

## 9.2 Planning Permit Application No. PLN18/0117 - 799 and 801 Doncaster Road Doncaster and 1 Lauer Street Doncaster - Use and development of a child care centre (for 158 children) and alteration of access to a road in a Road Zone, Category 1

File Number:	IN18/339
Responsible Director:	Director City Planning and Community
Applicant:	Veuve Property Group
Planning Controls:	Residential Growth Zone – Schedule 2 (RGZ2), Design and Development Overlay Schedule 8 (DDO8)
Ward:	Koonung
Attachments:	1 Approved Plans 2 Legislative Requirements

### EXECUTIVE SUMMARY

#### Purpose

1. This report provides Council with an assessment of the planning permit application submitted for land at 799 and 801 Doncaster Road and 1 Lauer Street 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 given that it is a Major Application (with a development cost of more than \$5 million).

#### Proposal

2. The proposal involves the use and development of a two-storey child care centre for 158 children with associated basement car parking.
3. The development is proposed to be constructed across three lots with a total land size of 1,967 square metres. The proposal has a site coverage of 45.3% and a maximum building height of 9.5 metres. A total of 34 car parking spaces are proposed within the basement car park accessible from Lauer Street.
4. The child care centre will operate five days a week being Monday to Friday and between the hours of 6:30am to 6:30pm.

#### Advertising

5. Notice of the application was given over a three-week period which concluded on 20 June 2018.
6. To date, one objection has been received from the adjoining western property, which is a medical centre on 797 Doncaster Road, Doncaster. The objection identified concerns primarily relating to noise and the potential impact on the existing medical centre use. The objection detailed that a residential building would be a more appropriate land use.

#### 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;
- Landscape;
- Amenity;
- Traffic, car parking and driveway construction; and
- Objector concerns.

### Assessment

8. The development of the land for a two-storey child care centre is consistent with the relevant objectives of State and local planning policies of the Manningham Planning Scheme (the Scheme), including the requirements of the Residential Growth Zone, Schedule 1 (RGZ1), Design and Development Overlay, Schedule 8 (DDO8) and supporting policy relating to the non-residential uses within residential areas.
9. The proposed development features a contemporary design, which subject to conditions, meets the purpose of the intent of the zone and the decision guidelines of all applicable overlays, resulting in a development that will not adversely affect the amenity of the locality.

### Conclusion

10. The report concludes that the proposal complies with the relevant planning policy due to mitigating site context circumstances and should therefore be supported, subject to some design changes to the building. The proposal makes efficient use of the site and is an appropriate non-residential development within this part of Manningham, with good access to services, facilities and public transport.
11. It is recommended that the application be supported, subject to conditions.

## 1. RECOMMENDATION

### That Council:

- A. **Having considered the objection a NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application PL18/0117 at 799, 801 Doncaster Road and 1 Lauer Street, Doncaster for the Use and development of a child care centre and alteration of access to a road in a Road Zone, Category 1, subject to the following conditions –**

1. **Before the use and development starts, amended plans must be e-mailed to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the decision plans (prepared by Insite Architects, dated 19 February 2018) but modified to show:**

- 1.1. **The masonry wall and fence to Doncaster Road and to the north-east of the site along Lauer Street recessed a minimum one metre from the site frontage;**

- 1.2. A pedestrian footpath provided to the Lauer Street road verge;
- 1.3. Exposed "Access Ash" face brick or similar face brick applied to the wall around the basement car park entrance and portion of the ground floor north-eastern wall replacing the dark grey rendered cladding;
- 1.4. Further details of the service utilities and their cabinetry demonstrating how they have integrated into the design of the building;
- 1.5. Directional signs to the satisfaction of the responsible authority must be provided directing drivers to the area set aside for car parking;
- 1.6. General landscaping details in accordance with Condition 8 of the permit;
- 1.7. In accordance with the discussion plans, dated 23 July 2018, exposed "Access Ash" face brick or similar face brick finish applied to the south-east two storey portion of the building, replacing the dark grey rendered cladding;
- 1.8. In accordance with the discussion plans dated 23 July 2018 alterations to the external colour palette to include lighter finishes, replacing the dark grey rendered cladding;
- 1.9. In accordance with the discussion plans dated 23 July 2018 increase the area available for landscaping along Lauer Street and around the building entry through reducing the extent of the raised pedestrian access and bike parking, with bike parking relocated to the basement car park;
- 1.10. In accordance with the discussion plans dated 23 July 2018 shade sails removed from the plan to the south of the building along Doncaster Road;
- 1.11. A notation to indicate that the development must be constructed in accordance with the Sustainable Management Plan approved as part of this permit (prepared by LID Consulting, dated 22 February 2018), as per Condition 4 of this permit;
- 1.12. A notation to indicate that the acoustic fencing must be constructed in accordance with the Acoustic Engineering Report (prepared by Cogent Acoustics Pty Ltd, dated 16 February 2018);
- 1.13. A notation consistent with the recommendation of the Arboricultural Report (prepared by Galbraith & Associates, dated 03 April 2018) to indicate that the storage shed constructed on the western boundary be built on natural ground level or with excavation to be no greater than 100mm in depth below natural ground level.

