

**9.1 Planning Application PL17/027970 at 196-198 Serpells Road, Templestowe for the use and development of a child care centre (for 146 children), the removal of native and exotic vegetation and the display of internally illuminated business identification signage**

File Number:	IN18/338
Responsible Director:	Director City Planning
Applicant:	Foresite Planning & Bushfire Consultants
Planning Controls:	Low Density Residential Zone (LDRZ); Significant Landscape Overlay, Schedule 1 (SLO1)
Ward:	Heide
Attachments:	1 Decision Plans 2 Discussion Plans 3 Legislative Requirements

### **EXECUTIVE SUMMARY**

#### **Purpose**

1. This report provides Council with an assessment of the planning permit application submitted for land at 196-198 Serpells Road, Templestowe and recommends approval of the submitted proposal subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council as it has been 'called in' by Councillors.

#### **Proposal**

2. The proposal involves the use and development of a single-storey child care centre for 146 children. The proposal also includes the removal of native and exotic vegetation and the display of internally illuminated business identification signage.
3. The land has a total area of approximately 3,874 square metres. The proposal has a site coverage of 29% and a maximum building height of 7.85 metres. A total of 32 car parking spaces are provided within an open-air car park.
4. The child care centre is proposed to operate between 6:30am and 6:00pm weekdays.

#### **Advertising**

5. Notice of the application was given over a two-week period which concluded on 30 May 2018.
6. 28 objections have been received. The objections identify concerns primarily relating to traffic, neighbourhood character, design, overdevelopment, policy, vegetation and noise.

#### **Key issues in considering the application**

7. The key issues for Council in considering the proposal relate to:

- Planning Policy Frameworks;
- Location;
- Siting, scale, design and built form;
- Landscaping and tree retention/removal;
- Amenity;
- Traffic, car parking, access and pedestrian safety;
- Signage; and
- Objector concerns.

### Assessment

8. The use and development of the land for a child care centre is appropriate having regard to relevant Planning Policy Frameworks of the Manningham Planning Scheme (the Scheme), including the requirements of the Low Density Residential Zone, Significant Landscape Overlay, Schedule 1 and supporting policy relating to the non-residential uses within residential areas.
9. The proposal is in accordance with the objectives of the low density area, including encouraging uses with a community service role to be located within close proximity to other community based facilities, ensuring commercial uses do not compromise the amenity and character of the neighbourhood and that the use does not exceed the servicing capacity of the land.
10. The proposed development features a contemporary design that responds to the landscape character of the area and subject to conditions, meets the purpose of the intent of the zone and the decision guidelines of the applicable overlay, resulting in a use and development that will not adversely affect the amenity of the locality and will provide a service to the broader community.

### Conclusion

11. This report concludes that the proposal complies with the relevant planning policy in the Scheme and should be supported, subject to conditions requiring modest design changes to the development and the submission of management plans for Council approval.
12. It is recommended that the application be supported, subject to conditions.

## 1. RECOMMENDATION

### That Council:

- A. **Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PL17/027970 at 196-198 Serpells Road, Doncaster for the use and development of the land for child care centre, the removal of native and exotic vegetation and the display of internally illuminated business identification signage, subject to the following conditions –**

1. **Before the development starts, amended plans must be drawn to scale, e-mailed to and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans prepared by Elevation Architecture, Job No. 0959-12, Revision B dated 27 April**

2018, but modified to show the following:

- 1.1 The plans amended to reflect the revised layout of the development as shown on the discussion plans prepared by Elevation Architecture, Job No. 0959-12, Revision 5 dated 1 August 2018, which includes but is not limited to:
  - 1.1.1 Reduction in the number of child care places by 8 places to 138 children;
  - 1.1.2 Subsequent reduction in car parking by 2 spaces to 30 spaces;
  - 1.1.3 Reconfiguration of the car park to provide additional landscape areas, including a central area, a strip alongside the pedestrian path and adjacent to the ramp within the site frontage;
  - 1.1.4 Reduction in the projection of the north-western building eave over the pedestrian path to avoid the transmission easement and comply with Condition 57 of this permit; and
  - 1.1.5 Minor reduction to the south-eastern setback of the southern wing of the building by 0.596 metres to 10.215 metres.

#### Fencing and streetscape

- 1.2 Full details of all acoustic fencing (in accordance with the acoustic report approved under Condition 6 of this permit) and associated retaining walls, including materials and finishes, which must be muted to respond to the character of the area;
- 1.3 A minimum 25% transparency provided to the 1.8 metre high acoustic fencing to the Serpells Road and Wayamba Place frontages;
- 1.4 Relocation of the south-western acoustic fence to the south-western property boundary, to a maximum height of 2.5 metres;
- 1.5 Provision of a 1 metre high barrier within the outdoor play area, setback 1 metre from the south-western property boundary for the provision of a landscape strip;
- 1.6 Greater detail of the scale of the utility cabinets and water meters positioned behind low walls along the frontage, including details of adequate screening to these elements to ensure these cabinets integrate appropriately and are not dominant features of the front façade;

#### Car parking areas

- 1.7 Full setback dimensions for the car park, measured perpendicular to relevant title boundaries;
- 1.8 Full dimensions of all car parking spaces and accessway widths

in accordance with Design Standard 2 of Clause 52.06-9;

1.9 Full lighting details for all external areas in accordance with Conditions 29 and 60 of this permit;

1.10 A concrete kerb to the car park to prevent the passage of vehicles onto landscaped/grassed areas;

1.11 The surface of the driveway and car parking area in dark coloured concrete or bitumen;

Other

1.12 All recommendations and design changes as required by the SMP, GTP, WMP, acoustic report and any other report approved under conditions of this permit.

#### Endorsed Plans

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

#### Construction Management Plan

3. Not less than 28 days before the development starts, a Construction Management Plan (CMP) must be e-mailed to and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan must be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

3.1 Element A1: Public Safety, Amenity and Site Security;

3.2 Element A2: Operating Hours, Noise and Vibration Controls;

3.3 Element A3: Air Quality and Dust Management;

3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);

3.5 Element A5: Waste Minimisation and Litter Prevention; and

3.6 Element A6: Traffic and Parking Management.

Council's Works Code of Practice (June 2016) and Construction Management Plan Guideline (June 2016) are available on Council's website.

