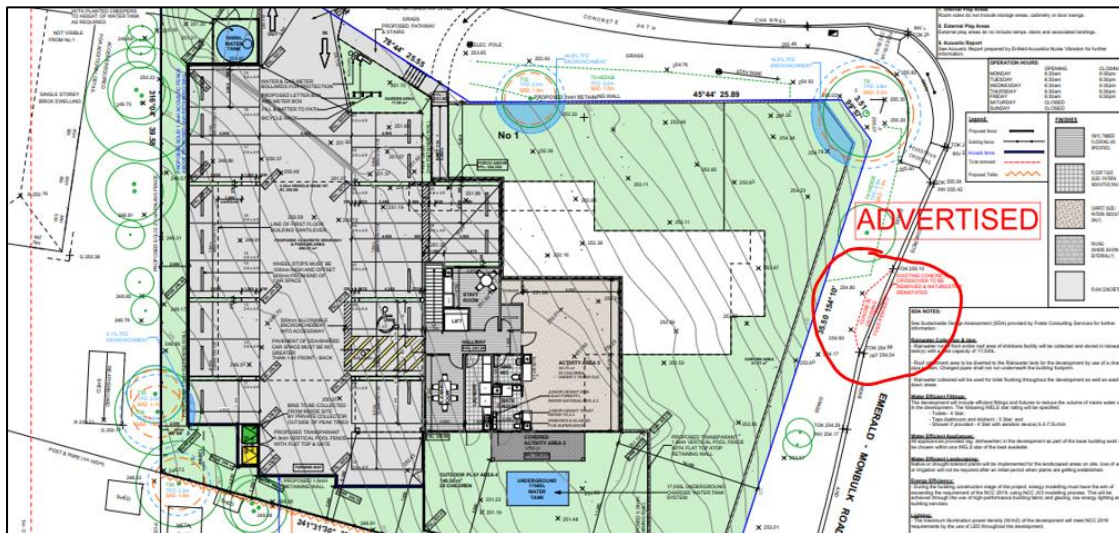


Figure 12 - Proposed crossover removal

See Attachments 3 to 7 for full proposal details and accompanying reports.

HISTORY

A search of Council records revealed no planning history associated with the site.

PLANNING CONTROLS

Zoning:	Clause 32.03 - Low Density Residential Zone
Overlay:	Clause 42.03 - Significance Landscape Overlay Clause 44.06 - Bushfire Management Overlay (Schedule 1)
Planning Policy:	<p>Clause 02 Municipal Planning Strategy:</p> <ul style="list-style-type: none"> ▪ Yarra Ranges will lead the way in sustainably meeting the evolving needs of a growing community without compromising its natural assets. ▪ Support well-designed and integrated activity centres that service the needs of local residents and visitors and contribute to a sense of local identity. ▪ Provide opportunities in residential zones for non-residential land uses that respond to local community needs and retain the residential character of the area. <p>Clause 11 Settlement:</p> <ul style="list-style-type: none"> ▪ Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. <p>Clause 12 Environmental and Landscape Values:</p> <ul style="list-style-type: none"> ▪ Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environment. <p>Clause 13.02 Environmental Risks and Amenity – Bushfire:</p> <ul style="list-style-type: none"> ▪ Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. <p>Clause 13.05 Environmental Risks and Amenity - Noise:</p> <ul style="list-style-type: none"> ▪ Ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions. ▪ To ensure development generated noise emissions does not adversely impact community amenity and human health using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area. <p>Clause 13.07-1S Land use compatibility:</p> <ul style="list-style-type: none"> ▪ To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Clause 15 Built Environment and Heritage:

- Require development to respond and protect to its context in terms of neighbourhood character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment
- Adopt housing and settlement strategy detailing need and identify locations for rural residential development.
- Encourage environmentally sustainable development that: Is consistent with the type and scale of the development.

Clause 17.01 Employment:

- Protect and strengthen existing and planned employment areas and plan for new employment areas. Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.
- To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Clause 18.01-1S Land use and transport integration:

- To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.
- Plan movement networks and adjoining land uses to minimise disruption to residential communities and their amenity.

Clause 19.02-2S Education Facilities:

- Integrate of education and early childhood facilities with local and regional communities.
- Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
- Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.

Clause 51.03:	N/A
Schedule to Clause 51.03:	N/A
Particular Provisions	Clause 52.06 Carparking
Other Requirements:	Clause 53.02 - Bushfire Planning Clause 65 - Decision Guidelines Clause 71.02-3 - Integrated Decision Making

For further information on the planning controls refer to Attachment 3.

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Department	Summary of Response	Planning Officer comment
Traffic Engineer	No objection subject to conditions to comply with Clause 52.06, design standards for vehicle access and safety, ensuring works to the road reserve are completed to Council satisfaction, and seek Traffic and Car parking Operation Plan for managing staff and patron parking on site and surrounds.	Recommended conditions be included in any permit issued, with an amendment to the condition requiring a carparking management plan. Parts of the requested condition requires the applicant to consider, plan and implement for offsite carparking impacts on Baynes Road, which is not enforceable, as a planning permit condition. See further in the report for discussion. See Conditions 20 – 25 (inclusive)
Drainage Engineer	No objection, subject to standard conditions related to a submission of a drainage strategy plan and civil works to be completed to the satisfaction of responsible authority and inspected by an experienced civil engineer.	Recommend conditions to be included with any permit granted. See Conditions 26 – 29 (inclusive)