**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, two copies of a Construction Management Plan (CMP) must be e-mailed to and approved by the Responsible Authority. The Construction Management Plan must be prepared using Council's CMP Template to address the following elements referenced in Council's Construction Management Plan Guidelines:

- 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;
- 3.5. Element A5: Waste Minimisation and Litter Prevention;
- 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. The development must be constructed in accordance with the Sustainability Management Plan approved and forming part of this permit (prepared by LID Consulting, dated 22 February 2018). 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.

**Waste Management Plan**

5. Before the development starts, a Waste Management Plan must be e-mailed and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the submitted draft Waste Management Plans (WMP) prepared by Leigh Design (dated 14 February 2018). The developer must ensure that the private waste contractor can access the development and the private waste contractor bins. No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

**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 Cogent Acoustics Pty Ltd, dated 16 February 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 and 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 the Responsible Authority for approval. Such plan must be generally in accordance with the plan approved under Condition 1 of this permit, and must show:
  - 8.1. Species, locations, approximate height and spread of proposed planting;
  - 8.2. Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;
  - 8.3. Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;
  - 8.4. A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;
  - 8.5. A minimum of 21 canopy trees on ground level, five capable of reaching a minimum mature height of 8 metres, spread along the frontages setback of the site. The trees must be a minimum height of 2.0 metres at the time of planting;
  - 8.6. A minimum of 11 trees within the western first floor play area;
  - 8.7. A minimum of four trees within the eastern first floor play area;
  - 8.8. Suitable landscape treatment for the 1 metre wide landscape strip of land between the fence and footpath along Doncaster Road that can withstand and make use of storm water (rock mulch and tufting plants, for example);
  - 8.9. Suitable landscape treatment for the landscaping between the pedestrian path and flood wall along Lauer Street that can withstand and make use of storm water (rock mulch and tufting plants, for example);

- 8.10. Low maintenance and drought-resistant street perimeter planting;
- 8.11. Uniform, fast-growing screen planting along the northern and western boundaries; and
- 8.12. Planting within 2 metres along the frontage from the edge of the driveway and 2.5 metres along the driveway from the frontage to be no greater than 0.9 metres in height at maturity.

#### **Landscape Bond**

9. Before the release of the approved plan for the approved 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 landscaping 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. 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.

**Stormwater and Drainage**

15. The owner must provide on-site storm water 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:
  - 15.1. Be designed for a 1 in 5 year storm; and
  - 15.2. Storage must be designed for 1 in 10 year storm.
16. Before the development starts, a construction plan for the system required by Condition 15 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.
17. 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.
18. 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 Construction Plan**

19. Longitudinal and cross sections for the proposed footpath within the Road Reserve in Lauer Street are to be submitted in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:
  - 19.1. A supervision fee equal to 2.5% of the cost of construction of the path must be paid to the Responsible Authority;
  - 19.2. A plan-checking fee equal to 0.75% of the cost of construction of the path must be paid to the Responsible Authority;
  - 19.3. A maintenance deposit equal to 5% of the cost of construction of the path must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
  - 19.4. A schedule of costs for the construction of the path must be submitted to the Responsible Authority.

**Car Parking**

20. 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:

- 20.1. Constructed and formed to approved levels;
- 20.2. Drained;
- 20.3. Line marked to indicate each car space;
- 20.4. Marked to show the direction of traffic along access lanes and driveways;
- 20.5. 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.