#### Sustainability Management Plan

4. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Sustainability Management Plan (SMP) and Green Travel Plan (GTP) must be e-mailed to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development

and must be implemented to the satisfaction of the Responsible Authority prior to the commencement of the use. The SMP must be generally in accordance with the plan prepared by lid consulting dated 1 March 2018 and the GTP must be generally in accordance with the plan prepared by lid consulting dated 15 February 2018, but modified to show the following:

**4.1 Management 3.3 Metering**

**4.1.1 Plan notations and commit in report that all major common area services will be separately submetered. Alternatively, the BESS entry must be amended to NO.**

**4.2 Water 1.1 Water Efficient Fixtures**

**4.2.1 Correctly scope out Showerhead & Washing Machines in BESS.**

**4.3 Water 3.1 Water Efficient Landscaping**

**4.3.1 Provide details of water efficient landscaping or indicate commitment in report. Alternatively, the BESS entry must be amended to NO.**

**4.4 Energy 3.7 Internal Lighting – Non-Residential**

**4.4.1 Commit to a maximum illumination power density (W/m<sup>2</sup>) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9). Alternatively, the BESS entry must be amended to NO.**

**4.5 Energy 4.2 Renewable energy systems – Solar**

**4.5.1 Plan notations, including location and size, to correspond with the report providing a 3.5kW PV system.**

**4.6 IEQ 1.4 Daylight access – Non-residential**

**4.6.1 Daylight calculations (modelling or hand calculations) must be included in the SMP to demonstrate how the non-residential spaces are predicted to perform in relation to daylight benchmarks outlined in BESS.**

**4.7 Stormwater**

**4.7.1 Provide stormwater management calculations in report.**

**4.7.2 Plan notations to indicate size and location of rainwater tanks and connection to toilets, bin wash and irrigation and details of raingardens proposed.**

**4.8 Transport 1.4-6 Bicycle Facilities**

**4.8.1 Plan notations and commit in report that the relevant bike facilities indicated in BESS are being provided.**

**4.9 Urban Ecology 3.2 Food Production – Non-Residential**

**4.9.1 Incorporate provision of space for small production gardens in the landscape scheme.**

**4.10 Overall**

**4.10.1 Provide the BESS report as a finalised version with all appendices; and**

**4.10.2 The project must meet the minimum 50% overall score with minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS.**

**Waste Management Plan**

**5. Before the development starts, or the issue of a building permit for the development, whichever is the sooner; a Waste Management Plan must be e-mailed to and approved by the Responsible Authority. The plan must show:**

**5.1 That a private contractor will undertake all collections from within the site;**

**5.2 The waste storage area / volume required;**

**5.3 The storage of waste and recycling in a sheltered area not visible from outside the site;**

**5.4 How waste and recycling is to be managed and collected from within the development;**

**5.5 Swept path diagrams demonstrating how a waste collection vehicle will enter and exit the car park in a forward direction.**

**Acoustic Report**

**6. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, an amended Acoustic Report must be e-mailed to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report prepared by Marshall Day Acoustics dated 13 April 2018 but be modified to reflect any changes shown on plans endorsed under this permit or other conditions of this permit.**

**Management Plan Compliance**

**7. The management plans approved under Conditions 3, 4, 5 and 6 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.**

**Landscape Plan**

**8. Before the development starts, a landscaping plan prepared by a**

landscape architect or person of approved competence must be e-mailed to and approved by the Responsible Authority. Such plan must be generally in accordance with the submitted landscape plan prepared by Genus Landscape Architects, Job No. 18-2221, Revision C dated 27 April 2018, modified to correspond with the layout on the plans approved under Condition 1 of this permit, and must show:

- 8.1 Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;
- 8.2 At least 80% of species selected must be indigenous to the area, as described in Manningham City Council's *Native Splendour*. Plants must be sourced from one of the indigenous plant suppliers listed in *Native Splendour* (page 4);
- 8.3 Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
- 8.4 Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
- 8.5 A minimum of seven trees planted within the Wayamba Place frontage and within the south-western building setback, capable of reaching a minimum mature height of 6 metres. The trees must be a minimum height of 2 metres at the time of planting;
- 8.6 Suitable landscape treatment for the 1 metre wide landscape strip of land between the fence and title boundaries to Serpells Road and Wayamba Place, which must be of low maintenance, and capable of reaching a mature height of 3 metres;
- 8.7 Planting between the fence and the Wayamba Place title boundary must be capable of reaching a mature height of at least 4 metres, where adjacent retaining walls that are at least 0.5 metres from natural ground level;
- 8.8 Uniform, fast-growing screen planting along the entire south-western and north-western boundaries, capable of reaching a mature height of 3 metres at maturity. The species must be a minimum height of 1.5 metre at the time of planting;
- 8.9 All planting within the transmission easement demonstrated to comply with Condition 62 of this permit;
- 8.10 Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage along the exit lane to be no greater than 0.9 metres in height at maturity; and
- 8.11 Methods of protection, including details of Tree Protection Zones, for existing vegetation to be retained, as per the Arborist report prepared by Jarrad Miller Arboriculture, dated 8 November 2017.

**Landscape Bond**

9. Before the release of the approved plan for the development, a \$10,000 cash bond or guarantee must be lodged with 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.

**Completion and Maintenance**

10. Before the use commences the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:
  - 10.1 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use;
  - 10.2 Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated (where applicable); and
  - 10.3 All landscape areas must be fully planted and mulched or grassed.
11. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
12. Buildings, including screening, engineering works and fences must be maintained to the satisfaction of the Responsible Authority.
13. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.
14. If required by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

**Vegetation Protection**

15. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained on site and adjoining properties are made aware of the need to preserve the vegetation and to minimise impacts through appropriate work practices.



16. An in-ground drip-feed watering system must be installed in the main landscaped areas to the satisfaction of the Responsible Authority.
17. No vegetation, apart from that shown on the approved plan as vegetation to be removed, may be felled, destroyed or lopped without the written consent of the Responsible Authority.
18. During construction works:
  - 18.1 No excavation, trenching or soil removal, other than what is approved on the endorsed plan, may be carried out within the drip line of any tree to be retained on or adjoining the subject site, without the prior written approval of the Responsible Authority, no excavation, trenching or soil removal may be carried out within the dripline of any tree to be retained without the prior written consent of the Responsible Authority;
  - 18.2 No goods or materials may be stored or vehicles parked within the dripline of any tree to be retained on or adjoining the subject site; and
  - 18.3 Any exposed roots must be cut by or under the supervision of an Arborist or suitably qualified person.

