

0.0 Planning Application PLN18/0172 at 454-456 Doncaster Road, Doncaster for the use and development of a three-storey childcare centre plus associated basement and sub-basement car parking, to display a floodlit business identification sign, and alter access to a road in a Road Zone, Category 1

File Number:	IN19/433
Responsible Director:	Director City Planning and Community
Applicant:	Keen Planning
Planning Controls:	Residential Growth Zone (RGZ2), Design and Development Overlay, Schedule 8 (DD08-1)
Ward:	Koonung
Attachments:	1 Decision Plans 2 Legislative Requirements

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the planning permit application submitted for 454-456 Doncaster Road, Doncaster and recommends its approval, subject to amendments to be addressed by way of permit conditions. The application is being reported to Council as it is a Major Application (a development cost of more than \$5 million).

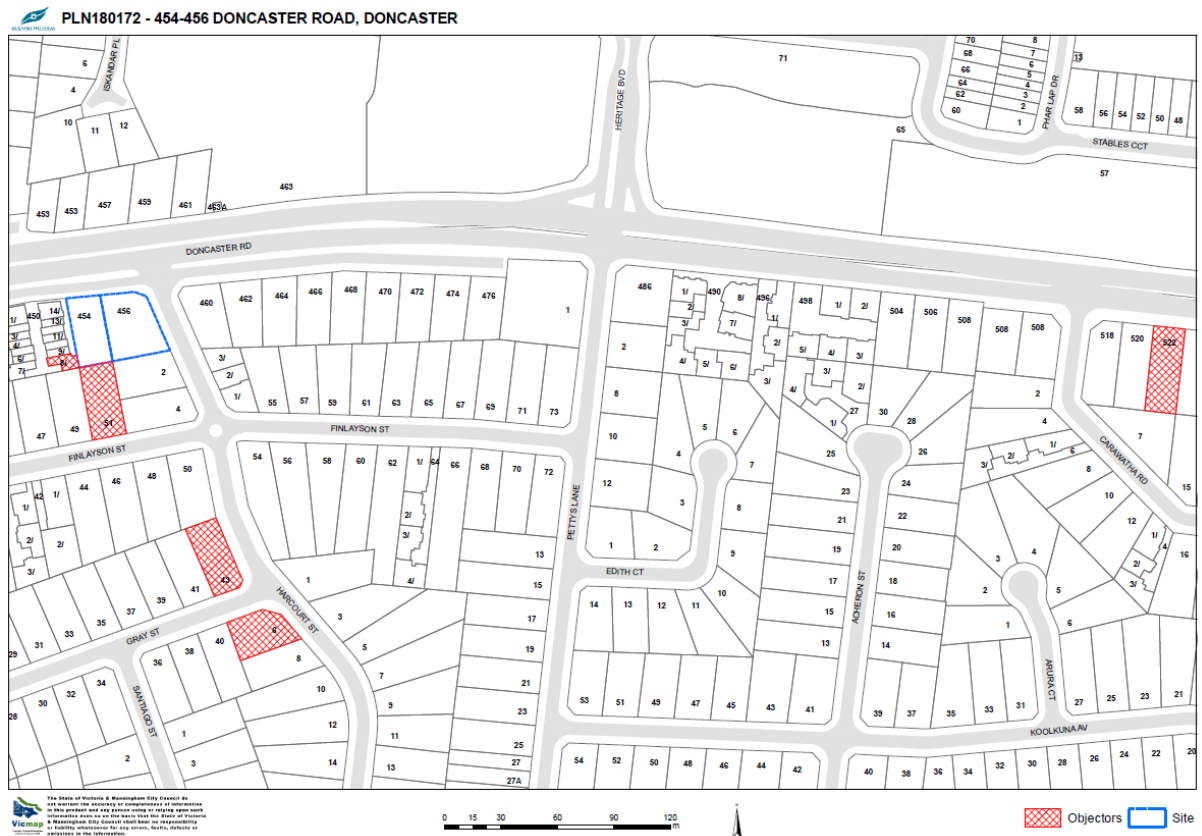
Proposal

2. The proposal is for the use and development of the land for a three-level childcare centre with two levels of associated car parking beneath.
3. The rooms are largely concentrated within the ground and first levels, with play spaces provided around the periphery of the building either within the site frontages, or in the form of raised terraces and balconies. The third level includes a larger roof-top play space. Acoustically treated balustrades wrap around the raised play areas.
4. The childcare centre proposes a capacity for 196 children and operating hours between 7.30am to 6.00pm Monday to Friday. The centre is proposed to be operated by "Inspire Early Learning" who provide a Montessori based learning program. A floodlit business identification sign is proposed within the front setback, displaying the centre name and logo.
5. Car parking is provided within a basement and sub-basement form and includes a total of 49 car spaces, which exceeds the statutory requirements by 6 spaces. The site frontage to Doncaster Road (service road) has the capacity to accommodate kerb-side parking for up to 6 vehicles. The plans indicate that the lower basement level would be allocated to staff, with the remainder for child drop-off and collection. Access into the car park is via the site's frontage to Harcourt Street.
6. The site comprises two residential allotments with a total area of 1,598sqm. The development proposes a site coverage of 58.1% and 28.3% permeability. The

building is not more than three storeys at any one point and does not exceed a height of 10 metres, although the shade sails upon the rooftop play area do slightly exceed this.

Advertising

7. Notice of the application was given for a three week period which concluded on 15 May 2019.
8. Five objections have been received to-date, expressing concerns generally in relation to increased traffic and on-street parking pressures, neighbourhood character, amenity impacts, and commercial impacts.