21. 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.
22. 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.
23. The loading and unloading of goods from vehicles must only be carried out on the land.
24. 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.
25. 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.

#### **VicRoads Condition**

26. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.

#### **Site Services**

27. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
28. All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.



29. All PVC pipes serving rainwater tanks which are positioned against building walls must be painted to match the colour of roofline guttering to the satisfaction of the Responsible Authority.
30. Car park lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.
31. Any reverse cycle air-conditioning unit erected on the walls or roof 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.
32. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
33. Unless depicted on a Roof Plan approved under Condition 1 of this permit, no roof plant (includes air conditioning units, basement exhaust ducts, 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.

#### Fencing

34. Prior to the occupation of the approved building, all fencing must be erected in good condition in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority.

#### Retaining Walls

35. All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority.

#### Maintenance

36. Buildings, paved areas, drainage, external play areas, fencing and landscaping must be maintained to the satisfaction of the Responsible Authority.

#### Construction Management

37. 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.

**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 158.
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 6:30pm 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.

51. At all times the number of car spaces available on site must not be less than 34, with 17 spaces provided for staff parking.

**Permit Expiry**

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

52.1. The development is not started within two years of the date of this permit; and

52.2. The development is not completed within four years of the date of this permit; and

52.3. The use is not commenced within four years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning and Environment Act 1987*.

**2. BACKGROUND**

- 2.1 The application was submitted to Council on 27 February 2018. A request for further information was sent on 09 March 2018.
- 2.2 All requested further information was received by Council on 14 May 2018.
- 2.3 Notice of the application was given over a three-week period which concluded on 20 June 2018.
- 2.4 The statutory time for considering a planning application is 60 days, which lapsed on 13 July 2018.
- 2.5 Planning Application PL13/023679 sought approval to construct 16 two-storey 'townhouse' style dwellings over the same 3 lots being sought to be developed under this planning application. This was refused at a Council meeting on July 29 2014.

- 2.6 Planning Permit PL13/023919 granted approval to remove three covenants, one registered to the title of each of the lots this planning application relates to. These covenants restricted development to the construction of a private dwelling of brick and outbuildings. The titles are now not encumbered by any covenants.
- 2.7 Planning Application PL16/026260 sought approval to construct a three-storey apartment building containing 37 dwellings over two levels of basement car parking over the same 3 lots being sought to be developed under this planning application. Council decided to issue a Notice of Decision to Grant a Permit at the Council meeting on 28 March 2018 and a Planning Permit was issued on 24 April 2018.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The site is situated on the north-western corner of the Doncaster Road and Lauer Street intersection, approximately 25 metres east of the Doncaster Road and Church Road intersection.
- 3.2 The site comprises three irregularly shaped lots with a combined area of 1,968 square metres. The Doncaster Road frontage is 49.39 metres, the Lauer Street frontage is 30.56 metres, the northern boundary is 51.51 metres, and the western boundary is 37.71 metres long. A 6.31 metre long curved splay is at the south-eastern corner.
- 3.3 Each lot within the site is currently developed with a single-storey brick dwelling with a tiled, hipped roof. The dwellings at 799 and 801 Doncaster Road gain access from crossovers on Doncaster Road, and the dwelling at 1 Lauer Street from the crossover and driveway adjacent to the northern boundary in Lauer Street. The secluded private open space area are all located on the northern side of the dwellings.
- 3.4 The land slopes down from south-western corner (on Doncaster Road) towards the north-eastern corner (on Lauer Street), with a level difference of 2.69 metres. Along the Lauer Street frontage, the level difference is 2.28 metres.
- 3.5 A 2.44 metre wide drainage and sewerage easements abuts the length of the northern boundary within the site. Council's records indicate that there are drainage and sewerage assets within the easement.
- 3.6 Front fencing ranges in height between 0.77 metres and 1.6 metres and is constructed in brick and timber.

