

## **Planning Application PL15/025084 - 318-320 Springvale Road Donvale - Child Care Centre (150 places)**

Responsible Director: Director Planning & Environment

File No. PL15/025084

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

**Land:** 318-320 Springvale Road Donvale  
**Zone** Low Density Residential  
Public Acquisition Overlay Schedule 4  
Significant Landscape Overlay Schedule 6  
**Applicant:** L Giovanetti  
**Ward:** Mullum Mullum  
**Melway Reference:** 48F3  
**Time to consider:** 13 November 2015

### **SUMMARY**

*It is proposed to use and develop the land for a Child Care Centre (150 places) with 28 staff. It will operate on weekdays only from 7.00am until 6.30pm.*

*A sealed car park will be provided in the front of the site with 38 car spaces and separate points of ingress and egress onto Springvale Road. A single level building surrounded by children's play spaces is proposed to the rear of the car park.*

*It is proposed to remove two trees within the proposed car parking area and one pine tree in the Springvale Road, road reserve to facilitate a slip lane from Springvale road. A right turn lane is also proposed from Springvale Road south bound.*

*The application was readvertised following comments received from VicRoads in terms of access into the site. The access into site was moved further south in Springvale Road and south of Eleanor Court, Donvale.*

*A total of twelve (12) properties have objected, including a multi signature letter representing 30 units in the Pinetree Retirement Village. Nine (9) objections were received during the initial advertising period and 7 when readvertised including 3 new objections.*

*Grounds mainly relate to increased traffic congestion and hazardous traffic conditions along Springvale Road, noise (this objection primarily from residents of adjoining retirement village), tree removal, inappropriate use for a low density residential area and residents in Eleanor Court have raised concerns with potential overflow parking in Eleanor Court and difficulties with local residents accessing the Court from Springvale Road.*

*It is considered that the application is an appropriate use and development for the site. The proposal has achieved a satisfactory level of compliance with State and*

*Local Planning Policy Frameworks (including the MSS) particularly Council's Non Residential Uses in Residential Areas policy.*

*In this regard, the proposed location of the development is on a main road; the building is single storey and setback from boundaries minimising its impact on neighbours and streetscape; site coverage is low (25.6%); there is no significant vegetation removal or earthworks; and, the site can be landscaped to improve its appearance within the treed character of the area.*

*VicRoads have advised that they have no objection provided the site egress was shifted 15.0m further south with a 55.0m left turn deceleration lane and a 65.0m right turn lane into the site, to VicRoads satisfaction, whilst maintaining the existing Springvale Road lane widths.*

*It is proposed to support the application.*

## **1 BACKGROUND**

- 1.1 The irregular shaped site has an area of 4253 sq.m. and is located on the western side of Springvale Road Donvale, near the intersection with Mitcham Road. Springvale Road is a Road Zone Category 1. There is a 1.7m wide Public Acquisition overlay across the front of the site, associated with future widening of Springvale Road.
- 1.2 Springvale Road at the front of this property is a dual lane road without kerb and channelling and has remnant vegetation, mainly pine trees along the roadside. The road has a 5.0m wide sealed carriageway set within approximately 10.0m wide road reserve. There is no footpath provided along the road, but there is a gravel track along the top of the embankment in front of the land. The road is under the control of VicRoads.
- 1.3 The land has a 48.35m frontage to Springvale Road, northern side boundary measures 104.5m, southern side boundary is 65.05m and rear western boundary is 60.96m.
- 1.4 The land has minimal slope with a 2.0m fall from the north-western corner down to the Springvale Road frontage across the northern portion of the site, whereas the southern portion of the site is flatter.
- 1.5 There is a 1.83m wide drainage and sewerage easement across the rear of the site.
- 1.6 The land is developed with a single storey, timber dwelling angled across the central part of the land and setback between 18.0m and 38.0m from the road frontage, approximately 9.0m from the southern side boundary and 12.0m at its closest point to the northern side boundary.
- 1.7 There is a large shed attached to the south-west corner of the dwelling and an additional large storage shed within the south-west corner of the land.
- 1.8 The land has been gradually cleared of vegetation over the years, including several pine trees at the rear of the dwelling and exotic species in close proximity to the dwelling. The site is now devoid of tree cover apart from two small trees around the circular driveway within the front setback. There are also two small dams within the front setback.
- 1.9 There is a single width, gravel crossover access from Springvale Road at the southern corner of the land, with informal access to the property from Springvale road also gained at the northern corner of the site.

- 1.10 The land is fenced with a 1.8m high brush fence with two vehicular gate openings along the frontage, with 2.0m high paling fences long the southern and western boundaries. The northern side boundary is post and wire fencing.
- 1.11 The property has sewer connection available.
- 1.12 The site has abuttal with two (2) properties. Surrounding development is described as follows:

Direction	Address	Description
West and South	330 Springvale Road Donvale	<p>The Pinetree Retirement Village occupies the north-west corner of Mitcham Road and Springvale Road Donvale and has 73 single storey retirement units with communal facilities. The retirement village features dispersed semi-attached dwellings set around an internal road network that exits towards Springvale Road.</p> <p>The rear private open spaces of three of these units abut the south-eastern common boundary, and the rear private open spaces of five units abut the south-western common boundary.</p> <p>The maintenance sheds/facility and community centre are located towards the southernmost corner of the subject land.</p> <p>There is also a bin storage and access for waste disposal vehicles adjacent to the southern boundary, with external access from Springvale Road.</p> <p>There is a 2.0m high, paling fence which separates the retirement village from the land. The retirement village site has a finished level approximately 0.5m higher than the subject land.</p>
North	312 Springvale Road Donvale	<p>The land with an area 7715 sq.m. is a low density property which is developed with a dwelling, setback between 1.0m and 17.0m from the common side boundary and approximately 70.0m from the Springvale road frontage.</p> <p>There are pine trees along the common boundary and within the front setback.</p> <p>There is a vehicle crossover at the south-east corner of the property.</p>

- 1.13 The character of the neighbourhood north of the site and on the eastern side of Springvale Road includes dwellings of significant scale on predominantly one acre lots. This reflects the Low Density Zoning of the land to the north, north-west and east of the land. The dwellings are typically positioned within manicured, landscaped gardens, some with tennis courts and swimming pools as a usual part of the development.
- 1.14 The land to the south and along the northern side of Springvale Road comprises residential accommodation with retirement villages and aged care facilities.

## **2 PROPOSAL**

- 2.1 The proposal is for the use and development of the land for a Child care centre (150 places) with 28 staff. It will operate on weekdays only from 7.00am until 6.30pm.
- 2.2 It is proposed to remove two trees within the front setback associated with the car parking area and driveway access on the northern portion of the land. However the size and species of the trees does not trigger a planning permit. There is one mature pine tree required for removal within the road reserve to facilitate a slip lane from Springvale Road.
- 2.3 A right turn lane is proposed southbound, to be line marked in front of the Centre and some road widening is required to facilitate this.
- 2.4 A sealed car park will be provided at the front of the site, adjacent to Springvale Road. The car park will comprise 38 car spaces. Sixteen (16) of these car spaces will be in tandem pairs with the tandem space allocated solely for staff use. A further 22 spaces inclusive of one accessible space will be made for pick up and drop off.
- 2.5 Access and egress to the car park is proposed via two, new and properly constructed, one-way crossovers on Springvale Road. The submitted traffic report indicates the southernmost access accommodates ingress movements only and the northern access is restricted to egress only.

### **Built form**

- 2.6 The building is single storey and rectangular in shape, with the building footprint being approximately 1148m<sup>2</sup> in area.
- 2.7 The new building will be sited towards the western side of the site, behind the car park, setback significantly from Springvale Road, 3.1 metres from the northern boundary, 2.4 metres from the southern boundary and 7.1 metres from the western boundary.
- 2.8 This proposal will feature a skillion roof that extends to its highest point on the eastern side and its lowest point over the verandah on the western side. Lightweight cladding with powder coated aluminium framing will complement the façade.
- 2.9 The architectural style and building materials proposed for the development provides a natural and muted palette.
- 2.10 The building will comprise ten activity areas for children of different age groups with areas ranging from 47 to 81m<sup>2</sup> in size. Bathrooms custom

designed for children, together with preparation and storerooms will directly adjoin the activity areas. A sleeping room and change area will be provided adjacent to the activity area that will be used for the care of very young children.