Department	Summary of Response	Planning Officer comment
Community Wellbeing	<p>Supportive of the proposal, as Monbulk is currently assessed as having no childcare places, and is a 'childcare desert.'</p> <p>Access to childcare supports both early childhood development, and labour force participation – particularly by women.</p> <p>Thus, a new childcare centre would have a positive health and wellbeing impact in Monbulk.</p>	<p>Proposal is recommended to be supported.</p>
ESD Sustainability	<p>No concerns with Sustainable Design Assessment Report</p>	<p>Recommend condition to enforce Environment Substantiality Report to be included in any permit granted.</p> <p>See Condition 5</p>
Urban Design and Landscape Architecture	<p>Urban Design and Landscape Architecture Department reviewed the first set of the development plans.</p> <p>No objection subject to design suggestions that relate to:</p> <ol style="list-style-type: none"> 1. Requirement for a Landscape Plan that includes mature tree planting throughout the site reflective of the local context and native species. 2. Requirement to replace the upper level outdoor play area three false wall to be visible treatment from the street (Baynes Park Road). 	<ol style="list-style-type: none"> 1. Condition included in permit for a revised landscape plan to include species reflective of the local context and native species. <p>Suggestion for replacement canopy trees is not supported as there is insufficient space for canopies to be separated enough to comply with the bushfire management measures, as well as the need to provide unobstructed open play areas</p> <ol style="list-style-type: none"> 2. Suggested request to expose the upper level Outdoor Play Area 3 to Baynes Park Road by replacing the false wall with a transparent fencing not supported. Section 57A Development Plans changed the layout and pushed the Outdoor area three from the front to the rear. There are now first floor windows facing Baynes Park Road. Enclosing the upper level assists with integrating the commercial use into its sensitive residential surrounds.

Department	Summary of Response	Planning Officer comment
		<p>The ground floor Outdoor Play Areas can be observed from Baynes Park and Emerald – Monbulk Road, with semi-transparent fencing enabling views in and out of the site, and connection to the public realm.</p>
Strategic Planning Response	<p>The proposal is considered suitable as a compatible development in relation to both proximity to Main Road activity and encouraging community-based facilities within the urban growth boundary and a large neighbourhood activity centre.</p>	<p>Nil</p>
Arborist	<p>Overall, no objection subject to conditions related to installing tree protection zones, fencing during construction and set timeframes for new planting.</p>	<p>Recommend conditions to be included in any permit granted to cover:</p> <ul style="list-style-type: none"> • Tree protection fencing • Tree sensitive works • Installation of services • Tree removal • Replacement planting <p>See Conditions 15 – 19 (inclusive)</p> <p>No objection to the removal of Tree 7 to service a new land use and retaining wall.</p> <p>Tree 8 is an exotic <i>Redons Rhododendron</i> showing signs of decline with ivy growing on it. To assist with retention, it is recommended a condition placed on any permit granted to seek measures to be put in place for non-destructive root investigation to the protect tree.</p> <p>There is a boundary fence which Street Tree12a directly abuts. The street tree is in a poor location, preventing the private property owner from constructing a boundary fence/barrier to secure the property. Should the proposed boundary fence/retaining wall impact the ongoing health this would be separate matter</p>

Department	Summary of Response	Planning Officer comment
		addressed between the property owner and Council's arborist. This matter is outside the scope of this planning application and considerations. See image below of tree location figure 14

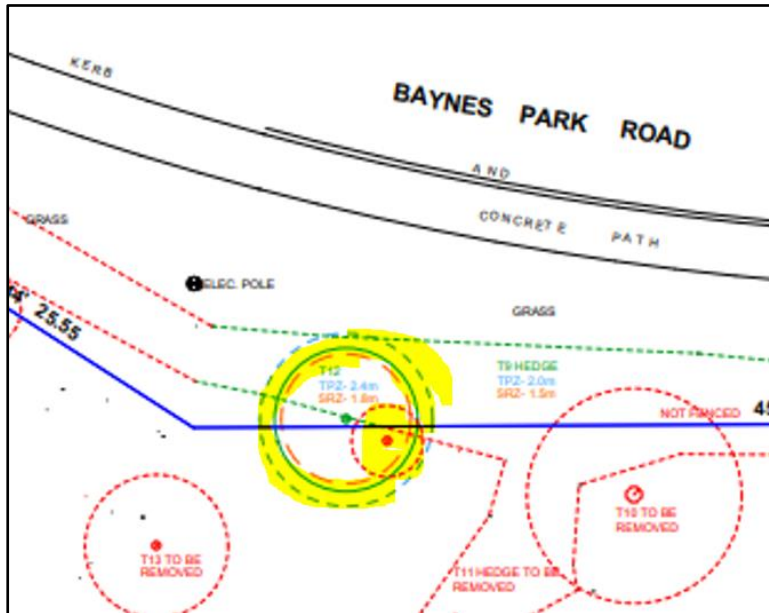


Figure 14 – Street Tree 12a) large yellow circle on boundary

External Referrals

This application was referred to the following statutory referral authorities for advice on particular matters. The following is a summary of the relevant advice:

Referral Authority	Consent/Objection Summary of Response
Country Fire Authority	Consent subject to conditions: <ul style="list-style-type: none"> • Endorsement of Bushfire Management Plan; and • Preparation and endorsement of a Bushfire Emergency Plan See Conditions 29 and 30
Department of Transport and Planning (Head, Transport for Victoria)	Consent subject to a condition to remove redundant crossover and reinstatement the nature strip. See Condition 31

Public Notification and Consultation

Notification of the application was undertaken by:

- Placing two (2) signs on the land
- Mailing notices to owners and occupiers of adjoining and/or nearby properties

At the time of preparing this report twenty-two(22) objections and one (1) letter of support were received:

Notification of the application was undertaken twice. Following objector concerns raised in the first notification period, the applicant amended the application, to include changes to the built form and layout to reduce setbacks and visual bulk to assist with resolving objector concerns.