#### The Surrounds

- 3.7 The site directly abuts four properties, to the north and west. The surrounding development is described as follows:

Direction	Address	Description
North	7 Lauer Street, Doncaster	This property adjoins the eastern half of the northern boundary. It is developed with a single-storey brick dwelling that is setback 7.6 metres to Lauer Street and 4.8 metres to the common boundary. Access is gained from a crossover and

		driveway that is adjacent to the common boundary. The garage is at the rear, and abuts the common boundary. The secluded private open space area is on the western side, at the rear of the dwelling. One habitable room window faces the site.
	Units 3 & 4/122 Church Road, Doncaster	<p>These properties adjoin the western half of the northern boundary and are part of a 4 unit single-storey residential development. Access is shared and central in the development and gained from Church Road.</p> <p>Unit 3 borders all but 3 metres of the common boundary with its secluded private open space area on the eastern side of the dwelling, which also adjoins the common boundary. Three habitable room windows face the site.</p> <p>Unit 4 borders the western 3 metres of the common boundary. The brick garage belonging to Unit 4 is located adjacent to the north western corner of the site, such that the dwelling does not have an interface with the site. There are no habitable room windows that face the site.</p>
West	797 Doncaster Road, Doncaster	This property adjoins the entire length of the western boundary. It is developed with a single-storey building that is used as a Medical Centre. The building is setback 14.6 metres to Doncaster Road and 4.0 metres to the common boundary. Access is gained from Church Road to the car park located within the Doncaster Road frontage. Being a Medical Centre, there are no habitable room windows that face the site.

- 3.8 The character of the broader neighbourhood is in transition. Single, detached brick dwellings are common to many properties, however many of these lots are being redeveloped with two or more townhouse style dwellings or apartments on consolidated lots. The nearest apartment style development is at 765 & 767 Doncaster Road located approximately 260 metres west the site.
- 3.9 Doncaster Road adjoins the southern boundary of the site. This major arterial road has three lanes of traffic in each directions (inclusive of a bus lane), with a central dividing median. Doncaster Road is under the jurisdiction of VicRoads and is served by several bus routes, including the Smart Bus services.
- 3.10 On the northern side of the site, land is zoned General Residential Zone, Schedule 2 where less intensive town house style developments are supported under Clause 21.05 (Residential) and Clause 43.02 (Design and Development Overlay – Schedule 8 (DDO8-3)) under the Manningham Planning Scheme.
- 3.11 The site is well located to a range of services and facilities, with the Doncaster Secondary College located 150 metres to the north-west, the Municipal Offices located 500 metres to the west, and the Doncaster Shoppingtown located one kilometre to the west.

3.12 In front of the site along Doncaster Road is a footpath and bus stop with shelter. There is no footpath along Leaur Street.

#### 4. THE PROPOSAL

It is proposed to demolish the existing buildings and clear all vegetation for the use and development of a child care centre (for 158 children) and alteration of access to a road in a Road Zone, Category 1 (removal of two crossovers in Doncaster Road).

##### Submitted plans and documents

The proposal is depicted on plans prepared by Insite Architects (dated 19 February 2018), and a Landscaping Plan prepared by Package Landscapes Australia (dated 03 April 2018).

4.1 The following reports were submitted in support of the application:

- Water Management Report – Engeny Water Management, 06 December 2017;
- Town Planning Report – Breese Pitt Dixon Pty Ltd, February 2018;
- Waste Management Plan – Leigh Design, 14 February 2018;
- Traffic Report – Cardno Victoria, 16 February 2018;
- Acoustic Engineering Report – Cogent Acoustics Pty Ltd, 16 February 2018.
- Sustainability Management Plan – LID Consulting, 22 February 2018;
- Arboricultural Report – Galbraith & Associates, 03 April 2018.

##### Development summary

4.2 A summary of the development is provided as follows:

Site area:	1,967sqm.	Maximum Building Height:	9.5m.
Site Coverage:	45.3%.	Setback to Doncaster Road (south)	Basement – 3.38m – 7.37m. Ground floor – 5.135m – 7.65m. First floor – 4.86m – 9m.
Total Useable Outdoor Play Area:	1139sqm.	Setback to Lauer Street (east)	Basement – 3.45m – 3.765m Ground floor – 3.6m – 12.19. First floor – 4.125m – 18.335m.
Number of Children:	158.	Setback to northern boundary	Basement – 5.1m. Ground floor – 5.01m – 8.275m. First floor – 5.01m – 6.675m.
Number of Car Parks:	34 (17 assigned to staff, and 17 assigned to drop off)	Setback to western boundary	Basement – 5.36m. Ground floor – 7.4m – 10.63m. First floor – 9.13m – 11.93m.