- 2.11 Service areas include the foyer and reception, staff room, kitchen and laundry facilities, planning, office and waste management. These areas are contained primarily within the front section of the building along the southern boundary of the site.
- 2.12 Four separate outdoor play areas ranging in size from 256-394m<sup>2</sup> will be provided on the east and west sides of the building and constructed to the boundary. Play equipment and shade structures will be provided in this area. The site will be significantly landscaped as shown on the submitted landscaping plan.
- 2.13 A sign will be provided along the front facade of the building stating 'Childcare Donvale'.

#### **Access/parking**

- 2.14 A Traffic Impact Assessment prepared by One Mile Grid (dated 16 March 2015) was submitted as part of the application. This report made recommendations in relation to car parking and mitigating the traffic impacts of the proposal. The report did not recommend turning lanes on Springvale Road when the initial application was referred to VicRoads. It was VicRoads who required the deceleration lanes for northbound and southbound traffic.
- 2.15 The plans were subsequently amended in response to VicRoads comments and subsequently readvertised to reflect changes to external access. This resulted in minor changes to the internal driveway access and parking layout and also resulted in the creation of an additional car space (now 38 car spaces to be provided).

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapsed on 13 November 2015.

### **4 RELEVANT LEGISLATION**

#### **Manningham Planning Scheme**

- 4.1 The Planning and Environment Act 1987 is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
  - the relevant planning scheme; and
  - the objectives of planning in Victoria; and

- all objections and other submissions which it has received and which have not been withdrawn; and
  - any decision and comments of a referral authority which it has received; and
  - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 4.3 The site is included in the Low Density Residential Zone under the provisions of the Manningham Planning Scheme and is covered by Schedule 6 to the Significant Landscape Overlay and Schedule 4 to the Public Acquisition Overlay.
- 4.4 A planning permit is required for the use of the land for the purpose of a Child Care Centre (Section 2 Use) in Clause 32.03 – Low Density Residential Zone. A planning permit is also required for all buildings and works associated with a Section 2 use under Clause 32.03-4.
- 4.5 A planning permit is technically required for the use of the land for the purpose of a Child Care Centre (Section 2 Use) in Clause 45.01 – Public Acquisition Overlay. A planning permit is also required for the demolition of a building and buildings and works associated with a Section 2 use under Clause 45.01-1. This said, the PAO covers only the front portion of the land which is subject to no development, only driveway access.
- Title**
- 4.6 Section 61(4) of the Act makes specific reference to covenants, however, this is not relevant as the lot is not burdened by a covenant or a Section 173 Agreement.

## 5 MANNINGHAM PLANNING SCHEME

### State Planning Policy

- 5.1 Clause 12.04-2 Landscapes
- This policy aims to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.
- 5.2 Clause 15 Built Environment and Heritage
- The policy encourages new development to exhibit good urban design and respond appropriately to its landscape, valued built form and cultural context. Community safety is promoted through appropriate planning and design.
- 5.3 Clause 15.12 Energy Efficiency
- This policy encourages land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions. It promotes energy efficient building design and the consolidation of urban development.
- 5.4 Clause 18.02-5 Car Parking and Public Transport Access to Development.
- This policy encourages access to be provided to developments in accordance with forecast demand taking advantage of all available modes of transport and

to minimise impact on existing transport networks and the amenity of surrounding areas.

**Local Planning Policy Framework  
Municipal Strategic Statement (MSS)**

**Clause 21.06 Low Density Residential Zone**

5.5 This Clause specifies that 'low density areas of Manningham are characterised by undulating landform with prominent ridges, dissected by creeks and drainage lines. These areas are a buffer between the green wedge and Yarra River corridor areas and urban residential areas. These areas are significant in the municipality as they offer a choice for people who are seeking a spacious and attractive environmental setting'.

5.6 Clause 21.06-4 Built form and landscape character

The relevant objectives of this policy are:

- To ensure that land is developed in a way that is compatible with the character of the area, its landscape qualities, pattern of vegetation and environmental values.
- To minimise the extent of earthworks and to preserve and enhance natural drainage lines.
- To ensure the retention of existing trees, where appropriate, and that any landscaping complements the character of the area.
- To protect and enhance landscape quality, view lines and vistas.

The strategies to achieve these objectives include:

- Require that buildings and works minimise visual impact by locating away from ridgelines and exposed slopes, incorporating screening treatments and non-obtrusive materials and colours.
- Ensure that development on sloping sites adopts suitable design techniques that minimise earthworks and building bulk.
- Avoid development, including vegetation removal, on land with slopes greater than 20%.
- Ensure that development does not protrude above the prevailing height of the tree canopy.
- Ensure that existing trees are retained where appropriate and that replacement trees complement the character of the area.

5.7 Clause 21.06-5 Environmental issues

The relevant objectives of this policy are:

- To achieve developments which are site responsive and which complement the topography and environmental qualities of an area.

The strategies to achieve this objective includes:

- Protect and enhance native roadside vegetation as wildlife habitat and as a corridor for wildlife movement.

- Ensure that sediment run-off is contained on site using best practice techniques during the use and development of any land.
- Require land use and development proposals to demonstrate compliance with Net Gain principles.
- Require development and landscaping to protect and enhance wildlife corridors.
- Ensure that the implementation of development proposals provide for replanting of vegetation that complements the area's landscape and environmental qualities.
- Ensure that buildings are set back appropriate distances from property boundaries to provide for landscaping and the inclusion of canopy trees.

### **Local Planning Policy Framework**

#### **Clause 22.05 Non-Residential Uses in Residential Areas Policy**

- 5.8 This policy applies to land in all residential zones including the Low Density Residential Zone. The policy acknowledges that residential zones are encouraged to accommodate a range of non-residential uses that serve local community needs, however this potentially brings adverse impacts on the amenity of local communities.

The objectives of this policy are:

- To encourage uses with a community service role to be located within or in close proximity to activity centres.
- To avoid the concentration of non-residential uses where it would:
  - Create linear commercial development outside activity centres
  - Isolate residential properties between non-residential uses.
- To ensure that design, scale and appearance of development reflects the residential character and streetscape of the area.
- To retain existing vegetation where possible when sites are developed for non-residential purposes and ensure that a high standard of landscaping is achieved.
- To ensure that equal access is provided to all people.
- To provide for a high level of privacy and protection from unreasonable overlooking and noise for abutting or nearby residents.
- To ensure that residential amenity is not detrimentally affected by the operation of non-residential uses including the effects of noise, car parking and traffic, odour and waste.



- To ensure that the location of the use is appropriate to the role and function of the road network and that adequate provision is made for on-site car parking.
  - To ensure that land used for vehicle access and parking is properly designed, constructed and drained.
- 5.9 There are various policies in relation to location, neighbourhood and street character, urban design, residential interface and traffic and car parking.
- 5.10 Amendment C110 to the Manningham Planning Scheme has been adopted by Council and is currently with the Minister of Planning for approval. It proposes to amend Clause 22.05, *Non Residential Uses in Residential Areas* to provide further guidance for the assessment of planning applications including within Low Density Residential Zones.
- 5.11 The amendment proposes to include the following additional criteria in its objectives for development of non residential uses in Low Density residential areas:
- To encourage the design of frontages of buildings at footpath level to offer visual interest, passive surveillance and opportunity for social interaction.
  - To ensure that non residential use and development within low density residential areas are subordinate to the bulk and scale of surrounding residential development and is sensitive to the landscape character and environmental values of the site and area.
  - To ensure the design and siting of buildings are appropriate to the environment and low density housing character of the area.
- 5.12 In respect to the location of these uses in the Low Density Residential Zone, the Amendment specifically adds the following location criteria:
- The site is serviced by reticulated sewerage;
  - Access to the site is via a main sealed road with existing kerb and channel;
  - The site is not constrained by factors such as slope, significant vegetation cover; drainage lines and highly visible ridgelines or hilltops; and
  - The site does not require significant earthworks to facilitate the development

#### **Clause 22.08 Safety through Urban Design**

- 5.13 The relevant objective of this policy is to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.

#### **Clause 22.09 Access for Disabled people Policy**

- 5.14 The relevant objectives of this Clause are to facilitate the integration of people with a disability into the community and to ensure they have the same level of access to buildings, services and facilities as any other person.

#### **Zone**

**Clause 32.03 Low Density Residential Zone**

5.15 The purpose of this zone is as follows-

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

5.16 A Child Care Centre is a Section 2 use within the Zone. Buildings and works associated with the Child Care Centre also require a planning permit under this Zone.