9. Following advertising, the application was amended to include improved rear setbacks, increased landscaping, and a supplementary traffic analysis. Notice of the amended proposal was given to the immediately adjoining and objecting properties. Notification concluded on 1 August 2019. No further objections or submissions were received.



Key issues in considering the application

10. 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, access and pedestrian safety;

- Signage; and
- Objector concerns.

Assessment

11. The use and development of the land for a childcare centre is considered to be appropriate having regard to the relevant Planning Policy Framework of the Manningham Planning Scheme (the Scheme), and particularly in response to Clause 22.05 which provides policy direction relating to “non-residential uses in residential areas”. This policy encourages that the Residential Growth Zone accommodate a range of non-residential uses that service local community needs.
12. By virtue of the site’s location abutting a road zone (with additional benefit of a service road and side street) and its close proximity to the Doncaster Hill Activity Centre, the locational criteria for such uses are specifically achieved. A “clustering” of community based services will also eventuate upon the development of the approved public Health Club (gym, pool, tennis courts) on land opposite in the Tullamore Estate.
13. Of further importance is to ensure that the development will suitably integrate with the preferred neighbourhood and landscape character, which it does. The overall form is attractively designed to assume an “apartment style” appearance which will integrate with and reflect the preferred built form outcomes, as anticipated within the main roads sub-precinct of the Design and Development Overlay, Schedule 8 (DDO8-1). Amenity is well considered in the careful siting of the building footprint, with suitable landscape buffers, transitional scales toward the south and west, and a relatively modest building height. Noise attenuation measures (in respect of play noise) are proposed in the form of acoustic barriers upon the balcony play spaces, which are suitably setback from the more sensitive residential interfaces.



14. The use of the Harcourt Street to provide vehicular access into the site has been purposefully selected in favour of the main service road frontage. This is because access to the site via the service road would create adverse traffic and safety issues due the abrupt diagonal movement required across the head of the “T” intersection in respect of cars approaching the site from Doncaster Road. With local traffic moving through the intersection to Doncaster Road and the potential for some short queuing at certain times of the day, there would be a high risk of collisions and certainly increased delays for cars approaching the centre from Doncaster Road. This could impact adversely on the safety and efficiency of the Doncaster Road bus lane through propping.

