

YR-2022/452 - 20 DAVID HILL ROAD, MONBULK- PLANNING REPORT

APPLICATION DETAILS

| | |
|---|---|
| Site Address | 20 David Hill Road, Monbulk Lot 2 on Plan of Subdivision 007432. |
| Application No. | YR-2022/452 |
| Proposal | Use and development of the land for a childcare centre, removal of vegetation, display of business identification signage and reduction in car parking |
| Existing Use | Residential dwelling |
| Applicant | Ratio Consultants |
| Zone | Low Density Residential Zone |
| Overlays | Significant Landscape Overlay - Schedule 22 Bushfire Management Overlay - Schedule 1 |
| Permit trigger/s | 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 of vegetation• To construct a building or construct or carry out works when the site coverage exceeds 30 percent, and the impervious area is more than 50 percent 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 Clause 52.05 - Sign <ul style="list-style-type: none">• Display of business signage Clause 52.06 – Car parking <ul style="list-style-type: none">• Reduction of carparking requirement |
| Objections | 20 objections, and one submission in support |
| Encumbrances on Title (Covenants/Section 173 Agreements) | No |
| Reason for Council Decision | More than 10 objections |
| Ward | Chandler |

SUMMARY

- The proposal provides for an essential community infrastructure for Monbulk and surrounding communities in a location that is both compatible and commonplace within a residential area.
- Exhibiting positive social and economic advantages to current and future residents of the township, the proposal is an exemplary example of contributing to the township's community sustainability and is designed respectfully for its semi-rural low density landscape character.
- The design response is of high standard and consideration in addressing special attention to minimising negative impacts to adjoining neighbours. Effective layout, human scaled building form and design detailing appropriately responds to the constraints and characteristics of the site and surrounds.
- The proposed use and development are suitably aligned with the purpose of the zone and its decision guidelines which point to consideration of the Municipal Planning Strategy and the Planning Policy Framework. In particular, the proposal is strongly aligned to the relevant sections of the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal received 20 objections and one letter of support. For the objections, the primary concerns raised were land use appropriateness, accumulative amenity impacts, accumulative traffic impacts including nominating Coolwyn's Nursery trucks frequently traversing Victoria Avenue, increase in traffic, increase in car noise and fumes, decreased traffic/pedestrian safety and potential for poor driving behaviour.
- The application was reviewed by the Country Fire Agency (CFA) and internally by Council's Engineering Traffic and Drainage departments and Council's Arborist. All referral assessments determined no overarching concerns with the proposal, subject to standard and non-standard conditions.
- Overall, the proposal is considered worthy of support, subject to conditions.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2022/452 for Use and development of a childcare centre, removal of vegetation, display of business identification signage and reduction in car parking at 20 David Hill 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*.

ENCUMBRANCES ON TITLE

The subject site includes a 1.54 metre wide drainage easement that extends along the rear southern boundary.

There are no other encumbrances on the Certificate of Title.

SITE LOCATION AND DESCRIPTION

The subject site:

- Is a corner allotment located on the southern side of David Hill Road and western side of Victoria Avenue, approximately 245 metres to the east of Monbulk Road, Monbulk;
- Is rectangular in shape with a frontage to David Hill Road of 31.39 metres and 57.30 metres to Victoria Avenue, with an overall land area of approximately 1,798 square metres;
- Has a significant slope of approximately 2.50 metres from north-west to south-east direction;
- Currently has a single storey weatherboard dwelling with a pitched roof;

- The site has two vehicle access crossovers, one is located at the north-west corner to David Hill Road and the second vehicular access is to the east from Victoria Avenue; and
- Has a moderate level of vegetation and canopy trees scattered throughout the site (See Figures 1, 2, 3 and 4):



Figure 1 - Subject site



Figure 2 - Facing east from Victoria Avenue



Figure 3 - Facing north-east on the corner of Victoria Avenue and David Hill Road



Figure 4 - Facing north-west from David Hill Road

SURROUNDING AREA

The immediate surrounding area consists of an established low-density area, includes a mix of residential and non-residential land uses being a primary school; commercial uses; sporting clubs and a place of assembly (See Figure 5).

The surrounding properties include:

- To the site's immediate north is David Hill Road which is a Transport 3 Zone road. On the northern side of David Hill Road is land located within the Low-Density Residential Zone and consists primarily of residential dwellings;
- To the north-west is land used as a primary school within a Public Use Zone;
- Yarra Ranges Shire Community Link is located west adjacent to the primary school within a Public Use Zone;
- To the site's immediate south is 2 Victoria Avenue. The property is occupied with an elevated single storey weatherboard dwelling. Vehicle access to the site is via a south side crossover. Secluded private open space is located to the rear of the dwelling;
- Victoria Avenue is land within a Low Density Residential Zone and primarily used for dwellings;
- Further to the southeast are several large land holdings within a Green Wedge Zone currently used primarily for agricultural growing of nursey plants by Coolwyn's Nursery. Coolwyn's Nursery is accessed from Kenny's Lane and Victoria Avenue;
- To the site's immediate west is 18 David Hill Road. The property is occupied with a single storey weatherboard dwelling. Vehicular access to the site via a crossover north-west site crossover from David Hill Road, which provide access to a shed and carport built on the shared title boundary with the subject site. Secluded private open space is located to the rear of the dwelling; and
- Approximately 250 metres further west is the Monbulk Town Centre which provides a variety of commercial uses and facilities servicing the township and wider surrounding communities.