**Overlays****Clause 42.03 Significant Landscape Overlay 6 – Low Density Residential Significant Pine and Cypress Tree Theme Areas**

5.17 Schedule 6 contains the following Statement of landscape significance-

*“Concentrations of pine and cypress tree plantings can be found in some low density residential parts of Park Orchards, Templestowe, and Donvale.*

*Monterey pine and cypress trees were historically planted as windbreaks around orchards and homesteads throughout Manningham and have become visual landmarks due to their size and location on prominent ridgelines and hilltops. The pine and cypress windbreaks and plantations contribute to the distinctive landscape character of these areas, and the removal of these trees will have a significant impact on the landscape and the structural integrity of the windbreaks.*

*Other large, mature pine and cypress trees occur either individually or as small clusters of trees, also contributing to the landscape character of the area. Removal of any of these trees needs to have regard to the impact on that landscape character.*

*The dominant visual element of the landscape in these areas is the mix of large canopy trees, comprising pine, other exotic and native species. Development in these areas must seek to retain the mix of canopy species, replacing pine or cypress trees when removed, with appropriate similar species.*

*Development in these areas should also be integrated with surrounding landscape features. Built form should seek to be subordinate to the landscape, avoid the loss of canopy trees and respond to the topography of the land.*

*The unique landscape characteristics of these areas need to be properly managed to ensure that their distinctive visual values are conserved and protected.”*

5.18 The landscape character objectives to be achieved are:

- To encourage development that is in keeping with the area and is sympathetic to the existing built form and any identified heritage values or other features.
- To ensure that development responds to the area's landscape and environmental characteristics, including topography, vegetation and waterways.
- To ensure the visual impact of development is minimised.
- To minimise visual impacts of earthworks on the landscape.
- To minimise the impacts of site run-off and soil erosion on the landscape.
- To encourage the retention and establishment of vegetation, particularly large pine and cypress trees.
- To maintain and enhance large pine trees and cypress trees and associated windbreaks and pine plantations.
- To maintain the treed character of these areas.

A planning permit is required for buildings and works.

**Clause 45.01 Public Acquisition Overlay (Schedule 4)**

5.19 The purpose of the overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify land which is proposed to be acquired by a Minister, public authority or municipal council.
- To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.
- To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

5.20 Schedule 4 is Roads Corporation (VicRoads) as the acquiring authority for the purpose of road widening.

5.21 A permit is required for the use and any buildings and works within the overlay. Under this proposal there is no formal use proposed within the affected area, apart from driveway access. General landscaping will occur over the bulk of the acquisition area. VicRoads have provided comment on the application (refer Section 6 of this report).

**Particular Provisions**

**Clause 52.06 - Car Parking**

5.22 The relevant objectives of this Clause are:

- To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.
- To ensure that the design and location of car parking areas:

- Does not adversely affect the amenity of the locality, in particular the amenity of pedestrians and other road users.
  - Achieves a high standard of urban design.
  - Creates a safe environment for users, particularly at night.
  - Enables easy and efficient use.
  - Protects the role and function of nearby roads.
  - Facilitates the use of public transport and the movement and delivery of goods.
- 5.23 Clause 52.06-05 specifies a statutory car parking requirement for a Child Care Centre at 0.22 car spaces per child. The 150 place Child Care Centre would require 33 car spaces.
- 5.24 As it is proposed to provide 38 car spaces this complies with Clause 52.06.
- 5.25 Clause 52.06-7 outlines the design requirements for access and car parking spaces that need to be considered.

**Clause 52.07 - Loading and Unloading of vehicles.**

- 5.26 This clause relates to the loading requirements associated with the service functions such as food deliveries. Under the provisions of this clause, a loading dock/bay is required, however a permit may be granted to waive or reduce the requirement.

**Clause 52.29 Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road**

- 5.27 A permit is required to create or alter access to:
- A road in a Road Zone, Category 1 (Springvale Road)
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road. (Schedule 4 to PAO)
- 5.28 The views of VicRoads must be considered.

**General Provisions**

**5.29 Clause 65 Decision Guidelines**

- The matters set out in Section 60 of the Act.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

## 6 CONSULTATION

- 6.1 The application was advertised and twelve (12) objections were received. Details are as follows:

<b>Affected property</b>
2 Eleanor Court Donvale VIC 3111
3 Eleanor Court Donvale VIC 3111
4 Eleanor Court Donvale VIC 3111
5 Eleanor Court Donvale VIC 3111
6 Eleanor Court Donvale VIC 3111
7 Eleanor Court Donvale VIC 3111
8 Eleanor Court Donvale VIC 3111
54 Berrima Road Donvale VIC 3111 (2 individual objections)
96 Mc Gowans Road Donvale VIC 3111
319-321 Springvale Road Donvale VIC 3111
Pinetree Retirement Village 330 Springvale Road Donvale VIC 3111 Multi signatory letter (30 units)
Unit 58 Pinetree Retirement Village 330 Springvale Road Donvale VIC 3111

### **Summary of Grounds:**

- 6.2 The following is a summary of the grounds of objection:
- Inappropriate use for a low density residential area.
  - Increased traffic congestion and hazardous conditions along Springvale Road.
  - Noise (this objection primarily from residents of adjoining retirement village).
  - Vegetation removal.
  - Traffic impacts and overflow parking in Eleanor Court.
  - Difficulties with accessing Eleanor Court from Springvale Road, with the installation of the proposed right turn access lane into the site.
- 6.3 Objectors concerns are addressed in the assessment section of this report (Refer Section 7.35 of this report)

### **External Referrals**

#### **VicRoads**

- 6.4 The initial application was referred to VicRoads and a referral comment was received in correspondence dated 17 August 2015.
- 6.5 VicRoads indicated they had been in discussions with the applicant and required additional mitigating works on Springvale Road.
- 6.6 A summary of their conditional requirements included:
- a) The site egress shifted approximately 15.0m to the south to provide a 55.0m left turn deceleration lane and a 65.0m right turn lane into the site, to VicRoads satisfaction, whilst maintaining the existing Springvale Road lane widths,

- b) A minimum 1.0m clearance for any car space from the Public Acquisition Overlay boundary.
  - c) The works required by VicRoads under this permit, including the driveways and crossovers, must be completed to the satisfaction of VicRoads and at no cost to VicRoads and prior to the commencement of the use.
- 6.7 Council officers were not comfortable progressing the application to a decision given the road works required by VicRoads were significant and because a number of objections raised traffic concerns and would be impacted by the VicRoads requirements.
- 6.8 The applicant was asked to amend the application to include the VicRoads requirements so that it could be properly readvertised and considered.

#### Internal referrals

- 6.9 The application was also referred to a number of Council Service units. The following table summarises the responses:

Services Unit	Comments
Engineering and Technical Services (Drainage)	<p>The approval of VicRoads must be obtained to connect the point of discharge to the VicRoads drain available in front of the property along Springvale Road.</p> <p>The applicant to provide PSD and/or SSR based on 100 year ARI design standard because the runoff from the existing area will cause flooding to downstream site which is already having flooding problems.</p>
Engineering and Technical Services (Traffic)	<p>A new heavy duty lid is to be placed on drainage pit within road reserve in the vicinity of the new slip lane.</p> <p>Vehicle Crossing permits required.</p> <p>The fulfilment of all VicRoads referral conditions.</p> <p>The continuation of the footpath along Springvale Road resulting from the proposed left turn lane into the site.</p> <p>Details of finished surface levels and driveway gradients for the access driveways.</p> <p>No Entry signs to be installed at both sides of the exit lane onto Springvale Road.</p> <p>The existing 2.0m high paling fence along southern boundary tapered to improve sight visibility.</p> <p>The realignment of the footpath at the front entry to ensure dedicated access from the</p>

Services Unit	Comments
<p>Engineering and Technical Services (Waste)</p> <p>Engineering and Technical Services (Easements)</p>	<p>disable parking space.</p> <p>Swept path analyses for vehicles leaving car spaces 1, 2 and 16.</p> <p>Waste collection must be undertaken by a private contractor with all collections within the development site.</p> <p>Build over easement approval required for rock wall and timber sleeper retaining wall over the easement.</p>
City Parks	<p>There is no objection to the removal of the pine tree (Tree No.1) associated with the construction of the slip lane and based on the tree assessment report provided to Council. It is recommended that an arborist be present at the time of excavation for the roadworks to assess the impact on these works on the pine tree (Tree No.2) shown as being retained, and provide written confirmation that the tree has not been compromised by the proposed works. Council also has no objection to the removal of Tree No.2 if required.</p>
Environmental Health	<p>The proposed development will require the child care centre to connect and discharge all plumbing waste fixtures to reticulated mains sewer.</p> <p>The child care centre will also need to obtain a Food Act Registration for the sale of food from Council's health office.</p>

## 7 ASSESSMENT

- 7.1 The key assessment criteria for this application are Clause 22.05 Council's Non-Residential Uses in Residential Areas Policy, the Significant Overlay Schedule 6 and the provision of parking and design requirements of car parking in Clause 52.06.
- 7.2 This report uses the headings of Council's current Non-Residential Uses in Residential Areas Policy in assessing the application, bringing in matters from the other assessment criteria where relevant, including any significant changes proposed in Amendment C110.