#### Stormwater and Drainage

19. The owner must provide onsite 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:
  - 19.1 Be designed for a 1 in 5 year storm; and
  - 19.2 Storage must be designed for 1 and 10 year storm.
20. Before the developments starts, a construction plan for the system required by Condition 19 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.
21. 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.
22. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining

properties.

#### **Footpath works to Serpells Road**

- 23. Footpath access must be constructed along the entire frontage of Serpells Road to the corner of Wayamba Place with a pedestrian crossing at the corner of Wayamba Place to connect with the pedestrian crossing on the north-eastern side of Serpells Road. The pedestrian crossing must be to Council satisfaction with tactiles provided as per AS 1428.4. The kerb and channel and drainage works are required along the entire frontage of Serpells Road to connect to the existing drainage and kerb and channel at the corner of Wayamba Place.**
- 24. Before the development is completed, the owner must complete the footpath, kerb and channel and drainage works along the frontage of Serpells Road in accordance with an engineering construction plan approved by the Responsible Authority. The drainage is to be designed for 1 in 5 year storm as required by the Engineering and Technical Services Department.**
- 25. Longitudinal and cross sections for any footpath, kerb and channel and drainage works within the Road Reserve are to be submitted in accordance with an engineering construction plan approved by the Responsible Authority.**
- 26. Before the works start:**
  - 26.1 A supervision fee equal to 2.5% of the cost of construction of the path, kerb and channel and drainage must be paid to the Responsible Authority;**
  - 26.2 A plan-checking fee equal to 0.75% of the cost of construction of the path, kerb and channel and drainage must be paid to the Responsible Authority;**
  - 26.3 A maintenance deposit equal to 5% of the cost of construction of the path, kerb and channel and drainage must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and**
  - 26.4 A schedule of costs for the construction of the path, kerb and channel and drainage must be submitted to the Responsible Authority.**

#### **Car Parking**

- 27. Before the approved use commences, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:**
  - 27.1 Constructed, formed and sealed to approved levels;**
  - 27.2 Drained;**

- 27.3 Line marked to indicate each car space, including the staff parking spaces;
- 27.4 Marked to show the direction of traffic along access lanes and driveways;
- 27.5 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.

28. 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.
29. The development must be provided with external lighting capable of illuminating access to each car parking space, outdoor service areas, pedestrian walkways and the building entry. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.
30. The loading and unloading of goods from vehicles must only be carried out on the land.
31. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Mondays to Fridays to the satisfaction of the Responsible Authority.
32. The vehicular crossing must be constructed in accordance with the approved plans prior to commencement of the use to the satisfaction of the Responsible Authority.

#### **Car Parking Management Plan**

33. Before the commencement of the use, a Car Parking Management Plan must be emailed to and approved by the Responsible Authority. When approved, the plan will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this approved plan. The plan must be generally in accordance with the endorsed plans, and include details of:
- 33.1 How the allocation of car parking spaces will be managed, including the provision of staff car parking during the operating hours and the provision of parent car parking during the morning and afternoon peak periods;
- 33.2 The specification of staff management to enable efficient operation of on-site car parking to avoid staff and parent peak demands coinciding;
- 33.3 Measures to prevent staff and parents parking in Serpells Road, with the operator to direct all staff and request all visitors to park on site.

**Sewer connection**

34. Before the use commences the development must be connected to reticulated mains sewer to the satisfaction of the Responsible Authority.

**Building Services**

35. 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.
36. Any reverse cycle air-conditioning unit erected on the walls of the approved building must be so located, as to not adversely affect the amenity of the area by way of appearance/visual prominence to the satisfaction of the Responsible Authority. Where the Responsible Authority identifies a concern about visual appearance, appropriately designed/finished screening must be installed and maintained to the satisfaction of the Responsible Authority.
37. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (including air conditioning units, solar panels or hot water systems) which is visible to immediate neighbours or from the street may be placed on the roof of the approved building, without details in the form of an amending plan being submitted to and approved by the Responsible Authority.

**Use**

38. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 138.
39. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:30am and 6:00pm on weekdays only.

**Amenity**

40. Before the use commences, all fencing including acoustic fencing must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.
41. In the event of excavation or works causing damage to any other existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.
42. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.
43. All security alarms or similar devices installed on the land must be of

a silent type to the satisfaction of the Responsible Authority.

44. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
45. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
46. All children's play equipment must be maintained and kept in a safe condition to the satisfaction of the Responsible Authority.
47. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.
48. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.
49. The exhaust system of any cooking area must be provided with filter devices capable of minimising the external emission of odours and airborne fat particles to the satisfaction of the Responsible Authority and such filter system must be maintained to the satisfaction of the Responsible Authority.
50. 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:
  - 50.1 Transport of materials, goods or commodities to or from the land;
  - 50.2 Storage of goods and wastes;
  - 50.3 Appearance of any building, works or materials; and
  - 50.4 Emission of noise, light, vibration, odour & dust.

#### Signage

51. The location, size, structure and details, including the advertisement wording and colours, of the approved signs shown on the approved plans, must not be altered without the written consent of the Responsible Authority.
52. The approved signs must not contain flashing or intermittent light.
53. Except with the written consent of the responsible authority, the approved signs may only be illuminated during the hours of

operation.

54. The intensity of the light in the approved signs must be limited so as not to cause glare or distraction to motorists, or loss of amenity in the surrounding area, to the satisfaction of the Responsible Authority.
55. The approved signs must be located wholly within the boundaries of the subject land.
56. The approved signs must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.