Figure 5 - Subject site and surrounds

PROPOSAL

The proposal (see Figures 6-11) comprises a change of use and development on the land as described in the table below:

| Use - Childcare Centre | |
|--|---|
| Number of Children | 80 Children |
| Operating hours | 6.30am - 6.30pm Monday and Friday |
| Development - Childcare Centre (Figure 6 and 7) | |
| Indoor space | Child room 1: Capacity 8 (Floor Area 27 square metres) |
| | Child room 2: Capacity 12 (Floor Area 40 square metres) |
| | Child room 3: Capacity 16 (Floor Area 53 square metres) |
| | Child room 4: Capacity 22 (Floor Area 72 square metres) |
| | Child room 5: Capacity 22 (Floor Area 72 square metres) |
| Outdoor space | Outdoor play areas wrap around the building |
| | Proposed Area - 565 square metres |
| | Required Area - 560 square metres |
| General Characteristics (Figures 8 and 9) | |
| Number of storeys | Two storey built form |
| Maximum building height | 8.5 metres |
| Materials/colours | Materials |

| | |
|------------------|--|
| | <ul style="list-style-type: none"> ▪ Exterior walls - Weatherboard ▪ Roofing – Metal Sheeting <p>Colours</p> <ul style="list-style-type: none"> ▪ White and light grey |
| Site coverage | 31.3 percent |
| Impervious area | 55.6 percent |
| Boundary Fencing | <p>North - 1.2 metre high aluminium batten fencing.</p> <p>South - 3.0 metre high acoustic treated timber paling wall.</p> <p>East - Mix of 2.0 metre high timber paling fence and 1.2 metre high aluminium batten fencing.</p> <p>West - Mix of 2.0 metre high retaining wall and 2.2 metre high fencing.</p> |
| Vehicle Access | via Victoria Avenue |
| Bicycle storage | Four bicycle storage spaces |

| Carparking space reduction | | | |
|---|---|---------------|-----------------------------|
| Carparking Rates Childcare - 0.22 spaces per child | | | |
| Proposed | 16 spaces | | |
| Required | 17 spaces | | |
| Short fall | 1 space | | |
| Business Identification Signage (Figure 10) | | | |
| Sign 1 | Text – ' <i>Journey Early learning</i> ' Size - 0.9 metres x 2.64 metres Not illuminated | | |
| Sign 2 | Text – ' <i>Journey Early learning, logo and other business information</i> ' 3.0 metres x 1.0 metres (Not illuminated) | | |
| Permit required for removal of 17 trees (Figure 11): | | | |
| Tree number | Species | Origin | Arboricultural value |
| Tree 2 | <i>Pittosporum eugenioides</i> 'Variegatum' - Lemonwood | Exotic | Medium |
| Tree 3 | <i>Photinia robusta</i> - Red-leaf Photinia | Exotic | Low |
| Tree 4 | <i>Liquidambar styraciflua</i> - Liquidambar | Exotic | Low |
| Tree 5 | <i>Pittosporum eugenioides</i> 'Variegatum' - Lemonwood | Exotic | Low |
| Tree 6 | <i>Prunus persica</i> var. <i>nucipersica</i> - Nectarine | Exotic | Low |
| Tree 8 | <i>Fraxinus angustifolia</i> - Narrow-leaved Ash | Exotic | Low |
| Tree 9 | <i>Betula pendula</i> - Silver Birch | Exotic | Medium |
| Tree 10 | <i>Pittosporum eugenioides</i> 'Variegatum' - Lemonwood | Exotic | Low |
| Tree 11 | <i>Fraxinus angustifolia</i> - Narrow-leaved Ash | Exotic | Low |
| Tree 12 | <i>Morus alba</i> - Mulberry | Exotic | Low |
| Tree 13 | <i>Corymbia ficifolia</i> - Red Flowering Gum | Native | Medium |
| Tree 17 | <i>Quercus robur</i> - English Oak | Exotic | Low |