### Location

- 7.3 A Child Care Centre being a community use, is consistent with Council's Non-Residential Uses in Residential Areas Policy as the land has access to sewer (a requirement of the LDRZ), the use services the local community and the land abuts Springvale Road which is a Main Road. As the site is near the corner of Springvale Road and Mitcham Road, the land is readily

accessible by vehicles, including public transport, with bus stops located in both Springvale (100m) and Mitcham Roads (380m).

- 7.4 The site is also appropriate for the intensity of the use, which provides the development with adequate setbacks and a buffer to adjoining residential land. The site is also not constrained by factors such as slope, significant revegetation cover, drainage lines or visible ridgelines as required under the amended version of the Non-Residential Uses in Residential Areas Policy.
- 7.5 The site is not within an activity centre, however has reasonable links to a local activity centre on the corner of Mitcham Road and Springvale Road (260m), and sits among other non-traditional housing developments. The site is on the southern edge of the traditional low density residential area and within the SLO6 overlay control. The site is generally devoid of vegetation, and there are other child care centres and other community uses within the area located on main roads.
- 7.6 The location avoids the concentration of non-residential uses in one particular area as sought by Council's policy and will not involve additional traffic loads on local residential streets.
- 7.7 As required by VicRoads there is condition of approval (refer Conditions 3, 4, 5 and 6) required to improve access into the site, with a 55m left turn deceleration lane and a 65m right turn lane into the site, to VicRoads satisfaction, whilst maintaining the existing Springvale Road lane widths. A minimum 1m clearance for any car space from the Public Acquisition Overlay boundary is also required by VicRoads.
- 7.8 Council's traffic engineers have also required a modification to the pedestrian path within the development to improve sight lines in proximity to deceleration lane, with improved linkages to the existing gravel path along the front of the site (refer Conditions 1.13 and 1.14).

#### **Neighbourhood Character and Streetscape**

- 7.9 The existing dwelling on the property is older housing stock and not suitable for conversion to the proposed use. The new building will be sited closer to the rear of the property and with an increased setback from Springvale Road. The setback is consistent with the dwelling to the north, but inconsistent with the location of the dwelling units within the retirement village to the south.
- 7.10 Although there are only modest setbacks (2.4m minimum) to the southern and western boundaries abutting the retirement village, it is noted that the proposed building is single storey and will be set approximately one metre below the finished levels of the private open spaces abutting the land.
- 7.11 The proposed building is of a scale that is consistent with many single storey dwellings on acreage in this locality. The building will be partially excavated into the rear of the land and there is the ability to provide for landscaping between the front of the site and the car parking area and also to a limited extent around the periphery of the site. There are outdoor play areas located at the front and rear of the building.
- 7.12 The proposed building is subordinate to the bulk and scale of surrounding residential development and is sensitive to the landscape character and environmental values of the site and area, as required under Amendment C110.



- 7.13 High fencing along the frontage is also avoided. The plans submitted do not provide for any fencing along the front boundary, with the play area closer to the front of the building being fenced (1.5m high) and existing side and rear boundary fences being retained.
- 7.14 A landscape plan has been provided which will provide for extensive planting of trees, shrubs and ground covers around the perimeter of the site and within the car park area. This vegetation will further soften the development over time (refer Condition 9).
- 7.15 A condition of approval will require this to be amended to reflect the revised access and parking spaces and also to reflect local species as mainly tropical species have been chosen. The landscape character objectives of the SLO6 are intended to ensure the visual impact of development is minimised and that adequate setbacks are provided to enable the retention and planting of screening shrubs and planting of large canopy trees as part of any development.
- 7.16 A condition of approval will require the provision of canopy trees and landscaping at the front not to be located within the Public Acquisition Overlay strip, with this area to be top dressed and grassed (refer Conditions 9.4 and 9.5).

#### **Urban Design Principles**

- 7.17 The building layout is conventional and has been designed to accord with industry standards. Some verandahs have been provided along the eastern and western sides of the building to provide weather protection. This will also provide additional covered play space in the event of poor weather.
- 7.18 Play areas are located in close proximity to the building and will be appropriately graded. There are no details on shade provision over play areas and this will be required as condition of approval (refer Condition 1.11).
- 7.19 The building will be constructed on a slab and together with passive shading from verandahs, should be reasonably energy efficient.
- 7.20 As mentioned above, the proposed development complements the surrounding built form and the single storey design will minimise overshadowing and visual bulk. There is the ability to provide canopy trees within the front setback and landscape buffers around the periphery of the site.
- 7.21 The proposed building materials and colour scheme are appropriate to the neighbourhood character and natural environment.
- 7.22 The entries to the site and building will be clearly identified and accessible, with conditions of approval to include improved pedestrian access from the footpath along the southern boundary, to the Springvale Road frontage (refer Condition 1.13 and 1.14).
- 7.23 There are minimal earthworks required as the land has minimal fall, however the building is being excavated into the rear of the site which takes advantage of the existing benched area on the land. The most significant excavation is a one metre high fill batter provided along the western side of the building. The batter slope will have a gradient slope of 1:4 and is proposed to be planted and landscaped.

- 7.24 The building site coverage will be 25.9%. Due to the wide verandahs around the building and the area of concrete car park and access ways, the permeable area is approximately 40%. The site will be suitably landscaped with the planting of canopy trees, areas of lawn and the planting of batter slopes with shrubs and groundcovers.

#### **Residential Interface**

- 7.25 The single storey built form that is surrounded by children's outdoor play spaces ensures amenity impacts from the building is minimised. The use is only proposed to occur on weekdays ensuring noise and other impacts from the use are reasonable.
- 7.26 In relation to noise, the Tribunal has held the view that the sounds of children playing is entirely consistent with residential areas (noting many schools are located amongst housing). The noise from the children's outdoor play areas will be occasional, limited to certain day time hours and only occur in fine weather. The exclusion zone together with landscaping along the boundary and the lower benched areas should ensure noise is appropriately limited.
- 7.27 Conditions of approval will ensure potential amenity issues emanating from activities on the site, associated with unreasonable noise from buildings, car parking areas and external plant equipment and lighting are minimised (refer Conditions 25, 26 and 27).
- 7.28 A condition of permit will also require the submission of a Waste Management Plan for the site (refer Condition 31).

#### **Traffic, Car Parking and Driveway Construction.**

- 7.29 As part of the application, a Traffic Impact Assessment was undertaken by One Mile Grid and there have been discussions with the traffic consultant and VicRoads during the application process.
- 7.30 Council's Traffic Engineers have generally agreed with the Consultant's assessment in relation to traffic generation, access and car parking layout. The conditions of VicRoads in terms of access from Springvale Road will ensure safe and convenient access from Springvale Road and the conditions required by Council's engineers will ensure the internal driveway access and car parking layout is appropriate.
- 7.31 The proposed car parking provision of 38 car spaces including one disable space exceeds the statutory requirements of Clause 52.06 of the Manningham Planning Scheme (33 car spaces).
- 7.32 Having regard to the above, it is considered that the proposed centre is likely to have a reasonable parking provision. There is however, every likelihood that if all staff cars are parked on-site, then during busy times there will be a shortfall of general spaces for short periods during peaks. Given the proposal has five (5) car spaces above the statutory requirement there should be no offsite parking impacts.
- 7.33 Full construction of the parking area and access will be required, along with appropriate drainage and the installation of a raised kerb to prevent passage onto garden areas.
- 7.34 A condition of approval will also require modifications to the footpath access from Springvale Road to ensure appropriate sightlines (refer Condition 1.13).

**Objector Concerns**

- 7.35 The concerns of objectors are broadly divided into two groups. The residents of the retirement village immediately south and west of the site have raised amenity concerns, including noise. The residents in Eleanor Court and on Springvale Road are primarily concerned with traffic, parking and access.