15. The restrictive west-bound only traffic flows along the service road may also encourage unwanted parking in residential streets, in an attempt to find a more efficient route to east-bound and south-bound destinations.
16. The proposed access arrangement at the southern end of Harcourt Street is therefore the preferred outcome, allowing for safe passage into the basement and a more “even” distribution of traffic. The potential use of six kerb-side spaces along the service road frontage also remains an option, pending availability.
17. The gap acceptance analysis of the submitted traffic report confirms that the Harcourt Street intersection is not impacted by unreasonable queuing or delays during commuter peaks. Two short 10-15 minute peaks coinciding with the start and finish times of the nearby Birralee Primary School can see larger queues of approximately 4 vehicles (waiting to turn left onto Doncaster Road), however these clear promptly and with minimal delay. Officers have made several observations of the intersection which concur with this finding. The analysis concludes that the intersection would continue to operate in a similar manner and with little impact should the proposed use operate with its proposed access and capacity.
18. The basement car parking levels provide a surplus of 6 spaces beyond the statutory requirements. A car parking management plan will be required to implement certain measures, including the allocation of spaces to maximise available parking for both staff and parents, and methods to deter parking in nearby residential streets where parking may be deemed to be detrimental.
19. Overall, the proposed use is considered appropriate in this location and will offer a service of net community benefit to the existing residents and increasing population within this growth area, whilst remaining considerate to its residential setting. The proposed business identification sign is also well considered and integrates with the general styling of the building.

Conclusion

20. This report concludes that the proposal complies with the relevant planning policy in the Scheme and particularly with Local Policy at Clause 22.05, and the design outcomes anticipated by the DDO8.
21. It is recommended that the application be supported, subject to conditions requiring modest design changes and the implementation of operational management plans for the on-going protection of residential amenity.

1. RECOMMENDATION

That Council:

- A. **Having considered all objections issue a NOTICE OF DECISION TO GRANT A PERMIT in relation to Planning Application PLN18/0172 at 454-456 Doncaster Road, Doncaster for the use and development of a three-storey childcare centre, plus associated basement and sub-basement car parking, to display a floodlit business identification sign and alter access to a road in a Road Zone, Category 1, subject to the following conditions –**

Amended plans

1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted via email 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 Co-lab Architecture, dated 29 June 2019, but modified to show the following:

Design and layout

- 1.1. All roof-top shade sails replaced with a lower pergola style structure that better integrates with the overall design and appearance of the building, being more centrally located so as to reduce visibility from the public realm;
- 1.2. The first and second floor balcony fascia fronting Doncaster Road with a 1 metre deep central indent, or visually “broken up” with an alternate material (i.e. replacement of a central panel with vertical pickets) if deemed acceptable by the Responsible Authority;
- 1.3. Reduction of front entry path in favour of added landscaping;
- 1.4. Details of screenings and architectural treatments to attractively conceal the external fire space stairs upon the southern elevation;
- 1.5. The inclusion of bicycle parking within the lower basement car park for staff use;

Use

- 1.6. Greater detailing of the room layout (including permanent cots/beds, bag locker areas, storage areas, change areas, door swings etc.) with an accurate calculation of the unencumbered floor space provided per room;
- 1.7. The age and number of children per room accurately nominated on plan;

General

- 1.8. The location and setback of the business identification sign;
- 1.9. Sandpits within the front setbacks to be deleted, relocated or reduced to provide a continuous landscape buffer affront;
- 1.10. Longitudinal sections of the basement raps (as taken from the centre for the roadway) with full detailing of ramp gradients and clearance heights;

Materials and site services

- 1.11. A separate sheet with a full schedule of materials and finishes with colour samples of all external walls, roofs, fascias, window frames, paving (including terraces, balconies, roof terraces, stairs), fencing, privacy screens, roof top plant screens and retaining walls, and including the following (to also be shown on elevation):
 - 1.11.1. The ground level terrace fascia where visible to the frontage to be finished in a darker colour (such as charcoal/black);
 - 1.11.2. The backing of the business identification sign to be finished in a darker colour tone/shade that better blends with the landscape treatment;
 - 1.11.3. The shade sails to be of neutral colouring;

Other Conditions

- 1.12. A schedule listing all sustainability features and commitments, including any plan changes as per the Sustainability Management Plan required by Condition 4;
- 1.13. Full details of all noise attenuation measures required in accordance with an updated Acoustic Report, which is to undertake a further review of any operational restrictions for play times/number of children and any further measures (such as acoustic fencing) deemed necessary; and
- 1.14. A notation requiring that all trees protection measures must be implemented in accordance with the approved TMP.