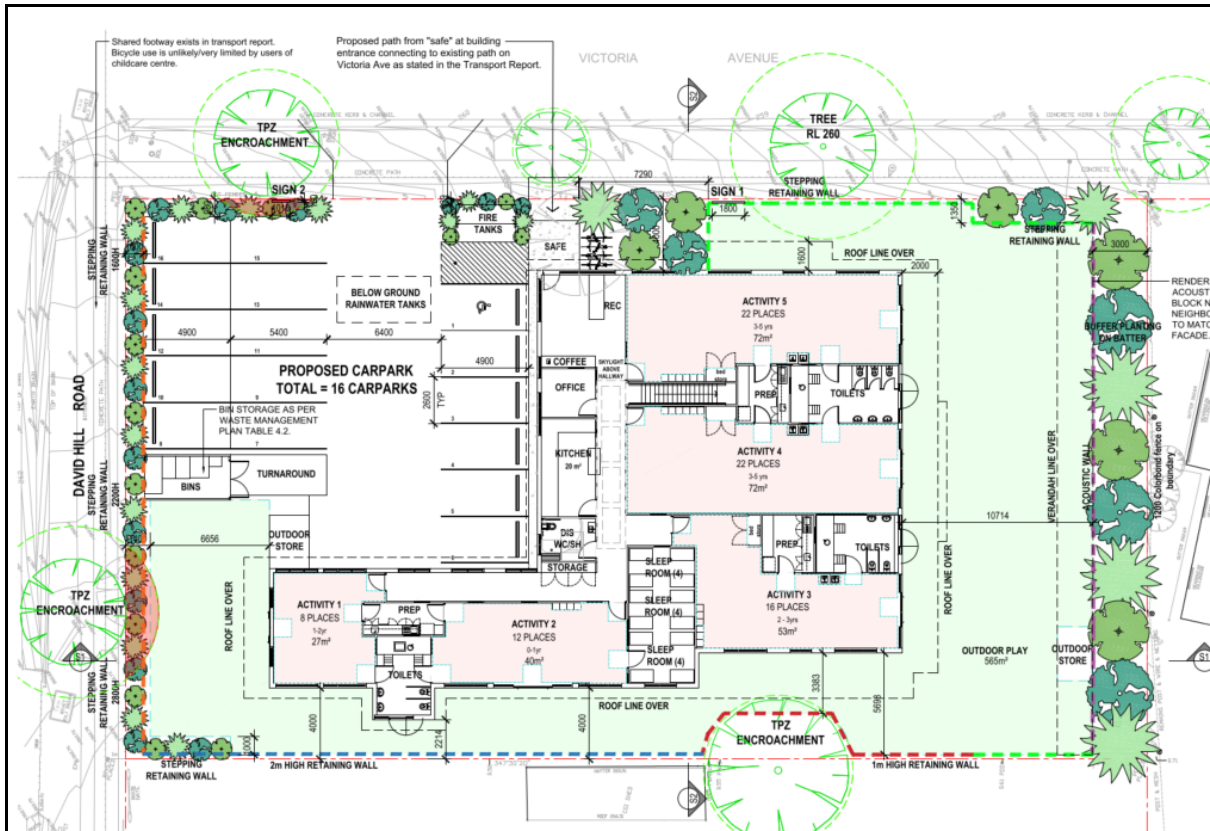


Figure 6 - Proposed Ground Floor Plan

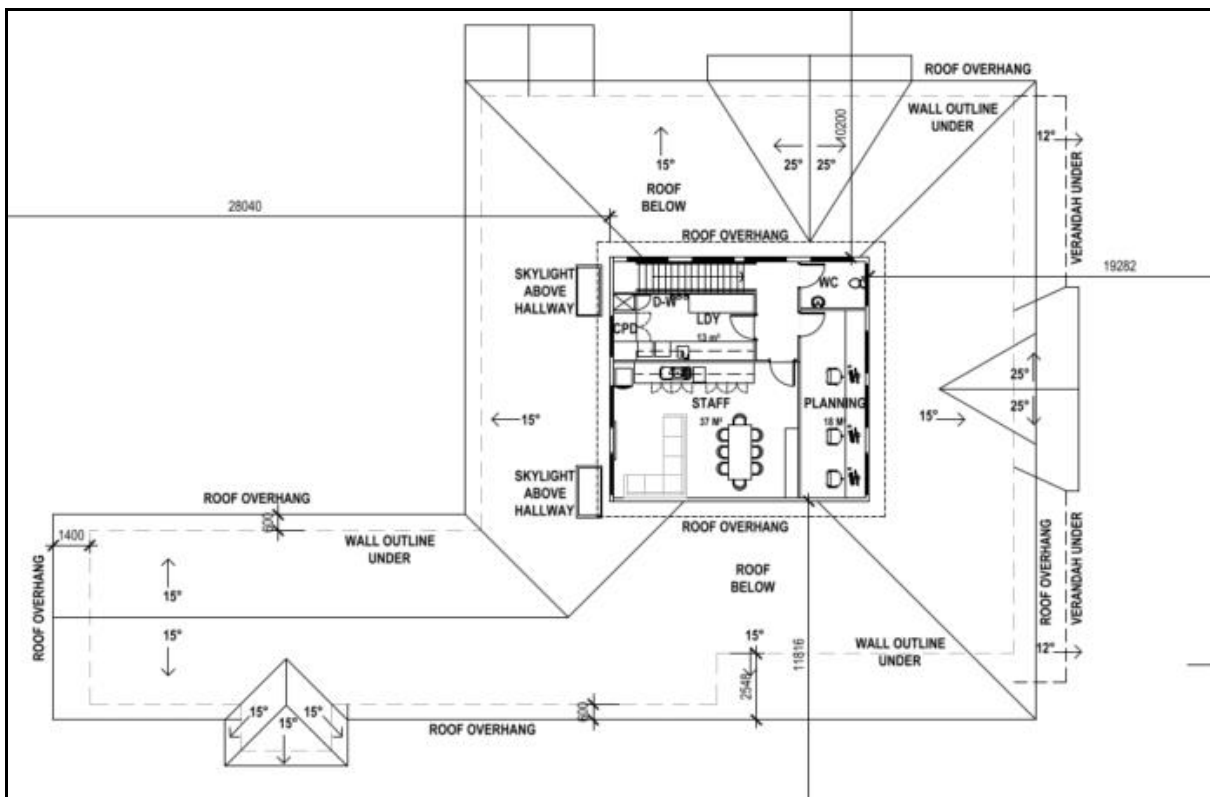


Figure 7 - Proposed First Floor Plan



Figure 8 - Artistic Impression - Victoria Avenue



Figure 9 - Artistic Impression - David Hill Road

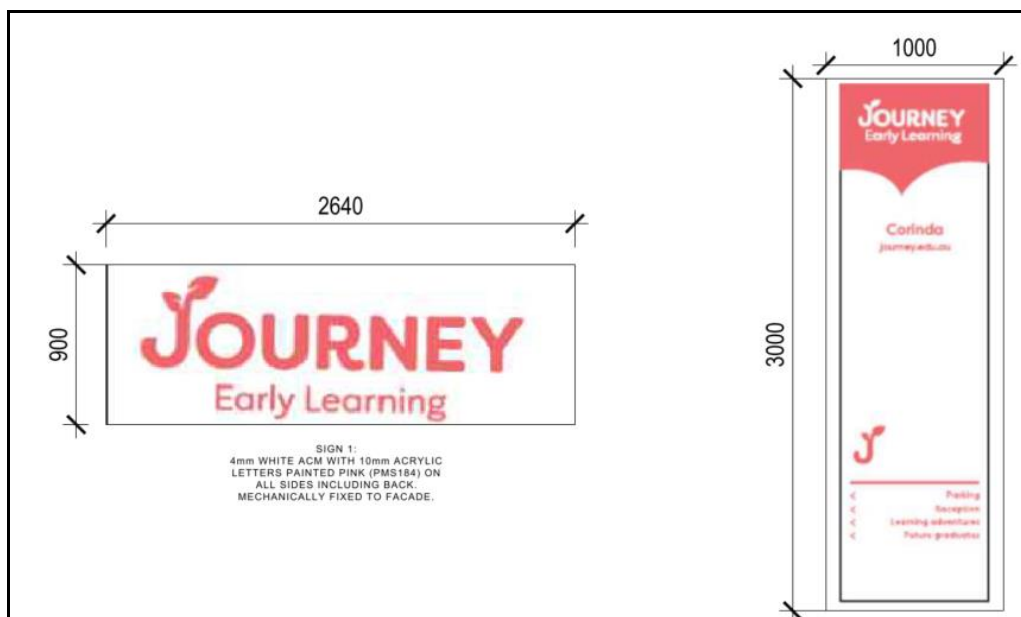


Figure 10 - Proposed Signage Plan

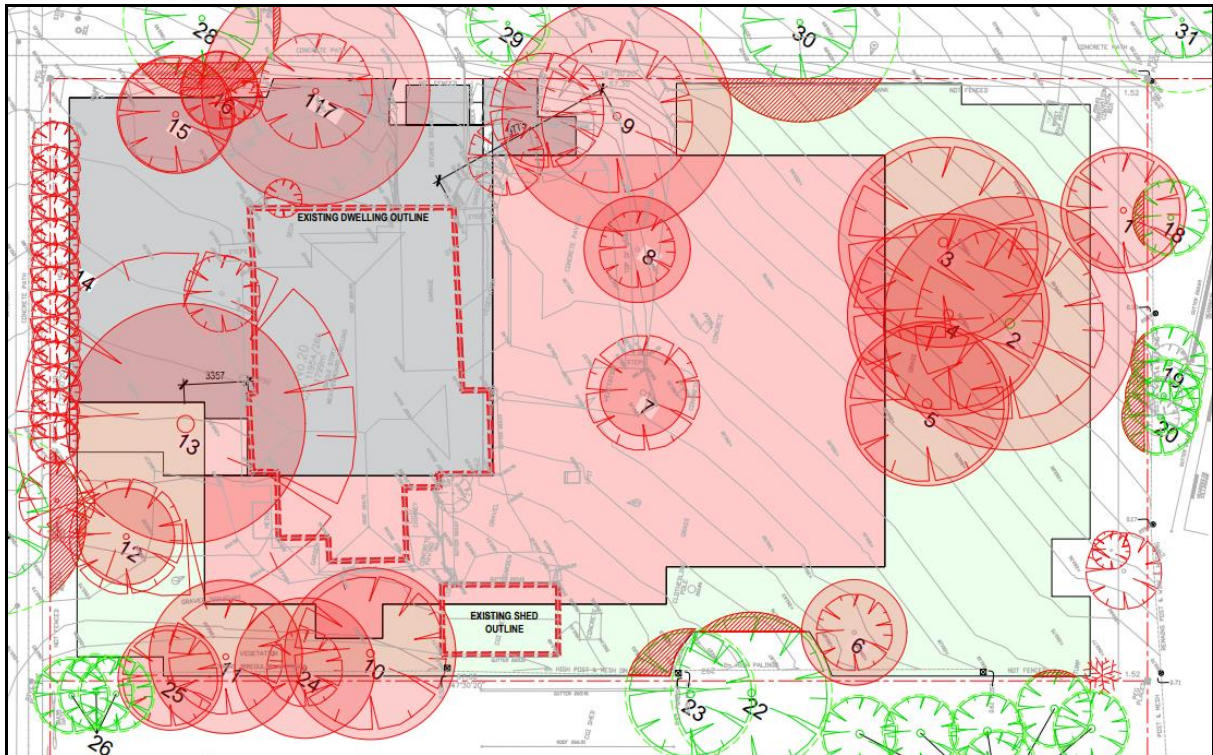


Figure 11 - Proposed tree removal

HISTORY

A search of Council records revealed no planning history.

PLANNING CONTROLS

| | |
|-------------------------|---|
| Zoning: | Clause 32.03 - Low Density Residential Zone |
| Overlay: | Clause 42.03 - Significance Landscape Overlay |
| 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. |

Clause 11 Settlement:

- 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.

Clause 12 Environmental and Landscape Values

- Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environment.

Clause 13.02 Environmental Risks and Amenity – Bushfire:

- Strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.05 Environmental Risks and Amenity - Noise:

- 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.

Clause 13.07-1S Land use compatibility:

- 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

| | |
|----------------------------------|--|
| | <p>safety of the public realm.</p> <ul style="list-style-type: none"> ▪ 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 <p>Clause 17.01 Employment:</p> <ul style="list-style-type: none"> ▪ 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. <p>Clause 18.01-1S Land use and transport integration:</p> <ul style="list-style-type: none"> ▪ 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. <p>Clause 19.02-2S Education Facilities:</p> <ul style="list-style-type: none"> ▪ 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 | <p>Clause 52.02 Signage</p> <p>Clause 52.06 Carparking</p> |
| Other Requirements: | <p>Clause 53.02 - Bushfire Planning</p> <p>Clause 65 - Decision guidelines</p> <p>Clause 71.02-3 - Integrated Decision Making</p> |

For further information on the planning controls refer to Attachment 2.