**Increased traffic congestion and hazardous traffic conditions along Springvale Road.**

- 7.35.1 As the proposed development abuts Springvale Road which is a Main Road reservation, VicRoads is a referral authority. VicRoads have indicated support for the application provided additional mitigating works are undertaken on Springvale Road, including:
- The site egress shifted approximately 15.0m to the south to provide a 55.0m left turn deceleration lane; and
  - A 65.0m right turn lane is provided into the site, to VicRoads satisfaction, whilst maintaining the existing Springvale Road lane widths.
- 7.35.2 Council's Traffic Engineers have generally agreed with the Consultant's assessment in relation to traffic generation, access and car parking layout.
- 7.35.3 The conditions of VicRoads (refer Conditions 3, 4, 5, 6 and 7) in terms of access from Springvale Road will ensure safe and convenient access from Springvale Road and the conditions required by Council's engineers will ensure the internal driveway access and car parking layout is appropriate.

**Potential overflow parking in Eleanor Court and difficulties with local residents accessing the Court from Springvale Rd.**

- 7.35.4 The proposed car parking provision of 38 car spaces including one disable space exceeds the statutory requirements of Clause 52.06 of the Manningham Planning Scheme by 5 car spaces. Given this, it is considered that there should be no unreasonable offsite parking impacts.
- 7.35.5 Council officers understand that the line markings associated with the right turn lane into the development from Springvale Road will not restrict access to Eleanor Court. The line marking may help residents by providing a space on the road to prop and wait outside the exiting through lanes of traffic. The final design of the line marking is to the satisfaction of VicRoads

**Noise**

- 7.35.6 In relation to noise, the Tribunal has held the view that the sound of children playing is consistent with amenity expectations within residential areas (noting most schools are located amongst housing also). The noise from the children's outdoor play areas will be occasional, limited to certain day time hours and only occur in fine weather. The children's exclusion zone along the rear western boundary which will be landscaped, together with

the benched play areas and boundary fencing should ensure noise is appropriately controlled.

- 7.35.7 Conditions of approval will ensure potential amenity issues emanating from activities on the site, associated with unreasonable noise from buildings, car parking areas and external plant equipment and lighting are minimised (refer Conditions 25, 26 and 27).
- 7.35.8 The location of the childcare building between the proposed car parking area and all but one residence in the retirement village ensures amenity issues associated with moving and parked vehicle is minimised. The only property within the retirement village with a direct interface with the car park has a 2m high paling fence on the boundary.

#### **Vegetation removal**

- 7.35.9 It is proposed to remove two trees within the front setback associated with the car parking area and driveway access on the northern portion of the land. However the size and species of the trees does not trigger a planning permit. There is one mature pine tree required for removal within the road reserve to facilitate a slip lane from Springvale Road.
- 7.35.10 A landscape plan has been provided which will provide for extensive planting of trees, shrubs and ground covers around the perimeter of the site and within the car park area. This vegetation will further soften the development over time.
- 7.35.11 Conditions of approval (refer Condition 9) will require this to be amended to reflect the revised access and parking spaces and also to reflect local species as mainly tropical species have been chosen and the provision of canopy trees and landscaping to provide screening to the car parking area.

#### **Inappropriate use for a low density residential area.**

- 7.35.12 As previously discussed, it is considered that the use and the location is consistent with the aspirations of Council's current and amended Non-Residential Uses in Residential Areas Policy as the land has access to sewer (a requirement of the LDRZ), the use services the local community and the land abuts Springvale Road which is a Main Road. As the site is near the corner of Springvale Road and Mitcham Road, the land is readily accessible by vehicles, including public transport, with bus stops located in both Springvale and Mitcham Roads.
- 7.35.13 The site within the Low Density Zone is also appropriate for the use being a large allotment, which provides the development with adequate setbacks and a buffer to adjoining residential land. The single storey nature of the built form and the proposed landscaping around the building will ensure the development is respectful of the existing scale of development and landscape character of the area.

- 7.36 The concerns of the objectors have been considered in the planning assessment section and reflected in conditions of approval where considered appropriate.

## **8 CONCLUSION**

- 8.1 It is considered appropriate to support the application as it is considered the proposal has achieved a satisfactory level of compliance with State and Local Planning Policy Frameworks (including the MSS) particularly Council's Non Residential Uses in Residential Areas policy.
- 8.2 Traffic and parking issues have been considered. Appropriate parking is provided on site and traffic movements are considered satisfactory to the proposed intensity of use.
- 8.3 The intensity of use is also limited through appropriate conditions and hours of operation.

## **RECOMMENDATION**

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025084 for the use and development of No. 318-320 Springvale Road Donvale (Lot 2 PS029300 Vol 08048 Fol 081) for the purpose of a Child care centre, associated vegetation removal, access to a Road Zone Category 1 and for no other purpose in accordance with the endorsed plan and subject to the following conditions-**

### **Amended Plans**

- 1. Before the use and development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the submitted plans (drawn by Raunik Design Group, including the revised site plan revision N) but modified to show:**
  - 1.1. All access requirements of VicRoads (see Conditions 3, 4, 5 and 6) including the site plan (Revision N) extended to show the full extent of the Springvale Road road works;**
  - 1.2. The provision of a footpath along the western side of the car parking area, connecting space 16 to the building to improve pedestrian safety;**
  - 1.3. Access driveways and aisle widths minimized as far as practicable to increase opportunities for landscaping around the car parking area;**
  - 1.4. The trees within the site and also on the road reserve which are to be removed or retained, with appropriate plan notations;**
  - 1.5. The finished surface levels of driveways and car parking areas to demonstrate suitable grades and general drainage details;**
  - 1.6. The realignment of the footpath at the front entry of the building to ensure dedicated access from the disabled parking space and not shared access from the car parking area;**

- 1.7. Swept path analyses for vehicles leaving car spaces 1, 2 and 16 with any necessary modifications;
- 1.8. The surface of the driveway and car parking area in dark coloured concrete or bitumen;
- 1.9. A concrete kerb to prevent the passage of vehicles onto landscaped/grassed areas;
- 1.10. Lighting details for the car park and communal areas;
- 1.11. The general position of external play equipment and shade protection;
- 1.12. No Entry signs to be installed at both sides of the exit lane onto Springvale Road;
- 1.13. The existing 2.0m high paling fence along southern boundary tapered to improve sight visibility to the pedestrian footpath within the development;
- 1.14. The provision of a footpath along the front of the site; and,
- 1.15. Removal of all reference to signs/advertising signs.

#### **Endorsed Plans**

2. The use, development and tree removal as shown on the approved plan must not be altered without the written consent of the Responsible Authority.

#### **VicRoads Requirements**

3. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the Site Plan (Project No 15918, Revision L, dated 28 May 2015) but modified to show:
  - 3.1. The site egress shifted approximately 15.0m to the south to provide a 55.0m left turn deceleration lane and a 65.0m right turn lane into the site, to VicRoads satisfaction, whilst maintaining the existing Springvale Road lane widths,
  - 3.2. A minimum 1.0m clearance for any car space from the Public Acquisition Overlay boundary.
4. Prior to the commencement of the use hereby approved, the following works required by VicRoads under this permit must be completed to the satisfaction of VicRoads and at no cost to VicRoads
  - 4.1. Construction of a 65m right turn lane into the site on Springvale Road, and
  - 4.2. Construction of a 55m left turn lane into the site on Springvale Road.
5. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to VicRoads prior to the commencement of the use hereby approved.

6. **Prior to the commencement of the use hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:**
  - 6.1. **Formed to such levels and drained so that they can be used in accordance with the plan;**
  - 6.2. **Treated with an all-weather seal or some other durable surface.**
7. **Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).**
8. **No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.**

#### **Landscape Plan**

9. **Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. Such plan must show:**
  - 9.1. **The modifications referred to in Condition 1, including access and parking spaces;**
  - 9.2. **Local indigenous species to replace the tropical species shown on the plan.**
  - 9.3. **Denser plantings within the landscaping strips adjacent to the southern and western boundaries adjacent to the rear of the adjoining retirement village.**
  - 9.4. **The provision of a minimum of six (6) canopy trees within the area between the car parking area and Public Acquisition overly strip of land.**
  - 9.5. **The landscaped area within the public Acquisition Overlay Area noted as top dressed and grassed to the satisfaction of the Responsible Authority and VicRoads.**
10. **Landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority prior to the occupation of the building, and then maintained to the satisfaction of the Responsible Authority.**

#### **Landscape Bond**

11. **Before the release of the approved plan for the development, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**

#### **Stormwater and Drainage**

12. The owner must provide on site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 12.1. Be designed for a 1 in 5 year storm; and
  - 12.2. Storage must be designed for 1 in 10 year storm.
13. Before the development starts, a construction plan for the system required by Condition 12 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.
14. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.
15. A new heavy duty lid is to be placed on drainage pit within road reserve in the vicinity of the new slip lane.