Objector concerns are summarised as:

- Location appropriateness.
- Out of character for a residential area / inappropriate built form
- Loss of vegetation / lack of land
- Insufficient Car Parking
- Pedestrian safety / traffic
- Lack of policy support
- Various traffic impacts and traffic safety matters
- Amenity (noise/health/overlooking/glare)
- Excessive vegetation removal

Submissions in support state:

- Ideal location being collocated with the township and schools to increase walkability.
- No foreseen traffic impacts. Intersection is not dangerous.
- Need for more Childcare centres in Monbulk Township.

ASSESSMENT/ KEY ISSUES

The proposal has been assessed to be consistent with the applicable Zone and Overlay provisions, the Planning Policy Framework, Particular Provisions and Decision Guidelines of the planning scheme.

Use location

Clause 02 and Clause 19.02 seeks to ensure that a proposed use is suitably located in proximity to an activity centre and other education facilities, providing a local community infrastructure to support on-going community needs. Childcare centres are commonplace in a residential environment and are an important local community facility that is considered suitable in a residential zone.

The proposed childcare centre, within this location, provides an addition to local community infrastructure to meet the long-term needs of the community. Expansion of the existing education facilities, found within the local area, in turn contributes to strengthening the overall education infrastructure available to respond to the community demand. They can contribute to developing a sense of belonging to a local area because of its readily accessibility. There is an identified demand for childcare places, and a forecast increase in demand in the future. Private childcare facilities are required to respond to this need.

The proposed use is consistent with the provisions of the planning scheme. Clause 17.01 and Clause 19.2 aim is enhancing accessibility and diversifying options for early childhood facilities, ultimately creating more opportunities within the education sector, especially in terms of local accessibility. The proposed use is in proximity to an existing residential community and other educational facilities, with planned road networks and pedestrian pathways, and are located on the periphery of a commercial activity area.

Built form, Siting, Building heights and Appearance

Clause 15.01, urban design, aims to ensure that the proposal adequately responds to its context in terms of character, natural features, and the surrounding landscape. Clause 15.01-1S Urban design and Clause 15.01-2S Building design, both seek to ensure that the proposal adequately responds to minimise detrimental impacts on the amenity of neighbourhood properties, the natural and built environment, and the safety and efficiency of roads.

Built form, siting and building heights

The proposed building siting and overall layout are primarily influenced by and make use of the natural land grades. The carparking and entrance to Baynes Park Road creates an opportunity for undercroft car parking. Majority of the building is oriented to the north and set back from residential land to the west and south.

The built form is a mixture of single storey and two storey form resulting in varied building heights. The single storey component is at the higher points of the land, at the front of the site on the corner of Baynes Park and Emerald–Monbulk Road. As the site slopes down, the two-storey form is introduced, to take advantage of this fall. This is an example of responding appropriately to the land slope to avoid excessive heights within the streetscape.

The development integrates with the local streetscape and the prevailing architectural character of the area, maintaining a consistent rhythm with the wider built form landscape, where a combination of single and double-storey dwellings situated on different ground elevations is common. The existing built form ranges from five to seven metres, and seven to nine metres, respectively.

The proposed building heights preserve uninterrupted views and vistas extending beyond the site. The building heights are complemented by a well-articulated architectural design, strategically placed windows, varied facade setbacks, and an array of materials commonly used within the area. The height results from using a hipped pitched roof form which is the prevailing surrounding neighbourhood character. A flat/skillion roof form would result in smaller building height measurement, however, would unsatisfactorily respond to respecting and integrating this development into the residential area.

On balance, the proposed building heights sufficiently meet the objectives of Significance Landscape Overlay.

Appearance

The overall design of the building and its orientation is based on the goal of reflecting the appearance of a residential building. The building fronts two streets and incorporates a blend of bungalow and post-war dwelling architectural features with a modern style. It includes a mix of gable and hipped roofs, integrated wide entrance, weatherboard exterior and appropriately sized portrait window openings.

Boundary landscape treatments surround the development, featuring staggered setbacks to timber paling fences. The building has weatherboard exterior and sheeted metal roofing in a muted colour palette of green-greys, natural timbers, and stone. The building's style, design details, and landscaping are contemporary and in harmony with the character of the local area. Each elevation has visual interest and is well articulated, with the use of varied boundary and floor level setbacks, textured exterior materials and strategic placed large window punctuations for a balance and symmetry.

Views into and out of the subject site, facilitated by appropriate permeable fencing, enhance the public realm pedestrian experience. Additionally, there would be a visible and dedicated pedestrian access provided from Baynes Park Road and Emerald-Monbulk Road.

The overall scale of the building, generous setbacks from side and rear boundaries, and the effective use of landscaping and screening buffers are all measures put in place to ensure the protection of residential amenity.