#### **AusNet Services**

57. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement.
58. The proposed car park must be used only by domestic and small commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
59. The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.
60. Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.
61. Scaffolding is not permitted on the easement.
62. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
63. The storage of flammable materials, including that within waste bins, is not permitted on the easement.
64. Natural ground surface levels on the easement must not be altered by stockpiling of excavation material or by landscaping without prior written approval from AusNet Transmission Group.
65. All services traversing the easement must be installed underground.
66. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

#### **Expiry**

67. This permit will expire if one of the following circumstances apply:

67.1 The development is not started within two (2) years of the date of

**this permit;**

**67.2 The development is not completed within four (4) years of the date of this permit;**

**67.3 The use is not commenced within two (2) years of the completion of the development.**

**68. The advertising signage permission expires fifteen years after its issue date.**

## **2. BACKGROUND**

- 2.1 The application was submitted to Council on 15 December 2017 and a request for further information was sent on 9 January 2018.
- 2.2 All requested further information was received by Council on 3 May 2018.
- 2.3 Notice of the application was given over a two-week period which concluded on 30 May 2018.
- 2.4 The statutory time for considering a planning application is 60 days, which lapsed on 2 July 2018.
- 2.5 The land title is not affected by any covenants or restrictions.

## **3. THE SITE AND SURROUNDS**

### **The Site**

- 3.1 The site is situated on the corner of Serpells Road and Wayamba Place, approximately 600 metres south of Reynolds Road and 1.15 kilometres north-west of King Street.
- 3.2 The site has a Serpells Road frontage width of 52 metres, a Wayamba Place side road frontage width of 72 metres, a south-western boundary length of 66 metres and a north-western length of 45 metres. The site has a total area of 3,874 square metres.
- 3.3 A single-storey brick dwelling presently occupies the site, with approximate setbacks of 24 metres to Serpells Road, 12.5 metres to Wayamba Place, 22.5 metres to the south-western boundary and 23.5 metres to the north-western boundary. A driveway leading from Wayamba Place provides uncovered parking adjacent to the dwelling. The road frontages are unfenced.
- 3.4 The dwelling is well screened by mature vegetation within the road reserves, as well as in the eastern corner of the site and to the side and rear boundaries. Vegetation within the road reserve predominantly consists of indigenous Blackwood varying from 3-5 metres in height within the road reserve to Serpells Road and exotic Photinia varying from 2-5 metres in height within the Wayamba Place road reserve. On-site vegetation consists of a cluster of 5 metre high Photinia in the eastern corner and a further 3 metre high row along the north-western side boundary. Sporadic vegetation through the site consists of a mix of

native and exotic vegetation, with medium significance vegetation including an 8 metre high Desert Ash, 12 metre high Pin Oak, an 11 metre high Swamp Gum and a 9 metre high Yellow Gum.

- 3.5 The site is affected by a transmission easement varying from 19.319 metres to 27.61 metres in width for the length of the north-western boundary, which occupies an overall area of 1,131.4 square metres, or 29% of the site.
- 3.6 The topography falls approximately 2 metres from the Serpells Road frontage to the rear, south-western boundary.

### The Surrounds

- 3.7 The site has a direct abuttal with two properties, as follows:

Direction	Address	Description
South-west	4 Wayamba Place	A single-storey dwelling is setback 5 metres from the common boundary and 26.5 metres from the street. A swimming pool to the rear of the dwelling is setback 3 metres from the common boundary and an outbuilding is setback a minimum 1 metre from the common boundary. The property has an area of 3,774 square metres.
North-west	184 Serpells Road	An illuminated private tennis court with a 2.2 metre setback runs the length of the common boundary. The tennis court is screened by the row of existing Photinias on the subject site. A single-storey dwelling is setback approximately 21.5 metres from the common boundary. The property has an area of 3,928 square metres.

- 3.8 Serpells Road is defined as a Council urban link road. It is an undivided 7.8 metre wide sealed carriageway which accommodates a single through traffic lane in each direction. There is no formal provision for on-street car parking. Roadside drainage consists of a swale drain. No pedestrian path is provided on the southern side adjacent to the site, however a pedestrian path is provided on the northern side of Serpells Road opposite the site. A speed limit of 40km/h applies to the area east of the site, changing to 60km/h to the west of the site.
- 3.9 Wayamba Place is a Council urban access road. It is an undivided 7.5 metre wide sealed carriageway which accommodates simultaneous two-way through traffic movements. Kerb and channel drainage is provided to this road, however no pedestrian path is provided. A speed limit of 50km/h applies to this road.
- 3.10 The subject site is located within the Low Density Residential Zone. This zone spans 500 metres to the north (to Reynolds Road), 250 metres to the east, 200 metres to the south and 1.5km to the west (to Williamsons Road). The predominant characteristic of the area is large two-storey detached housing. Serpells Road is known colloquially as Templestowe's 'golden mile'.
- 3.11 Within a 500 metre radius of the site, other non-residential uses include Serpells Primary School, St Charles Borromeo Catholic Primary School, Bupa Aged Care and Holy Cross church and retreat, all located to the east. Serpells Community



Reserve and The Grange Reserve are also located within this radius, to the south. Arcare Aged Care is currently under construction to the south-east, at the intersection of Tuckers Road and King Street.

- 3.12 The subject site is serviced by the 279 bus route operating from Templestowe to Box Hill. Major connecting bus routes provide access to a wider range of residential areas within the municipality as well as Melbourne's Central Activity District. Pedestrian access along Serpells Road is improving as paths continue to be constructed. Currently, access from the site to King Street cannot be completed on pedestrian paths, however the pedestrian path along Tuckers Road will be constructed as part of the Arcare Aged Care development, which will complete this link.

#### 4. THE PROPOSAL

- 4.1 It is proposed to use and develop the site for a single-storey child care centre for 146 children. An uncovered car park incorporates 32 spaces and a loading area. A pedestrian path is located along the north-western side of the building to provide access to the entry at the northern corner of the building. Business identification signage comprises two sign types: an internally illuminated circular sign in two locations and a lettered sign in another two locations. Ten trees require a planning permit for their removal.