**Design layout**

- 4.3 The basement level consists of the 34 proposed car parking spaces, waste storage area and a lift lobby.
- 4.4 The ground floor layout consists of a prominent entry location towards the intersection of Doncaster Road and Lauer Street providing a clear point of address. A central east-west main corridor extends through the building providing access to six child minding rooms along with kitchen and staff areas. All child minding rooms are provided with direct access to ground floor outdoor play space. A variety of landscaping is proposed around the building, including 21 canopy trees spread along the boundaries of the site.
- 4.5 The first floor includes a further three child minding rooms, parent meeting room, staff planning room as well as two outdoor play areas. Much of the first floor area is centrally located over the ground floor and site with a double storey portion located to the south-east of the site. The first floor supports two outdoor play areas to the east and the west of the building, totalling 144 square metres and 222 square metres respectively. A variety of landscaping is proposed within the outdoor play areas, including 11 canopy within the western play area and four canopy trees within the eastern play area.

**Pedestrian and vehicle access and layout**

- 4.6 The pedestrian path from the intersection of Doncaster Road and Lauer Street leads into the entry and foyer of the building. Bicycle parking is to the southern side of the entrance. The internal lift and stairs services all levels.
- 4.7 One 7.8m wide crossover and driveway provides vehicular access and is adjacent to the northern boundary in Lauer Street. A remote controlled security gate is provided centrally on the driveway ramp.
- 4.8 The basement car park supports efficient and safe pedestrian access to stairwells and a lift providing access to upper floors.
- 4.9 The proposal includes the construction of a footpath in Lauer Street in front of the site.

**Landscaping**

- 4.10 All trees are to be cleared from within the site. Canopy trees are proposed adjacent to all site boundaries in addition to formalised plantings in landscaping beds adjacent to site boundaries.

**Design detail**

- 4.11 The proposed building is designed in contemporary architectural forms, which incorporates a dark grey Colorbond flat roof and articulated façade presentations on all sides. The façades consist of a mix of Exotec and rendered cladding in blue, white, purple, green and light grey with brightly coloured vertical fins projecting from the south-eastern corner of the building.
- 4.12 The proposal adopts a 1.8 - 2 metre high acoustic boundary fence to consist of painted steel posts with painted timber batten on marine ply/ cement sheet and coloured acrylic sheet infill. This fence is constructed on parts of the Doncaster Road title boundary and to the north-boundary adjoining 7 Lauer Street.

## 5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy)
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Pursuant to Clause 32.07-7 (Residential Growth Zone, Schedule 1), a planning permit is required to construct a building or construct or carry out works for a use in Section 2 (Child Care Centre).
  - Pursuant to Clause 43.02-2 (Design and Development Overlay, Schedule 8), a planning permit is required to construct a building or construct or carry out works.
  - Pursuant to Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road), a permit is required to create or alter access to a road in a Road Zone, Category 1.

## 6. REFERRALS

### External

- 6.1 Given the proposal involves the removal of accessways onto Doncaster Road, the application has been referred to VicRoads as a determining referral authority.
- 6.2 VicRoads have not objected to the proposal, subject to one condition to be included in the permit.

### Internal

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 system.</li> </ul>
Engineering & Technical Services Unit – Flooding	<ul style="list-style-type: none"> <li>• No objection as suitable overland flow protection measures have been incorporated into the proposal.</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.</li> </ul>
Engineering & Technical Services Unit – Access and Driveway	<ul style="list-style-type: none"> <li>• No objection subject to conditions that have been included in the recommendation.</li> </ul>
Engineering & Technical Services Unit –	<ul style="list-style-type: none"> <li>• No objection.</li> </ul>