Building and works – Significance Landscape Overlay

Clause 12.05-2S and Clause 42.03 play a pivotal role in ensuring that the proposal aligns with the landscape characteristics and contributes positively to the character, identity, and sustainability of the existing area. The Significant Landscape Overlay designates the Monbulk area as nestled within forested hills, featuring spacious blocks adorned with garden settings. This distinct character encompasses a harmonious blend of low-level gardens and mature trees, both native and non-native, which dominate the skyline.

General

Analysing the proposal specific metrics, the building footprint and impervious area calculations slightly exceed the stipulated thresholds of 30 percent and 50 percent, respectively, necessitating a planning assessment under the Overlay. However, these

figures remain acceptable due to the overall proposal's effective alignment with the Overlay's objectives and strategies. The development achieves this by preserving a sense of spaciousness through generous setbacks, promoting strategic landscaping, and adopting a building profile that seamlessly emulates a residential style synonymous with the surrounding environment.

The proposal building heights of maximum 9.13 metres, exceed 7.5 metres threshold necessitate a planning assessment under the Overlay. Building heights assessment is discussed in detail, under the assessment heading '*built form, siting, building heights, and appearance*' of this report.

Front fencing

The proposed front fencing spans the property's two frontages, namely Baynes Park Road (north) and Emerald – Monbulk Road (east), enclosing outdoor play areas. These front fences take the form of a combination of retaining walls, featuring either solid timber paling acoustic treatments or semi-transparent steel slats fences on top, with a maximum height of 2.5 metres. The retaining wall heights remain below natural ground level, ensuring a balanced visual impact from the public realm perspective, where fence heights are in line with the residential area, at a maximum height of 1.5 metres.

Specifically, the east side front fence employs an opaque design, recessed 1.0 metre from the title boundary, and is complemented by a landscaping hedge buffer. This approach fosters the site's seamless integration into the neighbourhood's verdant garden characteristic. The north side front fence adopts a semi-transparent structure, facilitating visual engagement both within and outside the site. Additionally, a portion of the title boundary retains the existing 2.0 metre high hedge, further enhancing the broader green garden characteristic.

The proposed design details translate into the desired design outcomes sought by objectives and strategies of the Overlay. The proposal successfully prioritises sensitivity to interfaces and landscaping provisions, contributing to Monbulk's distinctive significance profile statement. Consequently, the proposal could seamlessly integrates into both the built environment and natural landscape.

Amenity impacts

Clause 13.05-1S Noise and Clause 13.07-1S Land use compatibility require Council to ensure that development and uses are compatible with surrounding uses and minimise adverse off-site impacts through suitable building siting and design (including orientation), urban design, and land use separation techniques. Clause 02 Municipality Planning Strategy seeks to ensure that the proposal responds acceptably to minimise adverse effects on the amenity of residential neighbourhoods through car parking and traffic.

Operating hours

The proposed use and development will operate Monday to Friday from 6.30am to 6.30pm. These hours are commonly applied to a use like this and are generally compatible with residential living, as they do not extend into the higher amenity-sensitive times of evenings and weekends. The 6.30am start time allows for the

opportunity to support a wider resident demand, promoting work-life balance and spreading the movement of vehicles and people over a longer period in the morning and evening.

Overlooking

The proposal has taken the same approach as residential development to resolve overlooking, with window treatments and fencing treatments imposed.

Overlooking measures proposed:

- All western and southern upper first floor windows facing residential properties to be obscured up to 1.7 metres height above window sill.
- Installation of 1.8 metres acoustic fencing around Activity Areas are recessed inward to provide a double layer of ground level treatment.
- Installation of 1.5 metre high acoustic fencing to the rear carpark.
- Retention of existing residential shared title boundary fences with varied heights of 1.8 metre to 2.1 metres.
- The southern Outdoor Activity Area 4 ground level to be lower than the rear adjoining southern property's ground level.

All these measures appropriately minimise overlooking.

Overshadowing

The proposed layout and generous side setbacks prevent any unreasonable overshadowing to the adjoining western and southern properties. The site takes benefit of its northern orientation, siting the building central on site, with a minimum 4.0 metre setback from the west and 6.3 metres from the south.

Overshadowing diagrams (Attachment 2) confirm the development complies with the same overshadowing requirements for ordinary residential developments under Clause 54/55 of the Scheme.

The proposal does not result in any unreasonable overshadowing.

Noise

Enfield Acoustics, in Attachment 4, has prepared the Acoustic Report, which includes a detailed assessment of potential noise impacts, encompassing general land use, traffic noise, and sleep disturbance. It uses the commonly applied Association of Australasian Acoustical Consultants (AAAC) guidelines for Childcare Centres and the *Environment Protection Act 2017 (Vic)*.

The recommendations and conclusions outlined in point five of the Acoustic Report, states: "*the proposal is considered to be equivalent to many other approved childcare centres with respect to acoustic outcomes.*" All acoustic fencing shall be constructed to appropriate heights, using materials which will reduce the noise emissions beyond

the site to an acceptable level. Acoustic fences/walls shall have no gaps or holes in it and be designed and built in an acceptable manner so that noise will not pass underneath it. Gaps between joins will be managed to prevent noise passing between the materials.