##### Submitted plans and documents

- 4.2 The proposal is outlined on the plans prepared by Elevation Architecture, Job No. 0959-12, Revision B dated 27 April 2018 and landscape plans prepared by Genus Landscape Architects, Job No. 18-2221, Revision C dated 27 April 2018. Refer to Attachment 1.
- 4.3 Discussion plans have been prepared by the applicant following a public consultation meeting responding to officer and objector concerns (prepared by Elevation Architecture, Job No. 0959-12, Revision 5 dated 1 August 2018). Refer to Attachment 2. To adopt any of the changes on these discussions plans, conditions must specify the changes required. The changes to the plans are summarised as follows:
- Reduction in the number of child care places by 8 places to 138 children;
  - Subsequent reduction in car parking by 2 spaces to 30 spaces;
  - Reconfiguration of the car park to provide additional landscape areas, including a central area, a strip alongside the pedestrian path and adjacent to the ramp within the site frontage;
  - Reduction in the projection of the north-western building eave over the pedestrian path to avoid the transmission easement; and
  - Minor reduction to the south-eastern setback of the southern wing of the building by 0.596 metres to 10.215 metres.
- 4.4 The following reports were submitted to support the application:
- Planning report prepared by Foresite Town Planning, dated December 2017;
  - Arboricultural report prepared by Jarrad Miller Arboriculture, dated 8 November 2017;
  - Traffic report prepared by Traffix Group, dated November 2017;
  - Acoustic report prepared by Marshall Day Acoustics, dated 13 April 2018;

- Sustainability management plan prepared by lid consulting, dated 1 March 2018; and
- Green travel plan prepared by lid consulting, dated 15 February 2018.

### Development summary

4.5 A summary of the development is provided as follows:

Land Size:	3,874m <sup>2</sup>	Maximum Building Height:	7.713m
Site Coverage:	29%	Street setback to Serpells Road (north-east)	9.2m
Indoor activity room area:	474.5m <sup>2</sup>	Side road setback to Wayamba Place (south-east)	10.8m
Outdoor play area:	1,022m <sup>2</sup>	Setback to south-western boundary	7.4m
Total car parking spaces:	32	Setback to north-western boundary	19.8m

### Design layout

4.6 The single-storey child care centre comprises eight activity rooms for children of varying ages, a central covered outdoor play area and outdoor play areas to the north-eastern, south-eastern and south-western sides of the building.

### Pedestrian and vehicle access and layout

4.7 Pedestrian entry to the building is provided via a covered entry within the Serpells Road frontage. Multiple pedestrian paths are provided to the entry; from the Serpells Road frontage, and from the car park via a ramp and path alongside the south-western side of the building. A footpath is proposed within the road reserve to Serpells Road. Pedestrians would then access the footpath on the northern side of Serpells Road to connect with the local footpath network.

4.8 Vehicle access is proposed via a new 6.5 metre wide crossover to Serpells Road, leading to an uncovered 32 space car park. A delivery and turning area is provided at the southern end of the car park. Car parking spaces are not specifically allocated for staff.

### Vegetation removal

4.9 A total of 39 trees are proposed to be removed; 29 of which are located on site and 10 within the road reserve. 20 of the 39 trees are exempt species, which do not require a planning permit for removal (such as Sweet Pittosporum, Desert Ash, Loquat, Monterey Pine, Japanese Privet and Sallow Wattle species). A further seven trees are exempt as they are exotic trees either less than 6 metres high and/or less than 0.35 metres diameter at breast height. A further two trees are exempt pursuant to bushfire protection regulations as they are within 10 metres of the existing dwelling.

- 4.10 Of the 10 trees requiring a planning permit for removal, four are required to be removed from the road reserve of Serpells Road for pedestrian path construction, four are located along the north-western boundary adjacent to the proposed car park and two are located within the Serpells Road site frontage.

### Landscaping

- 4.11 Canopy trees are proposed between the car park and the site frontage and at the rear of the car park. There is capacity for screen planting along the north-western and south-western boundaries. A one metre setback is provided for planting in front of fencing along the Serpells Road and Wayamba Place frontages.

### Design detail

- 4.12 The proposed building features a contemporary architectural design, which incorporates face brick and fibre cement wall cladding with charcoal metal gable roofing.
- 4.13 Fencing consists of 1.8 metre high acoustic fencing to the road frontages and 3.5 metre high acoustic screen fencing offset 1 metre from the south-western boundary.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 3.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 32.03-1 (Low Density Residential Zone) – use of the land for a child care centre;
  - Clause 32.03-4 (Low Density Residential Zone) – buildings and works associated with a Section 2 use (child care centre);
  - Clause 42.03-2 (Schedule 1 to the Significant Landscape Overlay) – to construct a building or construct or carry out works.
  - Clause 42.03-2 (Schedule 1 to the Significant Landscape Overlay) – to remove, destroy or lop any Victorian native vegetation, or an exotic or Australian native tree with either a trunk circumference of more than 0.35 metres measured at a height of 1.3 metres above natural ground level, or a height of more than 6 metres.

## 6. REFERRALS

### External

- 6.1 Given the proposal involves the construction of a building or the construction or carrying out of works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement, the application has been referred to AusNet Services as a determining referral authority.
- 6.2 AusNet Services have no objection subject to conditions providing that no part of the building (including eaves) being permitted within the easement, natural surface levels on the easement must not be altered, and a maximum 3 metre

height limitation on the use of the car park by domestic and small commercial vehicles, any lighting poles and all trees and shrubs within the easement.

### Internal

6.3 The application was referred to a number of Service Units within Council. The following table summarises the responses:

Service Unit	Comments
Engineering & Technical Services Unit – Drainage	<ul style="list-style-type: none"> <li>No objection subject to conditions that have been included in the recommendation including the provision of onsite storm water detention.</li> </ul>
Engineering & Technical Services Unit – Vehicle Crossing	<ul style="list-style-type: none"> <li>No objection subject to conditions that have been included in the recommendation including the removal of the redundant vehicle crossovers and footpath, kerb and channel provided along the frontage of Serpells Road in accordance with an engineering construction plan.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>No objection as adequate sight lines are available from the exit lane and the width and internal radius of the driveway allow sufficient turning areas for all vehicles to reverse and exit the site in a forward direction.</li> </ul>
Engineering & Technical Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> <li>No objection as the number of car parking spaces provided is satisfactory and there are no traffic issues in the context of the traffic and the surrounding street network.</li> </ul>
Engineering & Technical Services Unit – Car Parking Layout	<ul style="list-style-type: none"> <li>No objection.</li> </ul>
Engineering & Technical Services Unit – Construction Management	<ul style="list-style-type: none"> <li>No objection subject to a requirement for the provision of a construction management plan.</li> </ul>
Engineering & Technical Services Unit – Waste	<ul style="list-style-type: none"> <li>No objection subject to conditions that have been included in the recommendation including the requirement for private waste collection.</li> </ul>
Engineering & Technical Services Unit – Easements	<ul style="list-style-type: none"> <li>No objection subject to build over easement approval being granted.</li> </ul>
Engineering &	<ul style="list-style-type: none"> <li>No objection subject to the floor levels remaining at 106.50</li> </ul>