Sewer connection
16. Before the use commences the development must be connected to reticulated mains sewer.

Vegetation
17. An arborist must be present at the time of excavation for the road works in Springvale road to assess the impact of these works on the pine tree (Tree No.2) shown as being retained, and provide written confirmation that the tree has not been compromised by the proposed works, to the satisfaction of the Responsible Authority.

Construction Management
18. The owner must use appropriate site management practices during construction to prevent the transfer of mud, dust, sand, slurry, litter, concrete or other construction waste from the site into drains or onto nearby roads. In the event that a road or drain is affected, the owner must upon direction of the Responsible Authority take the necessary steps to clean the affected portion of road or drain to the satisfaction of the Responsible Authority.

Building Services
19. All services to the new building, including water, electricity, gas, sewerage and telephone must be installed underground, with associated trenching located to minimise impacts on the root zones of existing trees located on the subject land, to the satisfaction of the Responsible Authority.



**Maintenance**

20. Buildings, paved areas, drainage, landscaping and all external areas must be maintained to the satisfaction of the Responsible Authority.

**Use Conditions**

21. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 7am and 6.30pm on weekdays only.
22. Except with the prior written consent of the Responsible Authority, not more than 150 child care places.

**Noise**

23. All noise emanating from any mechanical plant (heating/cooling units, etc.) must not exceed the noise levels set by State Environment Protection Policy N-1.
24. Any on-site burglar alarm must be of a silent type and no external amplified equipment, loud speakers or public address system may be used in conjunction with the approved use.

**Lighting**

25. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
26. Car park/driveway lighting must be provided to the satisfaction in accordance with the details shown on the approved plan to ensure that car parking areas and the associated pathways are illuminated during evening periods without any loss of local amenity and to the satisfaction of the Responsible Authority.

**Amenity**

27. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
- 27.1. Transport of materials, goods or commodities to or from the land;
- 27.2. Storage of goods and wastes;
- 27.3. Appearance of any building, works or materials.
- 27.4. Emission of noise, light, vibration, odour & dust.

**Car Parking**

28. Before the approved use or occupation of the approved development starts, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
- 28.1. Constructed, formed and sealed to approved levels;
- 28.2. drained;

- 28.3. line marked to indicate each car space, including the staff parking spaces;
- 28.4. marked to show the direction of traffic along access lanes and driveways;
- 28.5. marked to show a car space for a person with a disability designed to the relevant Australian Standard;
- to the satisfaction of the Responsible Authority.
29. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
30. Vehicular crossings must be constructed in accordance with the approved plans prior to occupation of the buildings to the satisfaction of the Responsible Authority.

#### Waste Management

31. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority. The plan must show storage of waste and recycling in a sheltered area that is not visible from outside the site.
32. The collection of garbage from the premises (other than Manningham City Council collection) must be conducted between the hours of 8.00 am to 6.00 pm Mondays to Fridays to the satisfaction of the Responsible Authority.

#### Expiry

33. This permit will expire if one of the following circumstances apply:
- 33.1. The development is not started within two (2) years of the date of this permit; and
- 33.2. The development is not completed within four (4) years of the date of this permit; and
- 33.3. The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

#### PERMIT NOTES

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.


The premises is to comply with the *Health Act 1958*, as amended. Premises to be used for the sale or storage of food in any manner are to be registered under the Food Act and Council's Health and Local Laws Unit should be contacted before the use starts.

Before the construction of any vehicular crossings, a Miscellaneous Works Permit must be obtained from the Responsible Authority for all vehicular crossings. These must be constructed under the responsible authority's supervision, for which 24 hours notice is required.

Before the development starts, formal consent to 'Build Over Easement' must be obtained to the satisfaction of the Responsible Authority.

"Refer Attachments"

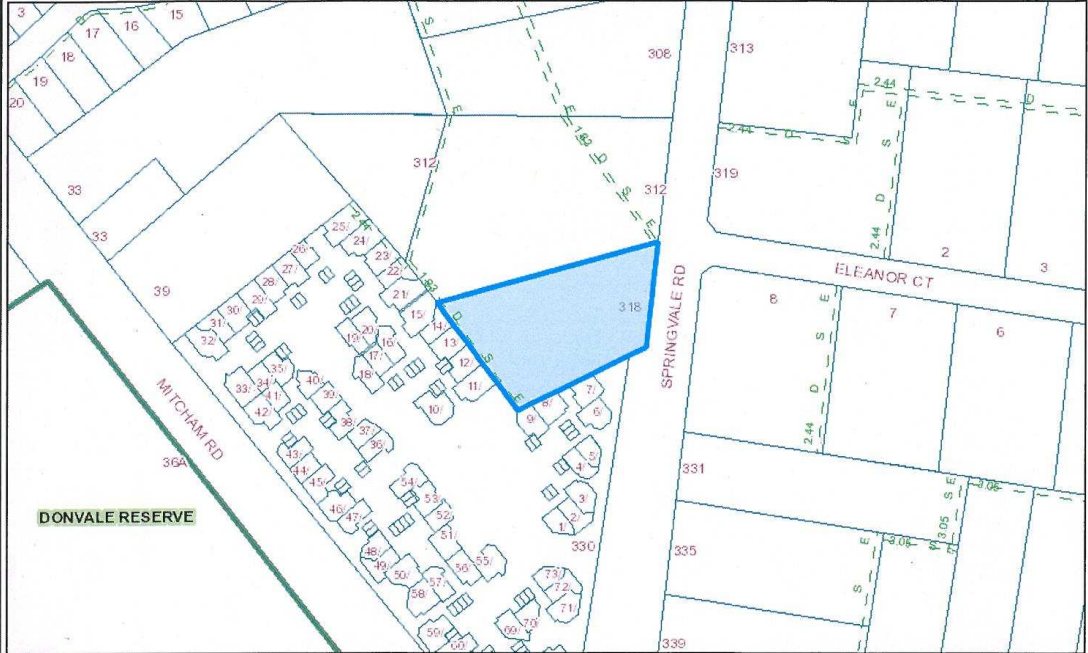
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# Maps of Manningham

## Map Report

### Map Report



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**Land Classification:** Detached Dwelling

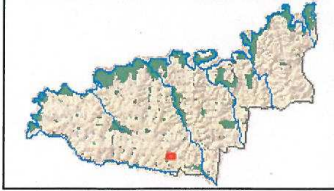
**Legal Description:** Lot 2 LP29300 Vol 8064 Fol 425

**Council Ward:** MULLUM MULLUM


**Owners:** Craig Aaron Lockyer **Person ID:** 1000318

**Owner Other:** N

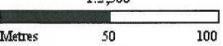
**Owners' Address:** 318-320 Springvale Road, DONVALE VIC 3111



*Whilst all care has been taken in the preparation of this cadastral base map, Manningham and the State of Victoria accepts no responsibility for the accuracy of any information shown. Users should rely on their own enquiries in order to validate information shown on this map. This information is for Demonstration only.*