Exhibited noise mitigation measures proposed:

- Acoustic walls/fencing recessed from the south and west title boundaries fences and to be buffered by evergreen landscaping where the setback accommodates via a recommending permit condition. The wall height is not dissimilar to what is ordinarily found in residential areas, for boundary fence or alike (see Figure 15):

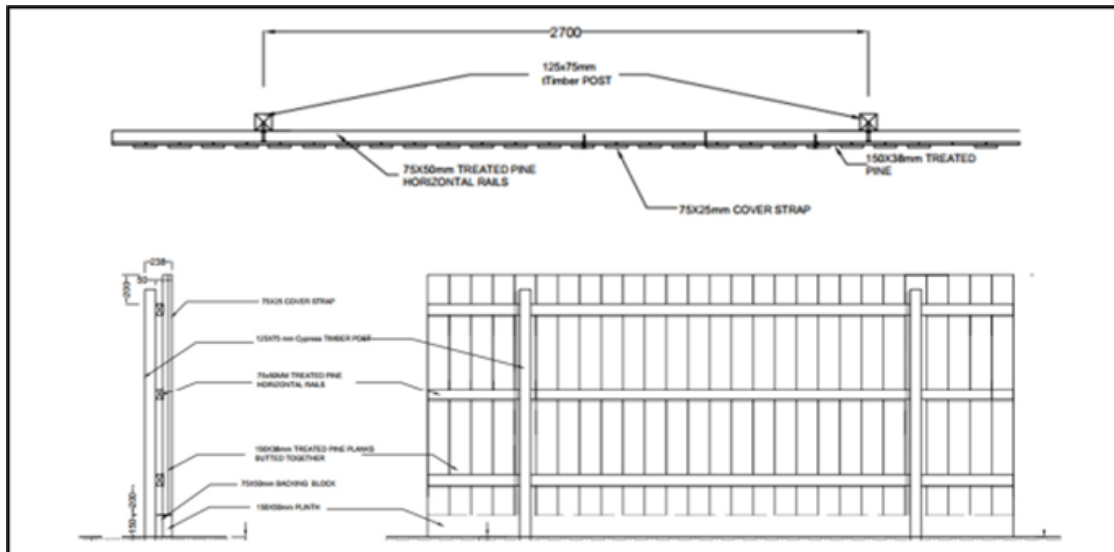


Figure 15 - Acoustic barriers around the ground floor play areas (Source – Development Plans)

- The first storey (upper level) Outdoor Play Area 3 to have an internal acoustic material behind the wood clad façade which provides both the appropriate acoustic measures as well as keeps the materials consistent with the chosen design characteristic (see Figure 16).

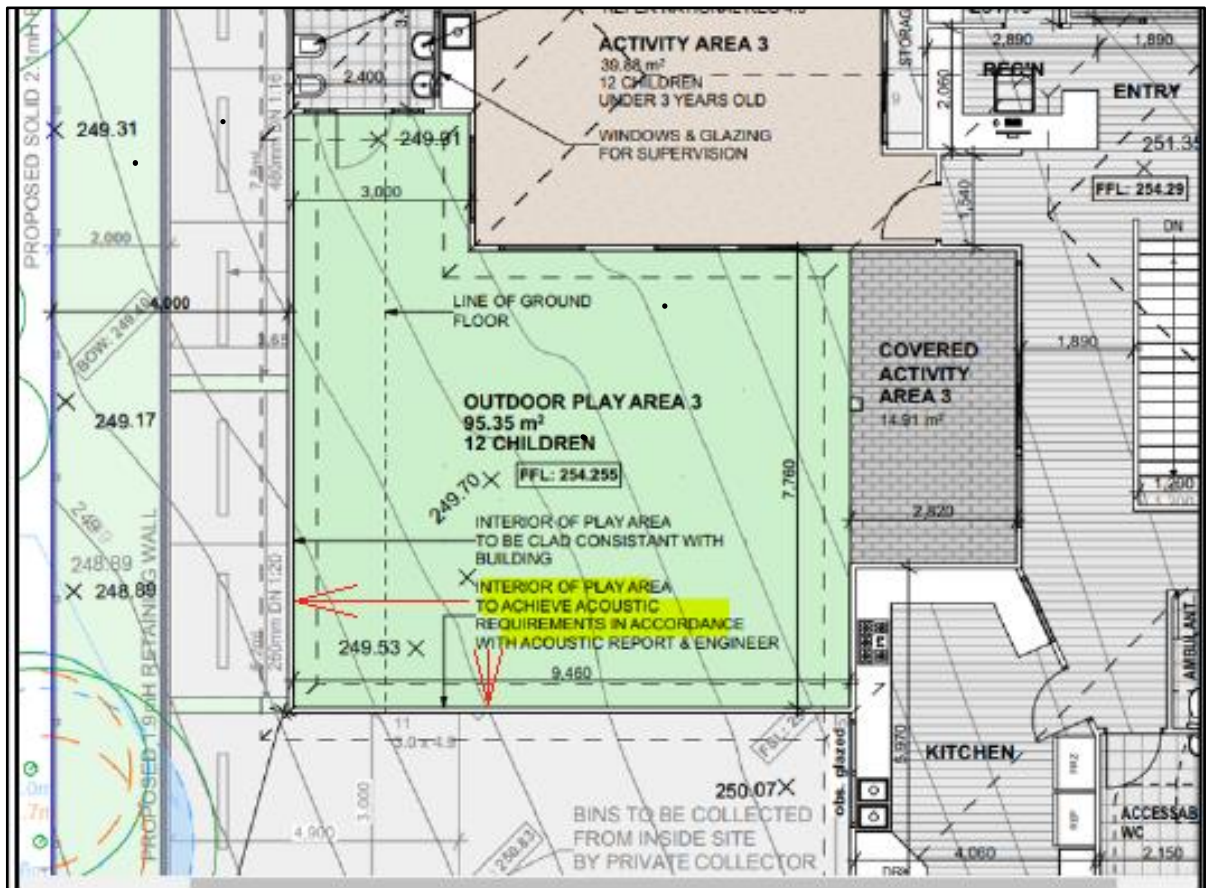


Figure 16 – Interior Acoustic measures for Outdoor Play Area 3 – (Source – Development Plans)