Service Unit	Comments
Technical Services Unit – Flooding	metres Australian Height Datum.
Approvals & Compliance Unit – Environmental Health	<ul style="list-style-type: none"> <li>No objection subject to the development connecting and discharging all plumbing waste to the available mains sewer and the proprietor of the child care centre obtaining a Food Act Registration from Council's Health Unit prior to commencing trade.</li> </ul>
Strategic Projects Unit – Sustainability	<ul style="list-style-type: none"> <li>No objection subject to a requirement for the submission of a Sustainability Management Plan and details provided on plan to correspond with the management plan.</li> </ul>

## 7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a two-week period which concluded on 30 May 2018, by sending letters to nearby properties and displaying two signs on site.

7.2 28 objections have been received from the following properties:

- 184 Serpells Road, Templestowe;
- 9 Country Terrace, Templestowe;
- 5 Wayamba Place, Templestowe;
- 12 County Terrace, Templestowe;
- 8 Pioneer Drive, Templestowe;
- 133 Serpells Road, Templestowe;
- 7 Pioneer Drive, Templestowe;
- 6 Wayamba Place, Templestowe;
- 8 Wayamba Place, Templestowe;
- 5 Killibury Court, Templestowe;
- 1 Killibury Court, Templestowe;
- 6 Pioneer Drive, Templestowe;
- 170 Serpells Road, Templestowe;
- 18 County Terrace, Templestowe;
- 212 Serpells Road, Templestowe;
- 5 Berwyn Crescent, Templestowe;
- 112 Serpells Road, Templestowe;
- 151-153 Serpells Road, Templestowe;
- 6 Killibury Court, Templestowe;
- 3 Killibury Court, Templestowe;
- 8 Pioneer Drive, Templestowe;
- 208-210 Serpells Road, Templestowe;
- 120 Serpells Road, Templestowe;
- 7 Sarah Crescent, Templestowe;
- 121 Serpells Road, Templestowe;
- 208-210 Serpells Road, Templestowe;
- 78-84 Smiths Road, Templestowe; and
- 131 Serpells Road, Templestowe.

7.3 The grounds of objection are summarised as follows:

- Traffic, lack of off-street car parking, vehicle and pedestrian safety;
- Planning policy and use (hours of operation, transmission easement, concentration of non-residential uses);
- Design, built form and neighbourhood character (building setbacks, fencing); and
- Off-site amenity impacts (noise and loss of property value).

7.4 A consultation meeting was held on 23 July 2018.

7.5 A response to the grounds of objection are included in the assessment section of this report.

## **8. ASSESSMENT**

8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Manningham Planning Scheme.

8.2 The following assessment is made under the headings:

- Planning Policy Frameworks;
- Location;
- Siting, scale, design and built form;
- Landscaping and tree retention/removal;
- Amenity;
- Traffic, car parking, access and pedestrian safety;
- Signage; and
- Objector concerns.

### **Planning Policy Frameworks**

8.3 The Low Density policy in Clause 21.06 of the Scheme recognises the need to encourage uses with a community service role to locate within close proximity to activity centres or other community based facilities, to ensure that commercial uses do not compromise the amenity and character of the neighbourhood and ensure uses do not exceed the servicing capacity of the land.

8.4 The policy also seeks to ensure that land is developed in a way that is compatible with the character of the area, including its landscape qualities and pattern of vegetation through the minimisation of earthworks and retention of existing vegetation, where appropriate, with new landscaping complementing the character of the area.

8.5 Traffic and car parking considerations within low density areas include ensuring the intensity and scale of use and development is appropriate having regard to the capacity of the existing road network and pedestrian accessibility and ensure the appropriate design and siting of on-site access, car parking, areas designated from vehicle manoeuvring and avoiding the extensive use of hard surfaces.

8.6 It is considered that the proposed facility accords with these key objectives through its proximity to other community based facilities, at a scale and intensity that is sensitive to the amenity and character of the surrounding low density area as detailed further in this assessment.

## Location

- 8.7 Child care centres are a land use that, for the most part, are located in residential zones, given the unsuitability of industrial zoned land, and the significant competition for commercially zoned land of a size capable of accommodating the use. Child care centres by their nature require a significant parcel of land, to accommodate access, car parking, a large floor area and expansive outdoor play spaces. While in some inner suburban areas this has resulted in child care centres with basement car parks and play areas on rooftops, another reasonable approach is to look for larger sites, including those in the Low Density Residential Zone (LDRZ). Council has received applications and issued a number of permits in recent times for centres in Low Density Residential Zone land, including:
- 318 Springvale Road (constructed)
  - 339 Springvale Road (permit applied)
  - 239 Foote Street (under construction)
  - 9 Pescara Place (before VCAT, officer support)
- 8.8 Whether or not a low density zoned lot will be considered suitable will depend on a number of criteria. In exercising the discretion to issue a permit afforded by the Zone, planning policy at Clause 22.05 (Non-Residential Uses in a Residential Zone) provides strong guidance.
- 8.9 The site generally meets the locational criteria set out for non-residential uses in Clause 22.05 as follows:
- Is close to other community based facilities;
  - Has good access public transport networks and will have good access to pedestrian networks, whereby construction of a pedestrian path is conditional of any permit to issue.
- 8.10 Furthermore, the proposal responds favourably to the locational criteria specifically applicable to proposals within LDRZ areas, as follows:
- The site is serviced by reticulated sewerage;
  - Access to the site is via a sealed main road. Construction of kerb and channel to the Serpells Road frontage is a condition of the approval of the proposal;
  - 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.
- 8.11 While the site is not immediately proximate to any of the municipality's activity centres, it is located close to other community based facilities. It is noted that the Major Activity Centre at The Pines Shopping Centre is within a distance of 1.8 kilometres.
- 8.12 The site also does not gain direct access from a main road, which is encouraged by Clause 22.05-3. Although this is an important criteria for non-residential uses within the municipality, this alone needs to be balanced against the other criteria and is not seen to be fatal to this application. Other factors surrounding the use and its acceptability within the neighbourhood are discussed below.
- 8.13 Given land availability particularly within or adjacent to activity centres in Manningham, it is likely to be a rare scenario where an application will meet all of

the criteria set out at Clause 22.05. Therefore, having regard to the above factors, it is considered that the site is appropriately located for a child care centre as it responds positively against the criteria specified for non-residential uses.