CONSULTATION

External Referrals

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

| Referral Authority | Consent/Objection Summary of Response | Officer comment |
|--|--|--|
| Country Fire Authority (Recommending referral authority) | No objection, subject to standard conditions to endorse the submitted Bushfire Management Plan and provide Bushfire Emergency Plan | Suggested conditions are supported and recommended to be included to any permit granted. |

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 | Officer comment |
|--------------------------|---|---|
| Traffic Engineer | No objection subject to standard conditions, and non-standard conditions Some of non-standard conditions relate to additional information placed on development plans. Information relates to: <ul style="list-style-type: none">• Notation for sealed crossover• Increase crossover width to 6.4 metres• Relocate road reserve shared path sign to a location to the satisfaction of the responsible authority Nominated a minimum of four spaces for quick 15 minute drop/pick up activities | Recommending conditions to be inserted to any permit granted. |
| Drainage Engineer | No objection subject to standard conditions | Recommending conditions to be inserted to any permit granted |
| Arborist | Overall, no objection subject to standard conditions related to | Recommending conditions to be |

| | | |
|--|---|--|
| | <p>installing tree protection zones fencing during construction and set timeframes for new planting.</p> <p>Additional comments provided:</p> <ul style="list-style-type: none"> • The removal of trees # 1–17 and 26 are not contested; and • Trees # 23, # 24 and #25 have greater than 10 percent Tree Protection Zone encroachment by the proposed retaining wall. These trees will be adversely affected. <p>This matter not satisfactory and resolved by amended design to not exceed 10 percent encroachment into listed trees' Tree Protection Zone and works to be outside Structural Root Zone of listed trees.</p> <p>The applicant's arboricultural report recommends construction techniques for the retaining wall adjacent to neighbouring boundary trees #23, #24 and #25 to minimise tree impact, however these recommendations not supported.</p> | <p>inserted to any permit granted.</p> |
|--|---|--|

Public Notification and Consultation

Notification of the application was undertaken by:

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

Twenty (20) objections and one (1) letter of support were received:

Concerns are summarised as:

- Location appropriateness;
- Out of character for a residential area;
- Various traffic impacts and traffic safety matters;
- Amenity (noise/health);
- Devaluation of the property; and
- Change in habitat for local birds and animals

Support submission summarised as:

- A need for a childcare centre; and
- Convenient location

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.

The proposed use and development are suitably aligned with the purpose the zone and its decision guidelines which point to consideration of the Municipal Planning Strategy and the Planning Policy Framework.

In particular, the proposal is strongly aligned to the relevant sections of the Municipal Planning Strategy and the Planning Policy Framework.

Use

Clause 02 & 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. They are considered to be an important local community facility that is generally considered suitable in a residential zone. They can contribute to developing a sense of belonging to a local area because of its readily accessibility.

The proposed childcare centre within this location provides a strong, positive and necessary local community infrastructure to the long-term community needs. Expansion of the existing education facilities found within the local area in turn contributes to strengthen the overall education infrastructure for the long-term community needs.

Clause 17.01 & Clause 19.2 seeks to allow for an increase in accessibility and choice to early childhood facilities and improve education sector job opportunities with local access. The proposed development and use are in proximity to an existing residential community and other educational facilities with planned road networks and pedestrian pathways, and located on the periphery of a commercial activity area.

Built form

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

The overall design of the building and orientation is predicated on reflecting the appearance of a residential building. Fronting two streets, adopting a mix of

bungalow and post-war dwelling architectural features with a modern style, mix of gable and hipped roofs, integrated wide porches, fretwork, brackets, and proportional and appropriately sized portrait window openings.

The development is surrounded by boundary landscape treatments with staggered setback permeable timber paling fence. The building is constructed using a weatherboard exterior and sheeted metal roofing in a colour palette of white with light grey roofing and accents. The building style, design details and landscaping are contemporary and sympathetic to the local character area.

The building siting and overall layout is largely dictated by the natural fall of the land. In keeping with the natural land grades at best, the carparking and entrance is located along Victoria Avenue at grade level, whilst the bulk of the building is orientated to the rear and an upper floor level is inserted. These listed design measures minimise cut and fill on the land. Staggered boundary fencing heights and setbacks strongly communicate a positive responsiveness to the street character. The proposed development layout, siting and fencing details adequately respond to the site's natural land terrain and streetscape.

Views in and out of the subject site, aided by appropriate permeable fencing, provide a positive public realm pedestrian experience. A visible and dedicated pedestrian access is provided from Victoria Avenue.

The overall scale of the building, generous setbacks from side and rear boundary and the effective use of landscaping and screening buffers ensure the protection of residential amenity.

The static water tanks sited along eastern boundary will need to be suitably treated to ensure they are properly screened by either vegetation or a hard screen. A condition has been recommended to be placed on any permit granted to obtain an updated landscape plan that takes this into account.

Amenity impacts

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

The proposed use and development will have hours of operation between 6.30am and 6.30pm Monday to Friday. The hours are commonly applied to a use such as this, and are considered to be 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.

The Acoustic Report, prepared by Waston Moss Growcott (Attachment 4) includes a detailed assessment of potential noise impacts, including general land use, building

services and waste collection and uses the commonly applied Association of Australasian Acoustical Consultants (AAAC) for Child Care Centres Guidelines and *Environment Protection Act 2017 (Vic)*.

The assessment and recommendations outlined in point 10.6 of the Acoustic Report, states the need to install acoustic barriers around south, east and west perimeter of the site, to be made of and to particular material specifications (See Figure 12). Installation of acoustic barriers would also assist in resolving objector's noise amenity impacts concerns.

A three metre high acoustic wall with a cantilevered two metre wide fin along the southern elevation is recessed three metres from the title boundary and is to be buffered by dense evergreen landscaping. The structure height is not dissimilar to what is ordinarily found in residential areas, for a veranda or alike. The structure height is necessary to curb noise for the neighbouring elevated dwelling (Figure 12).

The proposed development plans do not clearly illustrate what is required to achieve this. A condition has been included to secure clearer notations on the development plans to show this detail.