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 3 months before the development starts, two copies of a Construction Management Plan (CMP) must be submitted 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 and Construction Management Plan Guideline are available on Council's website.

Sustainability Management Plan

4. Prior to the commencement of the development, an amended Sustainability Management Plan (SMP) must be submitted 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 before the occupation of any dwelling. The plan must be generally in accordance with the report prepared by Auswide Consulting and dated December 2018, though updated to reflect any conditional changes and the following:

- 4.1. Management 4.1 Building Users Guide: BESS Report amended to reflect assessment which indicates that the project commits to producing a Building User's Guide;
- 4.2. Water 1.1 Water Efficient Fixtures: Commitment required to providing dishwashers and washing machines as part of the building fit-out if included within the BESS assessment beyond default, and stated in the report;
- 4.3. Water Rainwater Reuse: Clarify in report and on plan the rainwater tank and size and connection to toilets and irrigation. Report states that no rainwater tanks proposed in the Water Section but a 15kL tank in stormwater section;
- 4.4. Water 4.1 Building Systems Water Use Reduction: Provide further information on the proposed strategy to reduce potable water usage to claim this credit;
- 4.5. Energy 1.1 Thermal Performance Rating - Non-Residential: The BESS assessment indicates a 100% reduction in energy used for heating and cooling, but the report does not detail how this is achieved. A development of this size is expected to provide a commitment to achieving at least a 10% improvement on National Construction Code minimum energy efficiency requirements (6-star standard indicated in report is not relevant to this building class);
- 4.6. Energy 3.7 Internal Lighting - Non-Residential: To claim this credit, indicate a clear commitment to a maximum illumination power density (W/m²) 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);
- 4.7. Energy 4.2 Renewable energy systems – Solar: Plans indicate a 24.6kWp solar photovoltaic system which should be accounted for in BESS assessment and

- report;
- 4.8. IEQ 1.4 Daylight access – Non-residential: Calculations (modelling or hand calculations) required in the report to demonstrate how the spaces are predicted to perform in relation to daylight benchmarks outlined in BESS (<https://bess.net.au/tool-notes/>);
 - 4.9. Transport 1.4 Bicycle Parking - Non-Residential: Provide notations on drawings to demonstrate that this commitment is being delivered;
 - 4.10. Transport 1.5 Bicycle Parking - Non-Residential Visitor: Provide notations on drawings to demonstrate that this commitment is being delivered;
 - 4.11. Transport 2.3 Motorbikes / Mopeds: Indicate on plans the layout of motorbike spaces; and
 - 4.12. BESS Assessment: Formally published and updated to ensure minimum scores are achieved.

Waste Management Plan

5. Not less than 3 months before the development starts, a Waste Management Plan must be submitted to 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 Waste Management Plan (WMP) prepared by Leigh Design and dated 4 July 2018, but updated to include any changes required by Condition 1, as relevant.

Car Parking and Use Management Plan

6. Not less than 3 months prior to the commencement of the approved use, a Car Parking and Use Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will then form part of the permit and all measures implemented to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plans and described use, and include the following:
 - 6.1. Maximum staffing;
 - 6.2. Measures to avoid staff arrivals and departures coinciding with peak commuter periods associated with nearby school commencement and finishing times;
 - 6.3. Measures to maximise the supply of on-site car spaces available for both carers and staff;
 - 6.4. Any required signposting or allocation to accord with the recommendations above;
 - 6.5. Measures to prevent parking in nearby local residential streets and educate staff and carers of the requirement to park within the available on-site basement car park; and
 - 6.6. Any operational requirements to manage noise, as determined by the updated acoustic report.