### **Siting, scale, design and built form**

- 8.14 The locational criteria considerations must be balanced with the importance of protecting the much valued landscape of Manningham's low density residential areas. The built form and site layout must therefore carefully respond to the low density character of the area.
- 8.15 When compared to the built form of other buildings in the area, the development compared favourably in siting, height, massing, setbacks, roof form and window proportions.
- 8.16 The building is set back sufficient distances from side and rear boundaries, observing compliance with the setbacks prescribed by the Significant Landscape Overlay, Schedule 1 (SLO1). The setbacks will enable an appropriate landscape treatment to be provided along the south-western and north-western residential interfaces.
- 8.17 The proposed building footprint comprises a site coverage of 29%, which is consisted with large single-storey dwellings in the immediate surrounds. In recent times, examples of two-storey development has reached this site coverage also. The site coverage will be akin to nearby development.
- 8.18 The proposal includes a large paved area for parking on the western side of the building. In a neighbourhood character context, this is not dissimilar visually to voids from buildings and landscaping created by private tennis courts which can be observed along the length of Serpells Road and surrounding streets. Reducing the visual impact of the car parking has been key in the formation of discussion plans, and it is not considered that this component of the development will be any more visible in the wider neighbourhood than tennis courts.
- 8.19 The selection of building materials and colours are highly compatible with the surrounding neighbourhood character. However, the use of solid high fencing to the road frontages is discouraged by policy. Fencing to the frontages consists of 1.8 metre high acoustic fencing. The fencing to the Wayamba Place frontage will be further elevated due to retaining walls present as the site falls to the south-western boundary. The material and colour of this fencing is unclear.
- 8.20 The submitted acoustic report submits that suitable materials that meet the required noise attenuation levels can be transparent. A condition will therefore require that a minimum 25% transparency be provided to all acoustic fencing to the road frontages. The 1 metre landscape buffer provided between fencing and both road frontages will be required to be densely landscaped to improve the appearance of fencing.
- 8.21 The overall built form of the development is considered to complement and is responsive to the existing scale of development and the landscape character of the surrounding area. In particular, it is considered the low scale nature of the building, nestled in amongst established vegetation which will integrate the development into the area, will lead to an appropriate built form response to accommodate the proposed use.



**Landscaping and tree retention/removal**

- 8.22 The development seeks to retain vegetation where possible, having regard to the relative quality of vegetation and the contributing value it has on the landscape character of the area. The location of existing vegetation to be retained will allow the development to make a positive contribution to the landscape character of the area.
- 8.23 Ten trees require a planning permit for removal. Four of these trees (Trees 29, 41, 46 and 47) are required to be removed from the road reserve of Serpells Road for pedestrian path construction. An additional tree (Tree 45), located just inside the Serpells Road title boundary, is also required to be removed to accommodate the pedestrian path. The trees are juvenile, display poor form and sit below power lines. They are not examples of trees valued in the Significant Landscape Overlay Schedule 1 control.
- 8.24 A further four, 3 metre high exotic Photinia trees (Trees 65-68) are located along the north-western boundary adjacent to the proposed car park. These trees have formed a hedge, with an approximate 5 metre spread. Photinia trees are not a species of any particular value in the Significant Landscape Overlay Schedule 1 control. It is recommended they be replaced with indigenous species to form a screen along this side boundary that is more consistent with the landscape character.
- 8.25 The remaining 5 metre high exotic Photinia tree (Tree 35) is located within the Serpells Road site frontage. This tree overhangs the proposed building and is surrounded by five other trees (including Photinias) that are to be retained. Given this tree does not provide a significant streetscape or environmental contribution, its removal is acceptable.
- 8.26 This application poses the opportunity to enhance the existing landscape character of the site. A number of conditional requirements will apply to ensure that the species selection is predominantly native (and avoiding exempt species listed in the SLO1).

**Amenity**

- 8.27 The site's location on a corner mitigates direct off-site amenity impacts. Amenity impacts of the proposal have been appropriately managed by the design response, including the siting the car park away from sensitive residential boundaries and the provision of landscape areas to screen the car park.
- 8.28 Similarly, play areas are predominantly located towards street frontages, limiting noise impacts to sensitive residential interfaces. Despite this, the plans show a 3.5 metre high acoustic fence to the south-western property boundary. The submitted acoustic report requires a 2.5 metre screen, therefore a condition will require the height to be reduced. A 1 metre setback to the fence has been provided to enable landscaping along the boundary, however limited access will be available to maintain this landscaping. This landscaping would serve little purpose, particularly if the adjoining land owner erects a fence along the title boundary. A condition requires the acoustic fence to be relocated to the boundary, with a barrier provided in its place to allow screening vegetation to be maintained behind the acoustic fence. Over time, landscaping will be visible above the acoustic fencing.

- 8.29 The following conditions will be applied to further address amenity-related issues:
- Hours and days of operation – limited to between 6:30am and 6:00pm on weekdays only;
  - Children numbers – reduced to a maximum 138 children as per the discussion plan;
  - Acoustic fencing compliance – including reduction to the south-western boundary fence height;
  - Noise minimisation – in accordance with Environmental Protection Authority requirements;
  - Waste collection hours and days – within operation hours only;
  - Odours – exhaust fans and the like adequately designed;
  - Lights spill – appropriate location and design of external lighting; and
  - Overall amenity.
- 8.30 Council submits that the combination of the proposal's design, together with the implementation of the above conditions, will ensure that amenity impacts of the proposal can be appropriately managed.