Layout

The proposed design layout has sought to minimise off-site amenity impacts that include:

- Outdoor play areas that interface adjoining residential properties are setback behind by two-layers of fencing (title boundary fence and receded acoustic fencing), with opportunities for landscaping between facing.
- Outdoor play areas are sectioned into various areas around the site, with larger outdoor play areas interfacing Baynes Park Road and Emerald Monbulk Road; non-sensitive interfaces. Children are concreated into small groups around the site.
- The on-site carparking area is strategically located off the southern boundary using the slope of the land to create under croft parking. Locating carparking off the southern boundary orientates the bulk of built form the furthest distance possible from the immediate residential adjoining properties; their dwelling and their outdoor recreational spaces.
- Generous western and southern setbacks at all levels from residential properties. No impact to third party trees or vegetation.

All these design measures suitably minimise noise impacts.

Standard amenity permit conditions, including conditions to secure recommendations made by Acoustic Engineer, are recommended to be included on the permit.

Sustainable Development

The proposal is accompanied by a Sustainability Management Report (Environment Sustainability plan) (Attachment 8) detailing various design initiatives and measures responding to Clause 15.01-2 Environmentally Sustainable Development. The report targets key area of Energy performance, Integrated water management, Indoor environment quality (breeze ways), Transport, and Urban ecology.

Council's Environmental Sustainability Officer has confirmed the proposal satisfies the objectives and strategies of Clause 15.01-2.

A permit condition will require the development comply with and maintains all design initiatives and measures outlined in the report.

Vegetation (tree) removal - Significance Landscape Overlay

The application is accompanied by Tree Removal Plan (Attachment 5) and an Arborist Report (attachment 10) assessing the removal of six trees and the lopping of one tree. All trees have low-medium retention value. The six trees are central on site or along title boundary. The proposed use necessitates specific design and function requirements that mandate the removal of the trees. Therefore, we need to consider which is more important the childcare centre or the protection of trees.

Due to the design of the proposed building and compliance measure for bushfire protection management, tree removal cannot be avoided. To offset this loss, the proposal includes landscaping provisions around the site perimeter. In the medium to long-term, the replacement vegetation planting will achieve a similar level and quality of landscaping as currently exists.

Subject to conditions, the Landscape Plan (Attachment 4 and Figure 17) provides an adequate landscaping response that balances commercial needs with no maintenance planting and soften and integration the built form into its greenery environment.

The Landscape Plan details seven (7) new replacement canopy trees to be planted around the north, south and east boundaries. The number of new trees planted exceeds the number of trees being removed:

- *Acacia implexa* - Lightwood - Quantity three (3)
- *Allocasurina littoralis* - Black She Oak - Quantity three (3)
- *Acacia melanoxylon* - Blackwood - Quantity one (1)

There is opportunity to provide additional screen planting along southern boundary given the sensitive interface to the residence to the south, and an objection received raising amenity concerns.

- The landscape is not one of extreme bushfire risk. Bushfire behaviour is likely to be within Bushfire Management Overlay expectations and design parameters.
- The siting of the childcare centre maximises the setback from modified vegetation as far as practical and achieves compliance with the Bushfire Management Overlay setback requirements for defensible space.
- The development can meet the defensible space and construction objective by use of alternative measure item 3.6.
- The development is to be constructed to BAL-29 construction standard.
- Accessing the site is via wider sealed road network.
- Static water storage is located to the front and visually screened; and
- Bushfire will be incorporated into emergency management plans for the facility.

CFA has reviewed the application and indicated support subject to the submitted Bushfire Management Plan endorsement and a Bushfire Emergency Management Plan to be prepared.

Relevant conditions are included in recommended permit.

Traffic Management

Council's Engineering Traffic Department reviewed the application, including the submitted Traffic Impact Assessment Report (Attachment 7), access ingress/egress, carparking layout and traffic generated impact. Overall, the assessment determined the proposed use would not impose unreasonable impacts on the nearby roads and the location of accessway and carparking layout to be appropriate subject to conditions.

More details of traffic management assessment as follows:

Access

Subject to conditions, the proposal ensures safe access and egress for pedestrians, cyclists, and vehicles, aligning with the objectives of Clauses 15.01-2S, 18.01-1S, 18.02-1S, 18.02-2S, and 52.06-10.

The proposal provides a sufficient number of on-site parking spaces to meet demand, offers alternative transport options, and establishes suitable internal access to minimise any potential amenity impacts.

Clauses 18.01-1S, 18.02-1S, and Clause 65 all aim to ensure that any proposal aligns with objectives that facilitate the use of cycling and walking within existing, well-used network connections, promoting sustainable land use and transport integration.

As previously mentioned, the location of the subject site supports the use of a childcare centre due to its proximity to a residential community and other educational facilities. Furthermore, the site is accessible by an existing road network infrastructure, linking the site to wider residential areas, and nearby commercial core and township employment areas. Siting of this land use enhances accessibility for the community,

and in turn reduces environmental and economic impacts by promoting multi-daily use circular vehicle trips.