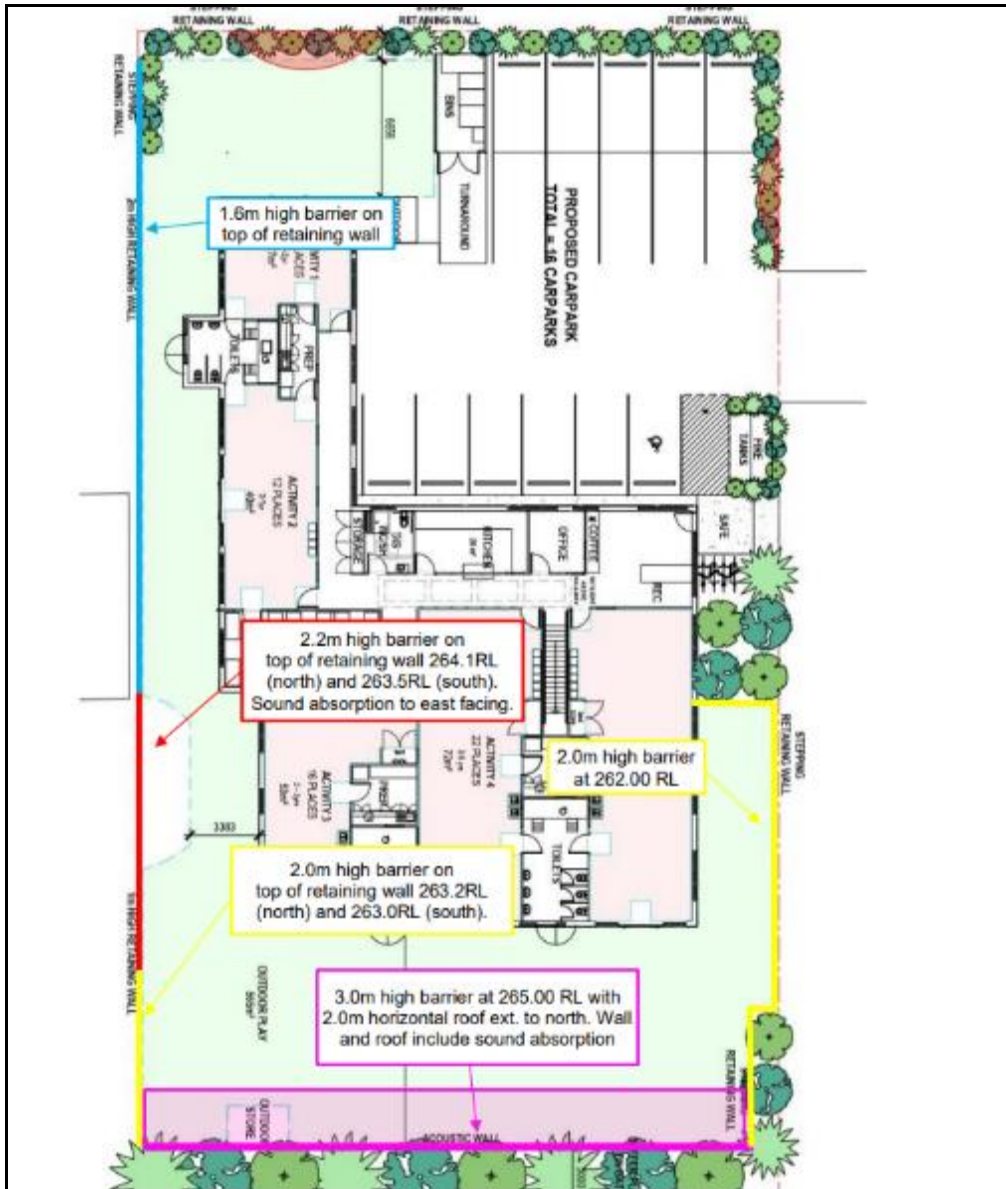


Figure 12 - Acoustic barriers (Source - Acoustic report)

The on-site carparking area is strategically located towards the site frontage; furthest distance possible from the immediate adjoining properties, their dwelling and their outdoor recreational spaces. Notably, there is no vehicle parking allowed within the first 10 metres of the Victoria Avenue and David Hill Road intersection.

David Hill Road is one of the primary thoroughfares into the commercial precinct and caters for other education and outdoor recreational land uses. David Hill Road is already a highly used localised traffic route and any likely increase in additional traffic generated by this proposal would not impose unreasonable amenity impact beyond what currently exists.

Officers are recommending that the standard amenity conditions to be included to any permit granted.

Building and works – Significance Landscape Overlay – Schedule 22

Clause 12.05-2S and Clause 42.03 seeks to ensure the proposal adequately addresses landscape characteristics and contributes to the character, identity and sustainable environments of the existing area. The Significant Landscape Overlay identifies the Monbulk area as being sited within forested hills made up of generous sized blocks with a garden setting character comprising a mix of low-level gardens and mature trees, native and non-native dominating the skyline.

The proposal satisfactorily responds to objectives and strategies of the overlay, as it maintains a sense of spaciousness with generous setbacks, promotes landscaping characteristics with strategic landscape provision at public vantage points across two street frontages and rear boundary and adopts a building profile that emulates a residential building style that is often synonymous in a residential environment. The proposal effectively blends into its built environment and natural landscape and is a positive design response to achieve the proposed use.

Vegetation (tree) removal - Significance Landscape Overlay

A number of the proposed nominated trees for removal are located centrally on site (not close to boundaries) and are of low retention value. The proposed use has specific design and function requirements that require the trees to be removed. A balanced approach therefore needs to be considered as to which is more important, the childcare centre or protection of trees.

By supporting the proposed use and development essentially gives less weight to tree retention. Unfortunately, the trees nominated for removal are not capable of being retained. To offset this loss, the proposal provides landscaping provisions around the site perimeter. In the medium to long term, the replacement vegetation planting proposed on the landscape plan will achieve a similar level and quality of landscaping as presently exists.