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Metres 50 100

02/12/2015 1:36 PM

Produced using Manningham's GIS - Weave

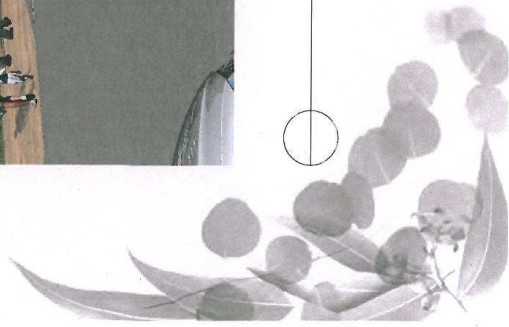


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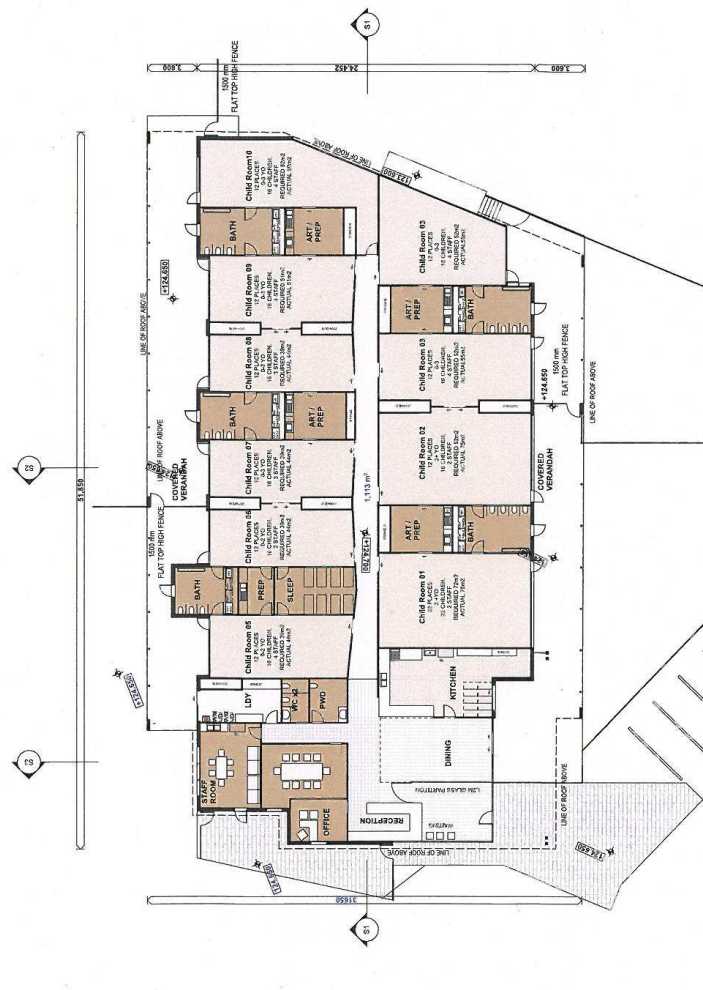
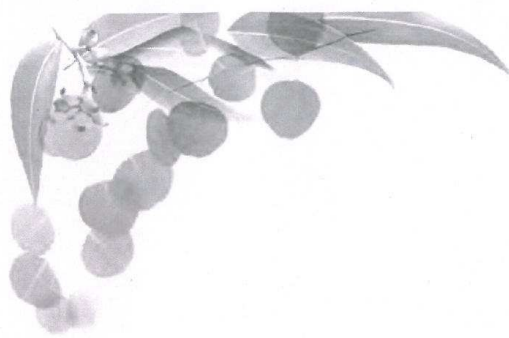


**RAJNIK** design group  **TALIG**

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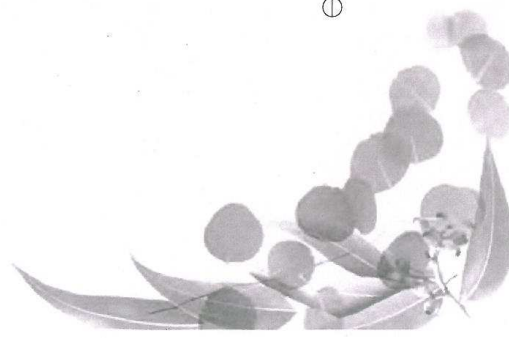


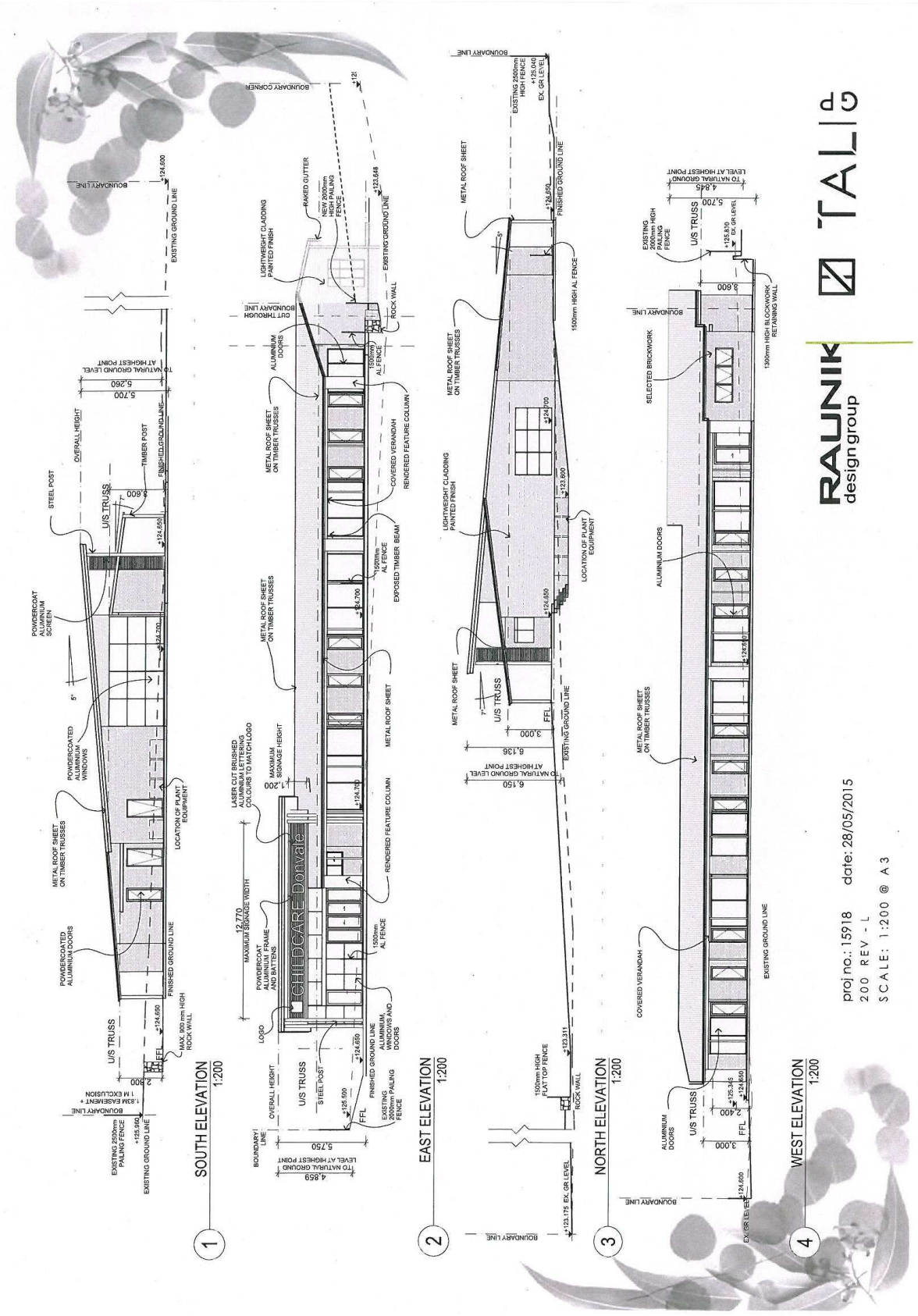




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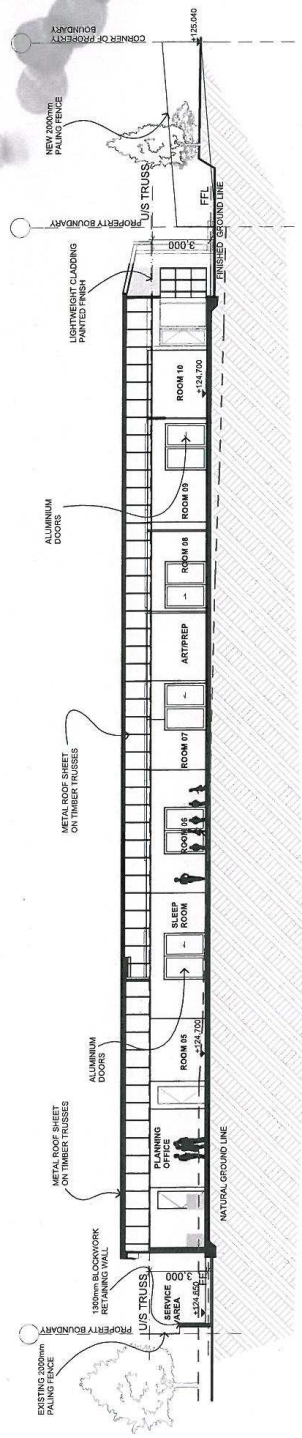
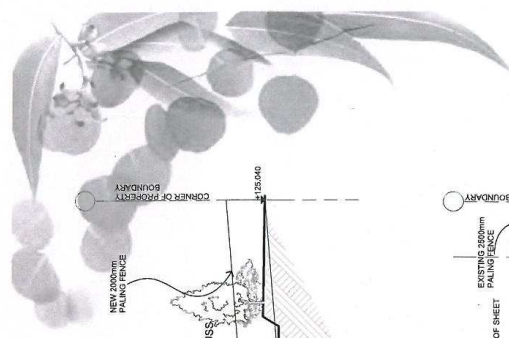