Emerald-Monbulk Road is a Transport Zone 2 that serves as one of the primary thoroughfares into the Monbulk commercial precinct, while Baynes Park Road is already a highly utilised local traffic route. Both roads are classified as Collector Roads. Baynes Park Road is designed for vehicle capacity for up to 7000 vehicles per day.

Traffic Impact Assessment Report prepared by qualified Traffic Engineers, Traffix Group (Attachment 6) indicates the childcare centre is estimated to generate 352 vehicle movements (both ingress and egress) per day with a total of 70 vehicle trip ends are expected in each of the commuter peak hours. Peak operation hours for drop off/pick up are before and after traditional working business hours. The applicant's qualified traffic engineer determined the road network has the capacity to accommodate the proposal's generated traffic.

Council Traffic Engineering Department reviewed the application and Traffic Impact Assessment Report, and determined traffic generation vehicle movements is consistent with other similar Childcare proposals within the Shire. Further, the proposed traffic generation on to Baynes Park Road would not exceed the designed road capacity and would not exacerbate any pre-existing traffic issues in the area. The proposal includes a large double crossover for flexible vehicles movements in and out of the site.

An increase of vehicle traffic around the site generated by this proposal would not impose unreasonable amenity or impose unreasonable traffic impacts to the road network

There is a recommendation from Council Traffic Engineers to require a Car Parking Operation Plan as a condition of approval, to assist minimising unnecessary vehicle movements , detailing measures for managing of staff and patron parking both on site and on surrounding street network.

Given there is no on-street parking along either Baynes Park Road or Emerald-Monbulk Road within vicinity of the site, the Car Parking Operation Plan will be in place to demonstrate how the use will operate to ensure both staff parking and drop-off and pick up short stay parking is to be managed as a commitment, from childcare operator, to manage carparking availability.

The plan would not include off-site parking management, as this is beyond the scope of the permit, and cannot be enforced. However, the proposal provides the necessary car parking required by the planning scheme, and the plan will designate areas for staff carparking, patron use, and short term drop off and pick up on site.

Clause 52.06 - Car Parking

The proposal meets the relevant car parking requirement of Clause 52.06, subject to conditions to be included in any permit granted:

Carparking rate assessment			
Land use	Required	Proposed	Shortfall
Childcare centre rate - 0.22 per 1 child (88 children)	19	19	0

There are two design standards under Clause 52.06-9 Carparking standards identified as non-compliant that can be satisfactorily resolved via permit conditions. These are Design standard 1 Accessways (turning circle and aisle width) and Design standard 3 -Gradients (levels to prevent vehicle scraping at entry/exit).

There is a recommendation from Councils Traffic Engineers to include vehicle safety barriers along the western carparking spaces, to complement the proposed wheel stops to secure a satisfactory safety level, given carparking height above natural ground level. Conditions are recommended to form part of a permit.

The proposed carparking and access layout comply with the statutory requirements subject to conditions to rectify minor non-compliances.

Removal of Crossover to Transport Zone 2

Head of Development of Transport (VicRoads) reviewed the application and supports the application subject to reinstatement of the nature strip.

Recommended conditions to be included to any permit granted.

Integrated Decision Making

The proposal complies with the provisions of Clause 71.02-3 (Integrated Decision Making). As discussed throughout this report, the proposal assesses aspects of economic, environmental, and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

CONSULTATION ASSESSMENT

Response to Submitters (Objector) concerns (Part 1)

Concern	Officer response
Use	
Location appropriateness	<p>Childcare centres are commonly found within residential zones, collocated with other education centres and community infrastructure, and accessed by an established a high order road network to service the wide community. The location of this childcare centre is consistent with these common siting attributes.</p> <p><i>See Use location assessment for a response to this concern.</i></p>

Use out of character for a residential area	<p>A childcare centre land use is commonly found in residential areas, and subject to appropriate amenity conditions and acoustic treatments, is considered to be an appropriate complementary land use.</p> <p><i>See Built form, siting and appearance assessment for a response to this concern.</i></p>
Need for use	<p>Assessing the economic 'need' for a land use is not a planning matter.</p> <p>However, Yarra Ranges' Community Wellbeing Department commented childcare centre availability is low in Monbulk Township.</p>
Traffic Impacts	
Baynes Park Road and Emerald-Monbulk Road is already a busy intersection.	<p>Traffic impacts were the primary concern raised by many objectors.</p> <p>The submitted Traffic Report and Council's Engineering traffic team have not raised concerns with general traffic management.</p> <p>It is considered that the road network is suitable and can manage the additional traffic generated by the use.</p>
Increase traffic movements	
Decrease traffic safety/dangerous intersection	
Insufficient on-site parking and danger of parking on-street.	<p>The proposal supplies sufficient carparking spaces on site for staff and patrons.</p> <p>The proposed design layout and access points encourage use of on-site carparking, rather than on-street parking. Based on the figures supplied and Councils engineering assessment there is sufficient parking on site.</p>
Pedestrian access and safety	<p>The site is proposed to be accessed by a pedestrian footpath connected to Baynes Park Road, which is considered sufficient for the proposed use and development. It is expected pedestrian access to the site will be much lower than vehicle access, as parents will mostly likely drop their children off at the centre when travelling to and from work.</p>
Amenity	
Measures insufficient to prevent overlooking	<p>The proposal is accompanied by several treatments to minimise potential for overlooking into adjoining properties.</p> <p>Overlooking requirements have been addressed in a similar manner to the requirements of Clause 54/55 of the Planning Scheme.</p>
Visual bulk	<p>The built form adopts residential characteristics to integrate into the surrounds. The built from is well</p>