Carparking / Traffic / Transport

Subject to conditions, the proposal provides safe access and egress for pedestrians, cyclists, and vehicles that Clause 15.01-2S, 18.01-1S, 18.02-1S, 18.02-2S and 52.06-10 seeks to do. The proposal provides a sufficient number of on-site carparking spaces to meet demand, alternative transport options and suitable internal access to minimising amenity of the locality.

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

As stated above, the location of the subject site is considered especially appropriate for use of a childcare due to its proximity to a residential community and other educational facilities. The current road infrastructure linkages of mid-level roads to employment bases, residential surrounds and reusable colocation of existing education facilities and commercial core only 180 metres west adds to the

accessibility that the childcare centre can be assessed by multi-daily use circular trips, avoiding environmental and economic impacts to single use trip activities.

Clause 52.06 (Car Parking) is relevant to the consideration of this application.

Carparking rate assessment

| Land use | Required | Proposed | Shortfall |
|--|-----------------|-----------------|------------------|
| Childcare centre rate - 0.22 per 1 child (80 children) | 17 | 16 | 1 |

Council's Engineering Traffic department reviewed the application, including the request for a one car space reduction, access ingress/egress and carparking layout, and likely traffic generated impact. The following comments were provided:

- There is significant justification to support a reduction of one (1) carparking space for this application. Noting, the proposal offers four (4) bicycle parking spaces and pedestrian footpath collections;
- The carparking area is designed for internal vehicle movements and allowance for tandem parking arrangements which is an increasing common carparking arrangement substantiated by responding to site constraints;
- Achieving an effective and efficient use of this carparking area arrangement, it is recommended a minimum four (4) single bay car spaces are dedicated purely for quick high turnover drop/pick up activities;
- Likely traffic generated by this use is acceptably managed through an existing planned road network capable of absorbing additional traffic movements. As childcare centres generally attract local residents, and those residents would quite often access Childcare centres via another daily commute to works or activities, it is not expected that will be a noticeable increase in traffic within the immediate area that is solely generated by this childcare centre land use alone; and
- The carparking layout design standards comply with Clause 52.06 carparking layout design standards.

Signage

The subject site is located within a Category 3 High Amenity Area. The intent of the high amenity area controls is to keep signage in these areas to a minimum, compatible with residential use and ensure the signage is fit-for-purpose. Childcare centres attract local, repeat residents and the need to provide signage under these circumstances it extremely minimal.

The application for two (2) business identification signs is deemed excessive in number and proposed size for the use and is considered to be incompatible with the local road's street character.

To achieve an acceptable outcome, it is recommended Sign 1 (the smaller sign) is removed and Sign 2 (the free-standing pylon sign) is reduced to two (2) metres in height. The recommended permit conditions will achieve these changes.

Bushfire Management / Bushfire Protection

The proposal suitably responds to the bushfire management objectives and strategies to mitigate bushfire risk and prioritise the protection of human life which Clauses 13.05, 44.06, 53.02 and 71.02-3 seek to achieve.

The application is accompanied by a bushfire management statement and bushfire management plan prepared by TM Terramatrix to respond to bushfire risks. The proposal has demonstrated how they will mitigate bushfire risk to an acceptable level having regard to the following:

- The subject site and immediate surrounding area can be sensibly categorised as urbanised;
- The development is exposed only to low threat vegetation;
- The development can meet the defensible space and construction objective by use of alternative measure item 3.6;
- The development need to only achieve BAL-12.5 construction standard (lowest rating);
- Accessing the site is via wider sealed road network; and
- Static water storage is strategically located and visually screened (See Figure 13).

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. Additionally, CFA have requested careful attention to new landscaping planting complies with Clause 53.02-5 Bushfire Planning Table 6.