Service Unit	Comments
Traffic and Car Parking	
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 consent to “Build Over Easement” being obtained prior to the granting of a building permit.</li> </ul>
City Strategy Unit – Urban Design	<ul style="list-style-type: none"> <li>• No objection subject to conditions.</li> <li>• The following recommendations were provided: <ul style="list-style-type: none"> <li>▪ Adoption of external brick finish to the south and east elevations generally around the building entry and around the rendered walls in proximity to the entrance to the basement car park.</li> <li>▪ Alterations to the external colour palette for walls and the feature vertical elements to the south-east of the building.</li> <li>▪ Removal of steps and pedestrian ramp from the Lauer Street frontage to provide more landscaping.</li> <li>▪ Provide a more open frontage with improved connections to the footpath on Lauer Street.</li> <li>▪ Design signage so it is integrated into the building.</li> <li>▪ Service cabinetry be designed to blend with the building design.</li> <li>▪ Setback and incorporate alternative materials into the fence to Doncaster Road to accommodate visual interest and landscaping.</li> <li>▪ Removal of shade sails to the south side of the building.</li> </ul> </li> </ul>

## 7. NOTIFICATION

- 7.1 Notice of the application was given for a three-week period which concluded on 20 June 2018, by sending letters to nearby properties and displaying four signs in the street frontages.
- 7.2 One objection was received from the adjoining western property, 797 Doncaster Road, Doncaster.
- 7.3 The objection identified concerns primarily relating to noise and the potential impact on the existing medical centre use. The objection detailed that a residential building would be a more appropriate land use.

- 7.4 A response to the objection is included at the end of Section 9 Assessment of this report.

## 8. ASSESSMENT

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

8.2 The assessment is made under the following headings:

- Planning Policy Frameworks;
- Location;
- Siting, scale, design and built form;
- Landscape;
- Amenity;
- Traffic, car parking and driveway construction; and
- Objector concerns.

### Planning Policy Frameworks

- 8.3 Policy emphasises the need for a mix of development that are well designed with a focus on high density residential development in established activity centres, along main roads and on strategic redevelopment sites.
- 8.4 Under Clause 21.05 Residential, the site falls within Precinct 2 - areas adjoining main roads and activity centres where a substantial level of change is anticipated. The DDO8 itself provides design objectives, which direct the built form outcomes and drive the 'future character' intended. It is acknowledged that the Overlay objectives make reference to 'apartments' and 'housing', however this is simply consequential to the residential intent of the land. The design outcomes for all buildings will be advanced through the assessment of the Design and Development Overlay, Schedule 8.
- 8.5 The establishment of a child care facility on the site broadly compliments this desired outcome given the number of residential development occurring along Doncaster Road and other main roads in the municipality. Specific assessment against the requirements of Clause 22.05 (Non-Residential Uses in a Residential Zone) and the Design and Development Overlay, Schedule 8 is offered below.

### Location

- 8.6 The development is consistent with the locational criteria set out for non-residential uses in Clause 22.05 as follows:
- The character of Doncaster Road between Doncaster Hill and Victoria Street is generally mixed. It contains range of residential accommodation (apartments, townhouses, units and retirement living), retail, car sales, medical centres and community facilities.
  - The site has good access public transport networks and will have good access to pedestrian networks.
  - Vehicle access to the site is positioned on Lauer Street, and as detailed within the traffic assessment report, will not result in detrimental impact to the operation of either Lauer Street or Doncaster Road.