	articulated with varied setbacks, varied angle hipped roof forms, large window punctuations across all facades and adopts an effective use of domestic materials and colours schedule. See main assessment for a response to this concern.
Increase noise experienced	The proposal is accompanied by acoustic treatment to minimise potential adverse noise impacts on the surrounding area. The proposed use will have hours of operation between 6.30am and 6.30pm Monday to Friday. The hours are generally compatible with residential living, as they do not extend into the higher amenity sensitive times of evenings and weekends. The 6.30am start time allows for opportunity to support a wider resident demand, for a work life balance, and spreads the movement of vehicles and people over a longer period of time in the morning and night.
Other	
Impact of vegetation removal on native flora and fauna.	The subject site has not been identified as a place with high natural environmental significance. The arborist report has demonstrated that the vegetation on site can be removed for the development to proceed. Replacement landscaping is required to appropriately revegetate the site with suitable species whilst managing the bushfire risk.
Overall design and acoustic fencing is not in keeping with residential zoning of the area	As stated in the assessment part of the report the proposal responds appropriately to the subject site terrain and urban landscape characteristics in presenting a high standard well-designed built form that fits comfortably on the land. Acoustic fencing has been designed to take the form of a standard boundary fence. Further to this the acoustic fencing is setback from boundaries to allow for significant landscaping that will soften the fences appearance.

Negotiated amendment in response to objector concerns (Part 2)

The applicant and southern adjoining property owner and objector initiated their own independent discussions, they have negotiated three voluntary design changes to resolve the objector concerns (shown in Figure 18).

The objector has withdrawn their objection subject to the agreed changes. See main assessment for a more detailed response to concerns.

The design changes only impact the southern elevation and have no bearing to the west adjoining property and objectors further afield.

Item	Design change	Officer comment
1.	Installation of 300mm trellis on top of the acoustic fence along the southern end of the carparking area	Acceptable and supported. Recommend a condition placed on any permit granted to secure this agreed change. See Condition 1 (h)
2.	First Floor <i>Activity Area 4</i> southern windows to be obscured	Acceptable and supported. Recommend a condition placed on any permit granted to secure this agreed change. See Condition 1 (i)
3.	Installation of a skylight for <i>Activity Area 4</i> in lieu of item 2.	Acceptable and supported. Recommend a condition placed on any permit granted to secure this agreed change. See Condition 1(j)

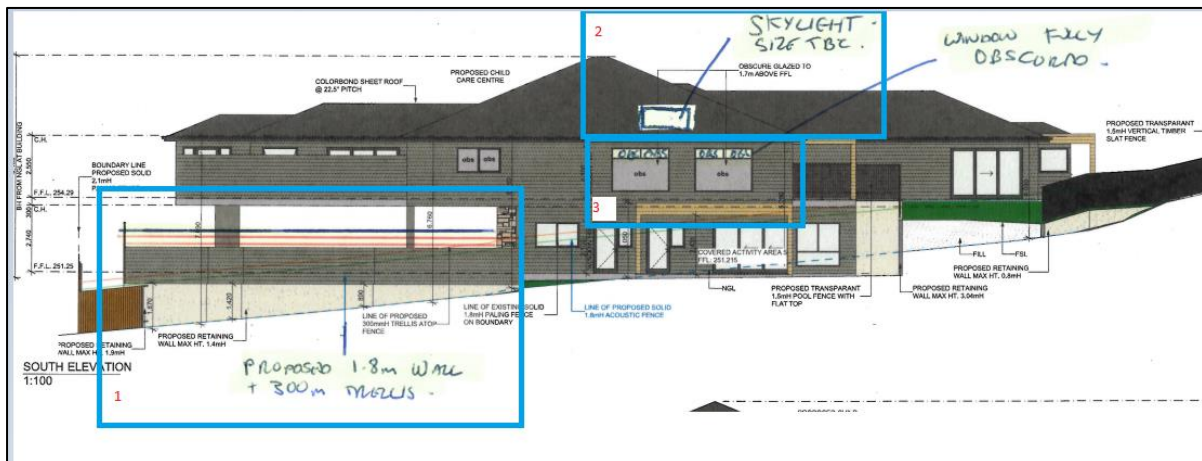


Figure 18 – Negotiated changes between the applicant and adjoining owner (southern elevation)

CONCLUSION

The proposal provides a community infrastructure for Monbulk and surrounding communities in a location that is both compatible and commonplace within a surrounding residential area. Exhibiting positive social and economic advantages to current and future residents of the township, the proposal would provide an appropriate facility that contributes to the township's community sustainability and is designed respectfully for its semi-rural low density landscape character.

The design response satisfactory minimises negative impacts to adjoining neighbours. The design has an effective layout and siting, residential scaled building form and residential design detailing, responding adequately to constraints and characteristics of the site and surrounds.

The use and development application has been assessed in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies.

The proposal is consistent with the objectives of planning policies, and the relevant zone and overlay provisions of the Planning Scheme.

As such, approval is recommended.

ATTACHMENTS

1. Planning Permit Conditions
2. Planning Scheme Policies
3. Development Plans
4. Landscape Plan
5. Tree Removal Site Plan
6. Traffic Impact Assessment
7. Acoustic Report
8. Environmental Sustainability Plan
9. Town Planning Report
10. Arborist Report
11. Bushfire Management Statement and Plan