Unless otherwise agreed with the consent of the Responsible Authority, an updated plan must be submitted for review and approval within 6 months of the approved uses commencing, or where the nominated operational arrangements change. Such plan must implement any changes deemed necessary by the use operators or Responsible Authority to ensure on-site parking and noise is adequately managed.

Tree Protection Management Plan

7. Prior to the commencement of the development, including demolition or levelling of the site, a Tree Management Plan (TMP) must be submitted to and endorsed by the Responsible Authority. When approved, the plan will then form part of the permit and all measures implemented to the satisfaction of the Responsible Authority. The TMP should generally reflect the recommendation in the report prepared by *Arboricultural*

Report by All Trees Consulting Services Pty Ltd, dated 7 November 2018, and include:

- 7.1. Updated protection recommendations as relevant to the current proposal and any changes as required by Condition 1;
- 7.2. A site plan detailing the tree protection zone (TPZ) and structural root zones (SRZ) of all trees to be retained, the location of all protective fencing barriers (accounting for any approved works within a TPZ), and a schedule of all general tree protection recommendations to be implemented during construction;
- 7.3. The mapping of the excavation points on site plan for the purpose of the basement, playground and fire escape stairs within the TPZ of Tree 3 and the types of footings or foundations;
- 7.4. Details of the project Arborist to be present on-site, including a general schedule of where Arborist supervision is required (i.e. during any hand digging for Tree 3 or where significant roots are encountered);
- 7.5. Details of what alternative design or protection measures could be implemented in the event a significant root are encountered within the TPZ of Tree 3;
- 7.6. Recommendations with regard to any placement of new trees and shrubs within the TPZ of protected trees and particularly of Trees 2 and 3, including excavation techniques where permitted; and
- 7.7. Detailing of any remedial pruning or lopping required to any tree branches encroaching into the site.

Management Plan Compliance

8. The Management Plans approved under Conditions 3, 4, 5, 6 and 7 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.
9. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved pursuant to this permit, or similar qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures / commitments in the Sustainability Management Plan approved under Condition 4 of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit.

Landscape plan

10. Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the decision plan prepared by Package Landscapes Australia, Project No. 4994, dated 4 July 2019, but modified to show:
 - 10.1. Plant species more clearly referenced and identifiable on legend and plan;
 - 10.2. The pot sizes to indicate the supply size (in height) of species at the time of planting, demonstrating that the majority of canopy trees planted at ground level are of a semi-mature height of at least 2 metres at the time of planting;
- 10.3. Detailing of any proposed planting at the raised levels, including details of any planters, drainage etc.;
- 10.4. Detailing of the "crazy pave" within any front setback area;
- 10.5. Details of the synthetic turf, including brand, colour, blade length etc. Unless a high quality material with a realistic appearance and suitable permeability can be demonstrated with the Harcourt Street frontage, an alternative natural material will be required;
- 10.6. The emergency pathways within the southern and western setbacks to be of a crushed rock/toppings or similar;

- 10.7. Landscaping within all boundary setbacks to incorporate continual canopy tree rows (to form a thick screen), with dense complimentary understory along front boundaries;
- 10.8. Suitable shallow-rooted and non-invasive species where within the easement;
- 10.9. Creepers or hedge-forming species to conceal the terraced wall within the front setback to Doncaster Road;
- 10.10. A vertical garden or suitable planting coverings upon the exposed basement walls;
- 10.11. Any species or excavation methods within the TPZ of retained trees, in accordance with the Tree Management Plan; and
- 10.12. Planting within 2 metres north of the edge of the driveway and 2.5 metres into the site along the northern side of the driveway to be no greater than 0.9 metres in height at maturity.