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

- 8.7 The site is located within sub-precinct 'Main Road' pursuant to the Design and Development Overlay, Schedule 8, which is anticipated to deliver a substantial level of change from existing built form. The surrounding area will support buildings up to three stories, including apartment buildings. Council's non-residential uses policy (Clause 22.05) requires buildings complement the surrounding or preferred built form with respect to building scale, siting, height, massing, setbacks, existing roof form and window and door proportions.
- 8.8 The proposed childcare centre is generally smaller in scale and has larger boundary setbacks than the apartment building approved on the site earlier this year. Most notably site coverage has been reduced from 59.8% to 45.3%, the building height reduced from 11.5m to 9.5m.
- 8.9 The building is setback 6.7 metres from the adjoining residential property at 7 Lauer Street to the north. It has a minimum 5 metre setback to the adjoining residential property on Church Road. The building has minimum setbacks of 7.4 metres from the western boundary (medical centre on Doncaster Road). The side and rear setbacks provide sufficient area for transition and meaningful landscaping.
- 8.10 The minimum front setback specified in the Design and Development Overlay, Schedule 8 is 6 metres. The majority of the building is setback greater than 6 metres to Doncaster Road, with setbacks ranging from 7 to 7.6 metres. The portion of the building for the entry is setback 4.125 metres from the corner of Doncaster Road and Lauer Street. This is considered acceptable, given the design response provides for a clear sense of address while allowing for open landscaping either side of the entrance.
- 8.11 The maximum building height of 9.5m is acceptable and within the residential setting. The height will be comparable to future developments on the majority of nearby properties.
- 8.12 The building has an increased setback and built form that steps down to the adjacent site to the western boundary (currently medical centre). This provides a meaningful transition to the existing site context and also will reduce residential amenity impacts such as the extent of overshadowing should the property be redeveloped for residential purpose.
- 8.13 In regards to the setback to Lauer Street, much of the setback is taken up with pedestrian ramp, low rendered walls, a paved entry space and a double-width vehicle crossover, resulting in limited space for landscaping. Discussion plans provided to Council following the urban design referral offers a number of design improvements including materials to soften, activate and engage visually along the elevation with effect. The changes proposed by the applicant will be included in the recommendation as permit conditions to legitimise the changes shown on the discussion plans.
- 8.14 The proposal adopts a 1.8 - 2 metre high fence along parts of the Doncaster Road frontage. Council's Urban Designer recommended that the fence be recessed from the property boundary to support a landscaped frontage. The minimum setback required for the fence on the Doncaster Road frontage of this property is important for footpath amenity and is particularly important in this location, as there is a popular bus stop and narrow road reserve. Via a permit

condition incorporated into the recommendation, the minimum one metre setback for the fence on the Doncaster Road frontage, as well as the Lauer Street frontage is required.

- 8.15 Following the above, it is submitted the built form and fencing is considered to meet the criteria for non-residential uses in Clause 22.05 and design objectives sought for the Design and Development Overlay, Schedule 8. Additionally, it is submitted that the design response complements and is responsive to the existing scale of development and landscape character and represents an acceptable outcome.
- 8.16 The proposal is also consistent with the decision guidelines of Clause 22.12 Environmentally Sustainable Development. Conditions in the recommendation will ensure the development is constructed in accordance with the Sustainable Design Assessment provided with the application.

### **Landscape**

- 8.17 All existing vegetation across the three sites is to be removed. The arborist report submitted with the application indicated that there are no trees of moderate or high retention value. Replacement planting of more appropriate species within outdoor play areas is proposed to deliver amenity and shading for the child care centre.
- 8.18 Landscaping is proposed along each property boundary. This achieves a high landscape quality outcome to the streetscape presentation and maintains amenity to adjoining properties.
- 8.19 The proposed landscape plan details that a total of 38 trees will be planted through open spaces on ground level. Landscaping will also be incorporated into the first floor play areas using planter beds. The proposed landscaping will maintain and enhance the landscape character sort for this area.
- 8.20 An outdoor shed is to be constructed in proximity of trees on the adjoining medical centre site, via a permit condition, the shed will be required to be constructed in accordance with the recommendation of the arborist report.

### **Amenity**

- 8.21 Given the aforementioned setbacks, and importantly the separation of the child care centre from the adjoining properties, the visual and acoustic privacy of adjoining properties have been suitably maintained through the siting of play areas, windows and doors. Car parking areas are sited away from residential boundaries. Waste facilities are appropriately located on the site within the basement car park, away from residential interfaces.
- 8.22 On-site amenity of play areas is provided to a high standard through northern solar orientation. Appropriate shade sources are provided in all play areas.
- 8.23 Acoustic fencing is proposed along the northern and western boundaries adjoining properties in different ownership. The plans detail that along these boundaries "acoustic fence to meet or exceed the performance requirements as listed in the acoustic report." For greater clarity, a permit condition will require the notation be amended to specifically refer to the Acoustic Engineering Report, Cogent Acoustics Pty Ltd, 16 February 2018. Prior to the occupation of the

centre, all fencing must be erected in accordance with the approved plans via a permit condition.

- 8.24 Other potential amenity impacts have been addressed through permit conditions, including condition 5 (waste management plan), condition 38 (children numbers), condition 39 (hours of operation) and condition 48 (supervision of children).
- 8.25 The combination of the proposal's design and the implementation of the above conditions will ensure that amenity impacts of the proposal can be appropriately managed.
- 8.26 It is submitted that the amenity criteria of Clause 22.05 have been appropriately managed and will be enforceable through permit conditions.