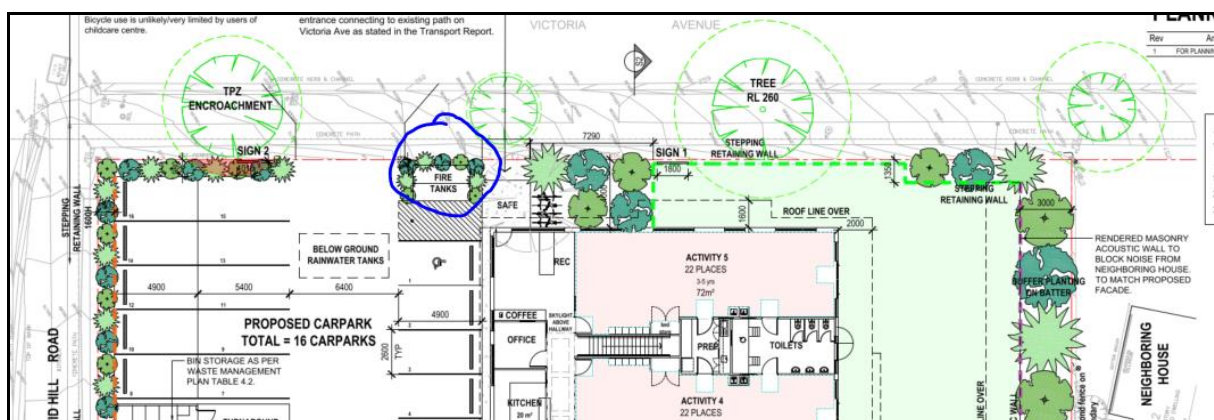


Figure 13 - Static water supply for fire-fighting purposes

Response to Submitters concerns

| Concern | Officer response |
|--|---|
| Use | |
| Location appropriateness | See main assessment for a response to this concern. |
| Use out of character for a residential area | See main assessment for a response to this concern. |
| Traffic Impacts | |
| <p>Generally unhappy with Coolwyn's Nursery (south) current use of Victoria Avenue, with their constant large volume of commercial traffic (Semi / B-double trucks) traversing back and forth along Victoria Avenue.</p> <p>Peak hours of vehicle movement are stated to be between 6.30-7.30am and 3.30-4.30pm.</p> | <p>Traffic impacts listed were the primary concern raised by many objectors.</p> <p>The submitted Traffic Report was completed by suitably qualified person and neither the applicant's Engineer nor Council's Engineering traffic team raised concerns with traffic management.</p> <p>Understandably, a childcare centre land use operates an extended morning and late afternoon/early evenings drop off and pick up period. There is consideration to be had that parents/carers would adjust their drop off and pick up timeframes to increase their chances of access convenience.</p> <p>On the evidence submitted by the applicant it is considered that the road network is suitable, and can handle, the additional traffic generated by the use and development.</p> |
| Victoria Avenue and David Hill Road is already a busy intersection generated by the nurse, nearby school and others. | |
| Decrease traffic movements | |
| Decrease traffic safety / dangerous intersection | |
| Already trucks traversing Victoria Avenue disturbs my dog (barking). More cars and people along the street will increase dog disturbance. | <p>As stated above in the report the likely traffic generated by this use is acceptably managed through an existing planned road network capable of absorbing additional traffic movements.</p> <p>As childcare centres generally attract local residents, and those residents would quite often access Childcare centres via another daily commute to works or activities, it is not expected there be a noticeable increase in traffic within the immediate area that is solely generated by this childcare centre land use alone.</p> |

| Concern | Officer response |
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| Insufficient on-street parking | <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 that addition of site parking is not required.</p> |
| Patrons will use driveway to turn around along Victoria Avenue | <p>There is sufficient room onsite, according to the proposed traffic layout, for vehicles to turn around to exit in a forward direction. As there is sufficient parking on the site there should be no requirement for vehicles to park on the street or use private driveways to turn around.</p> |
| Need for more pedestrian safety | <p>The site is accessed by a series of pedestrian footpaths connected to Victoria Avenue and David Hill 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> <p>Officers have referred these comments to Council traffic department for future consideration.</p> |
| Does not support the information contained within the submitted Traffic Impact Report | <p>Traffic Report was completed by suitably qualified person.</p> <p>Council's Traffic Engineering department have reviewed the report and not raised any concerns with the content.</p> |
| Seeking <i>'no standing/local resident parking only'</i> signs to be erected along crossovers interfacing the subject site to prevent blocked driveways. | <p>Council Traffic Engineering section has advised that Parking across the crossover is against the Victorian Road Rules and Council does not reiterate the road rules using signage.</p> |
| Amenity | |
| Seeking acoustic wall fence along the southern boundary to be constructed | <p>An updated landscape plan will be required by a condition on the proposed</p> |

| Concern | Officer response |
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| with colourbond and have evergreen planting. | <p>permit. The condition will require that the updated Landscape plan show how the proposed plantings will visually conceal the approved acoustic barrier fence.</p> <p>Acoustic barrier material will need to align with acoustic engineer's recommending specification to be fit-for-purpose however, it also needs to be visually appealing.</p> <p>The acoustic report has stated that "suitable materials will include 25mm thick timber, 6mm glass, 15mm polycarbonate, 9mm cement sheet, or 3 layers of 0.48mm Colorbond steel sheeting. Masonry options including brickwork and precast concrete will also be acceptable. Other materials must be reviewed prior to approval."</p> <p>A proposed condition will require plans to be submitted for endorsement prior to the acoustic walls being constructed.</p> |
| Remove quiet enjoyment Increase noise experienced | <p>As stated above the proposal is accompanied by acoustic treatment to minimise potential adverse noise impacts on the surrounding area.</p> <p>The proposed use will have hours of operation between 6.30am and 6.30pm Monday to Friday. The hours are considered to be 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.</p> |
| Health risks with car fumes | <p>As the expected level of traffic movement, to and from the site, and the likely dispersal of traffic, from 6.30am to 6.30pm, is expected to ensure that no unreasonable concentrations of emissions result from the congregation of vehicles.</p> <p>As the development does not have any enclosed vehicles areas or requirements for extraction fans there will be no</p> |

| Concern | Officer response |
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| | concentration of emissions to any single area of the site. |
| Other | |
| Devaluation of the property | <p>Valuations of property can be affected by a range of site specific and locality specific factors which require a significant degree of experience and expertise to assess. The submitter has not presented any evidence or submissions to form a view that the granting of a permit on the subject site would lead to a devaluation of their property.</p> <p>Further to this even though the potential impact of a development on valuations can be considered generally by Council, it is not a relevant planning consideration</p> |
| Change the habitat of local birds and animals | <p>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.</p> <p>In the medium to long term, the replacement vegetation planting proposed on the landscape plan will achieve a similar level and quality of habitat as presently exists.</p> |
| Overall design and acoustic wall fencing is not in keeping with residential zoning of the area | <p>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.</p> <p>The Acoustic wall to the rear has been designed to take the form of a verandah with a wall and colorbond overhang to give it that appearance. Further to this the acoustic wall is setback three metres from the boundary to allow for a significant landscape that will soften the walls appearance.</p> <p>See main assessment for a more detailed response to this concern.</p> |

| Concern | Officer response |
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| Out of character for a residential area | See main assessment for consideration and response to this concern. |

CONCLUSION

The proposal provides for an essential 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 is an exemplary example of contributing to the township's community sustainability and is designed respectfully for its semi-rural low density landscape character.

The design response is of high standard and consideration in addressing special attention to minimising negative impacts to adjoining neighbours. Effective layout, human scaled building form and design detailing respond adequately to the 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 considered to be 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 Report
- 3 Transport Report.
4. Acoustic Report
5. Arborist Report
6. Use and Development Plans
7. Planning Policies