**RAJNIK** design group

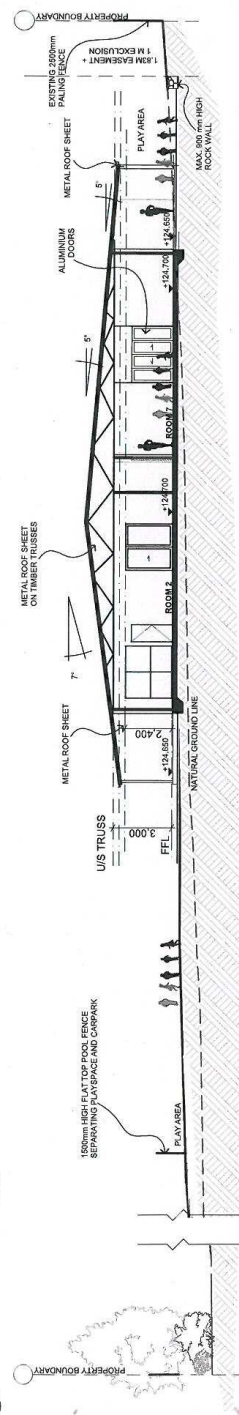
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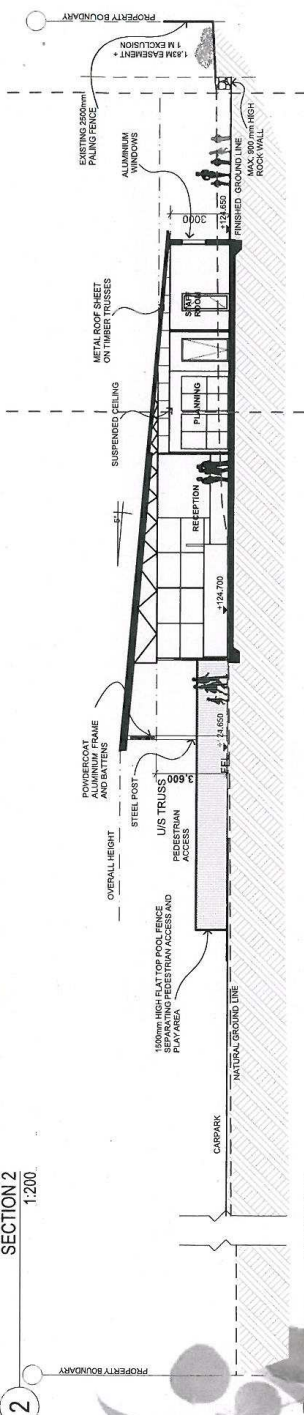




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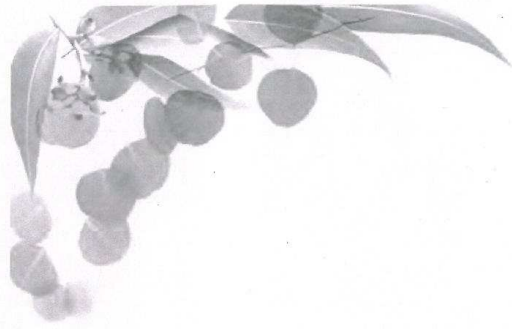
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SECTION 3  
1:200

**RAJNLIK** design group **TALIG**

proj no.: 15918 date: 28/05/2015  
300 REV - L  
SCALE: 1:200 @ A3



**1** COLORBOND 'MANGROVE' roof / fascia

**2** COLORBOND 'SURFMIST' lightweight cladding

**5** COLORBOND 'WOODLAND' steel posts

**3** STAIN AUSTRALIAN RED CEDAR timber posts

**4** AUSTRAL BRICKS 'ASH' generally

room highlight colours

**6** DULUX 'WAX WAY' R: 211 G: 178 B: 103

**7** DULUX 'PRE SCHOOL' R: 181 G: 195 B: 205

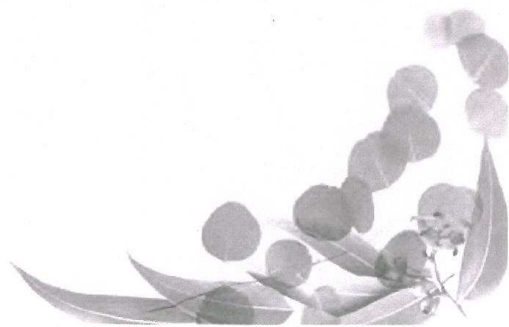
**8** DULUX 'MAIKO' R: 214 G: 184 B: 166

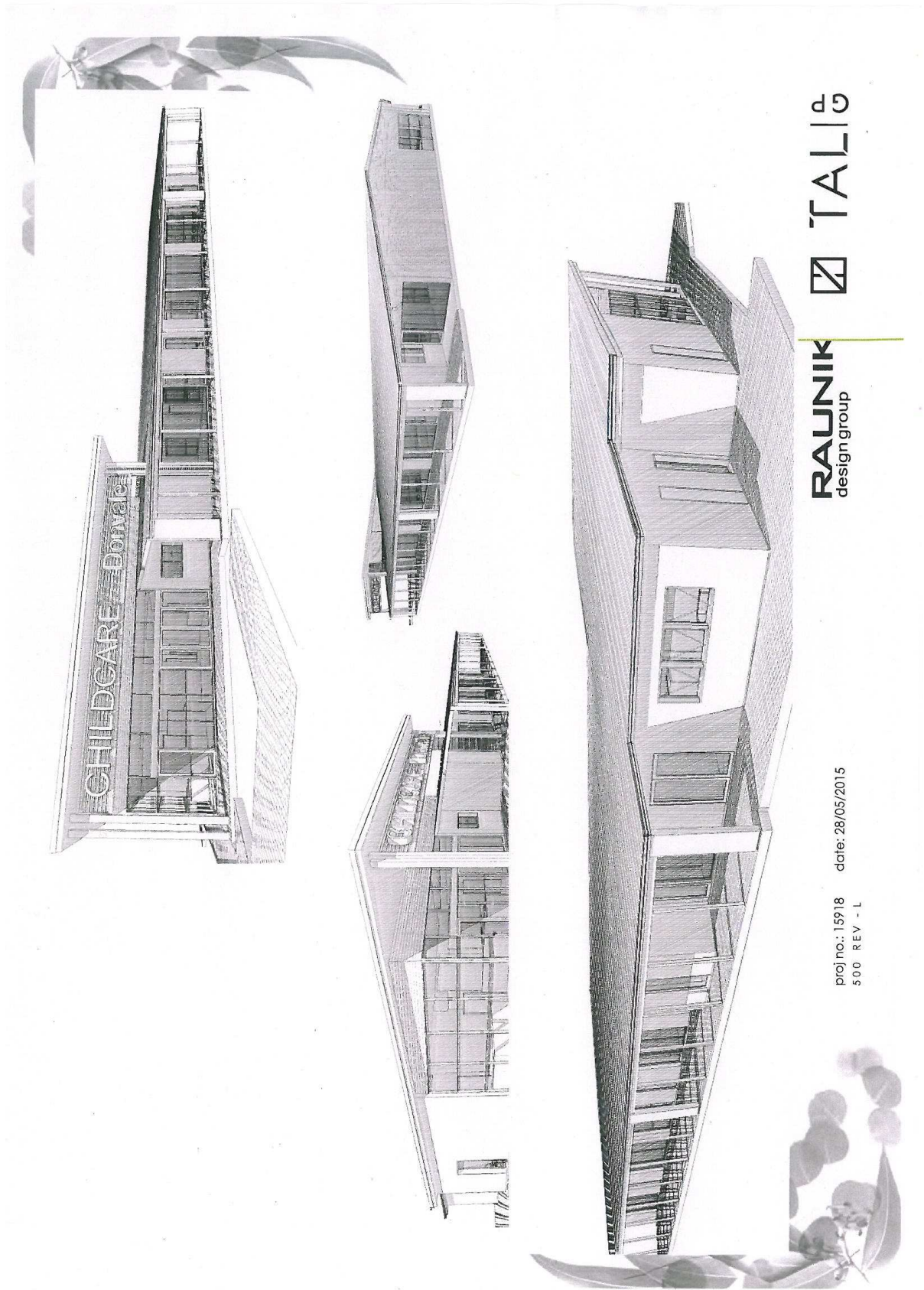
**9** DULUX 'SALVIA' R: 149 G: 181 B: 158

1 INDICATIVE EXTERNAL COLOUR PALETTE

proj no.: 15918 date: 28/05/2015  
400 REV - L

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proj no.: 15918    date: 28/05/2015  
500 REV - L