**Traffic, car parking and driveway construction**

- 8.27 Under Clause 52.06-5 a child care centre has a car parking rate of 0.22 spaces per child. The proposal is for a maximum 158 children, which generates a requirement for 34 car parking spaces. The proposal is compliant with this requirement through the provision of 34 car parking spaces within the basement car park.
- 8.28 The basement car park has been designed to allow vehicles to leave the site in a forward direction. Council’s Engineering and Technical Services Unit raised no concerns in relation to the layout or design of the basement car park.
- 8.29 According to the Traffic and Transport Assessment, prepared by Cardno, childcare drop off and collection periods are typically spread out over a longer time period in comparison to kindergartens and schools. This is thought because attendance hours are generally prescribed by parent/guardian working hours, rather than learning start and finish times.
- 8.30 Cardno suggest the maximum addition of 2 vehicle movements on average per minute during the peak hour on Doncaster Road and Lauer Street will not have a significant impact on the operation of Lauer Street or the surrounding road network and is considered appropriate.
- 8.31 Council’s Engineering and Technical Services Unit and VicRoads have raised no objection in regards to the proposals impact on the surrounding road network.
- 8.32 Following the above, it is submitted the site generally meets the traffic, car parking and driveway construction criteria set out for non-residential uses in Clause 22.05 and car parking objectives sought for the Design and Development Overlay, Schedule 8.
- 8.33 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 The accessways servicing the basement car park meets the minimum width and height clearance requirements, and has been designed to allow all vehicles to enter and exit the site in a forward direction onto Lauer Street.
2 – Car Parking	Met

Design Standard	Met/Not Met
Spaces	Car parking space dimensions and aisle widths are provided in accordance with the requirements.
3 – Gradients	Met Council's Engineering and Technical Services Unit have determined the accessway gradients comply.
4 – Mechanical Parking	Not applicable No mechanical parking proposed.
5 – Urban Design	Met The vehicle crossover and basement ramp will not 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.

8.34 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of two crossovers in Doncaster Road, as it is zoned Road Zone, Category 1. The decision guidelines of this clause include the views of the relevant road authority, which forms Condition 26 of the recommendation.

#### **Objector concerns**

8.35 A response to the grounds of the objection are provided in the following paragraphs:

#### Noise and inadequate acoustic treatments

8.36 Given the basement parking to Lauer Street, the only noise likely to audible to the objector is from children as they play. Play areas will be monitored by staff and excessive noise generally controlled.

8.37 The State Environment Protection Policy and the guidelines recommended by the Association of Australian Acoustical Consultants – Guideline for Child Care Centre Acoustic Assessment, September 2010 provide a benchmark for appropriate attenuation of noise from outdoor play areas.

8.38 According to the Acoustic Engineering Report submitted with the application, it was advised that subject to the recommendations presented in the report being implemented, the proposed development would satisfy these requirements. The level of noise generated from the proposal will be acceptable within the surrounding context as play areas are dispersed around the site, acoustic boundary fencing is provided and screening to upper floor play spaces provided.

8.39 For greater clarity, a permit condition will require the annotation on the plans be amended to specifically refer to the Acoustic Engineering Report, Cogent Acoustics Pty Ltd, 16 February 2018.

8.40 It is further noted that the main road location, whilst not a detriment to the use itself, assists in moderating or masking the impacts of noise and activity

associated with the facility because of the already greater background levels of traffic noise and activity.

Proposal could deter potential patients and impact the medical centre business

8.41 The Victorian Civil and Administrative Tribunal and its predecessors have generally found subjective claims such as this are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications. This report provides a detailed assessment of the amenity impact of this proposal, which have been determined to be appropriately managed.

The development should be for a residential building

8.42 The site is within the Residential Growth Zone, which allows the use of the land for a child care centre with a Planning Permit. As outlined in the assessment, the proposal is considered highly compliant with the relevant planning policies and requirements. The proposal is therefore considered appropriate for the site.

## **9. CONCLUSION**

9.1 It is recommended that the application be supported, subject to design changes that will be required by way of 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.