#### **Traffic, car parking, access and pedestrian safety**

- 8.31 Pursuant to Clause 52.06-5, car parking for a child care centre is calculated at a rate of 0.22 spaces per child. The proposal is for 146 children, which generates a requirement for 32 car parking spaces. The proposal is compliant with this requirement through the provision of 30 car parking spaces within the uncovered car park. The discussion plans propose a maximum of 138 children, which generates a requirement for 30 car parking spaces. The discussion plan demonstrates that 30 car parking spaces are provided.
- 8.32 The car park is provided with convenient access from Serpells Road, with well-defined entry points and vehicle access that is well separated from pedestrian pathing. The car park has been designed to allow vehicles to leave the site in a forward direction. The integration of landscaping into the car park and a condition to require dark coloured concrete will ensure the car park is non-intrusive in scale and visibility. Council's Engineering and Technical Services Unit raised no concerns in relation to the layout or design of the car park.
- 8.33 To ensure the car park is appropriately operated, it will require responsible management by the future operator and their staff. To achieve responsible management of the car park, a condition will require a Car Parking Management Plan prior to the commencement of the use.
- 8.34 The submitted traffic report estimates that the child care centre will generate up to 117 and 102 vehicle movements in the morning and afternoon peak hours, respectively. This equates to approximately one vehicle movement both in and out, every minute. An analysis of this data indicates that this is well within the acceptable limits. The report anticipates that traffic will likely be evenly distributed between entering/exiting the site from the east and the west along Serpells Road. Critically, the submitted analysis suggests that there is unlikely to be a queues formed on Serpells Road at any time and any queue that do form will result in very minor delays.
- 8.35 The report finds that current peak conditions on Serpells Road coincide with school start and finish times, whereas childcare centre peaks typically occur outside of these times. This is because attendance hours are generally

prescribed by parent/guardian working hours, rather than typical learning start and finish times. Council's Engineering Services Unit raise no concern in relation to the expected traffic generated by the proposed development as confirmed in the submitted report. Overall, the proposed use and development will not generate any unreasonable traffic congestion within the surrounding street network.

8.36 An assessment against the car parking design standards in Clause 52.06-9 is provided in the table below:

Design Standard	Met/Not Met
1 – Accessways	Met subject to condition The accessway servicing the car park meets the minimum width requirements, and has been designed to allow all vehicles to enter and exit the site in a forward direction onto Serpells Road. A condition will require a visibility splay to be provided to the exit lane of the driveway.
2 – Car parking spaces	Met subject to condition Car parking space dimensions and aisle widths are required to be clarified to demonstrate compliance with this standard.
3 – Gradients	Met Council's Engineering and Technical Services Unit have determined accessway gradients comply.
4 – Mechanical parking	Not applicable No mechanical parking proposed.
5 – Urban design	Met The vehicle crossover and car park will not be dominant features in the streetscape.
6 – Safety	Met The basement car park is provided with an automatic door with an automatic opening and intercom system.
7 – Landscaping	Met subject to condition No ground level car parking is proposed. Landscaping is provided to soften the appearance of the vehicle entry.

### Signage

8.37 The proposed signage is appropriate for the low density context given the signs are orderly, of good design and do not detract from the appearance of the building or the surrounding area.

8.38 The impact of the two illuminated signs will be minimal. The illuminated sign at the building entry faces the car park, not the street. The second illuminated sign will only be partially visible from Wayamba Place given it will be behind the 1.8 metre high boundary fencing.

### Objector concerns

8.39 Further responses to the grounds of objection is provided as follows:

Traffic, lack of off-street car parking, vehicle and pedestrian safety

- 8.40 The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's Engineering and Technical Services Unit who both concluded that, on considering the proposal in the context of the traffic and the surrounding street network, the proposal can be accommodated within the road network without creating any adverse traffic safety or capacity problems.
- 8.41 The number of car parking spaces provided meets the requirement for a child care centre of this capacity. A parking management plan will be required to ensure the efficient operation and management of the car park.
- 8.42 The car park has been designed to enable safe ingress and egress of vehicles. Pedestrian safety is managed by a dedicated pedestrian path alongside the building and a separate pedestrian access point from the Serpells Road site frontage. A new pedestrian path is required to be provided within the road reserve of Serpells Road, providing connection with existing path infrastructure.

Planning policy and use (hours of operation, transmission easement, concentration of non-residential uses)

- 8.43 The use of the land for a child care centre is not a prohibited use in the Low Density Residential Zone. The location of the site is proximate to other non-residential uses, as anticipated by the Low Density Policy in the Scheme.
- 8.44 The hours of operation will be limited by conditions of the permit and are reasonable in the context of a child care centre. Amenity impacts associated with the hours are appropriately mitigated, including traffic and noise.
- 8.45 The building itself is not located within the transmission easement, as required by the relevant authority. Any health related impacts associated with the proximity to transmission lines are outside the scope of this assessment.

Design, built form and neighbourhood character (building setbacks, fencing and signage)

- 8.46 The building is within the scope of assessment criteria provided by the Significant Landscape Overlay Schedule 1, including being less than 8 metres in height and providing 10 metre setbacks to road frontages.
- 8.47 Conditions will require fencing materials and detail to be provided, including that a minimum 25% transparency be provided across both frontages. A 1 metre wide landscape strip in front of all fencing will provide a further buffer from the street.
- 8.48 Signage is considered to be sensitively designed, particularly as illuminated signage will not be prominently visible from the streets. The illuminated building entry sign is orientated to face the car park and the illuminated sign to Wayamba Place will be predominantly obscured by the boundary fencing.
- 8.49 The design of the building has sought to limit the extent of vegetation removal and provide a landscape outcome that is in keeping with the landscape character of the area.

Off-site amenity impacts (noise and loss of property value)

- 8.50 Noise impacts are mitigated by extensive acoustic screening, which extends beyond residential interfaces to both street frontages. This will help maintain the amenity of the general area as well as immediately abutting properties.
- 8.51 Any possible impact to the value of an objector's property is considered a subjective claim and not a ground which should be given any relevancy in the consideration of the planning permit application.

**9. CONCLUSION**

- 9.1 It is recommended that the application be supported, subject to conditions.

**10. DECLARATION OF CONFLICT OF INTEREST**

- 10.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.