Landscape Bond

11. Before the release of the approved plan for the development, a \$15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Use

12. Except with the prior written consent of the Responsible Authority, the childcare centre use may only operate between the hours of 7.30am to 6.00pm Monday to Friday.
13. Except with the prior written consent of the Responsible Authority, the number of children who may be cared for at the childcare centre at any one time must not exceed 196, or the amount permissible by the unencumbered space per room, whichever is the lesser.
14. Except with the prior written consent of the Responsible Authority, not more than 7 staff members in excess of the minimum staffing required for the number of children being cared for at the childcare centre may be present at any one time.
15. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.
16. The operator of the centre must ensure that excessive noise is not generated by external play activities through proper management and supervision techniques, and as required by any approved use management plan, to the satisfaction of the Responsible Authority.

Testing of noise emissions if required

17. At the request of the Responsible Authority, the owner and/or occupier must, within 30 days, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority.

The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority.

The frequency of this request will be at the discretion of the Responsible Authority.

Completion and Maintenance

18. Before the commencement of the approved use, landscaped areas must be fully planted and mulched or grassed generally in accordance with the approved plan and to the satisfaction of the Responsible Authority.
19. Privacy screens and acoustic measures as required in accordance with the approved plans must be installed prior to commencement of the use, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
20. Buildings, paved areas, fencing, external lighting, sight screens, drainage and landscaping (including planting within integrated balcony planters) must be maintained to the satisfaction of the Responsible Authority.
21. An in-ground drip-feed watering system must be installed in the main landscaped areas to the satisfaction of the Responsible Authority.

Vegetation protection

22. Prior to the commencement of works and for the duration of construction, protective fencing must be installed and maintained around all trees to be retained and associated protection measures implemented in accordance with the approved Tree Protection Management Plan to the satisfaction of the Responsible Authority. No vehicular or pedestrian access, storage of materials or equipment, grade changes or open cut trenching or excavation works (whether or not for the laying of services) is to occur within the Tree Protection Zone of trees to be retained, other than as approved on the endorsed Tree Protection Management Plan, or unless with the written consent of the Responsible Authority.
23. The owner must ensure that contractors/tradespersons who install services or work near the vegetation to be retained are made provided a copy of the approved Tree Protection Management Plan and adhere to the recommendations to preserve the vegetation and to minimise impacts through appropriate work practices.

Street Tree

24. Prior to the commencement of the development, the owner must arrange with Council's Parks and Recreation Unit for the removal of the street tree from Harcourt Street, and the planting of four new trees within the nature strips surrounding the site. This will involve the removal and replacement of four footpath panels adjacent to the nominated replacement trees with TripStop X to Council's specifications, which must be engineered and installed to withstand the pressure exerted from tree roots. Such works for the must only be undertaken by Council contractors to ensure quality and safety of work, and all costs associated with the above must be paid to the satisfaction of the Responsible Authority.

Stormwater – On-site detention (OSD)

25. 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. The PSD must meet the following requirements:
 - 25.1. Be designed for a 1 in 5 year storm; and
 - 25.2. Storage must be designed for 1 in 10 year storm.

26. Before the development starts, a construction plan for the system required by Condition 25 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.

Drainage

27. 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.
28. 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.

Driveway and Car Parking Areas

29. Not less than 49 car spaces must be available on site at all times during operating hours to the satisfaction of the Responsible Authority.
30. Prior to the commencement of approved use, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
- 30.1. Constructed and formed to approved levels;
 - 30.2. Drained and surfaced with an all-weather-seal coat;
 - 30.3. line marked to indicate each car space;
 - 30.4. marked to show the direction of traffic along access lanes and driveways;
 - 30.5. marked to show a car space for a person with a disability designed to the relevant Australian Standard; and
 - 30.6. signposted as relevant, to the satisfaction of the Responsible Authority.
31. The loading and unloading of goods from vehicles must only be carried out on the land and within the approved operating hours.
32. Prior to the commencement of approved use, the proposed vehicular crossover must be constructed in accordance with the approved plans, and redundant crossovers removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.

Amenity

33. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
34. External lighting must be designed so as to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
35. 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.

General Services

36. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
37. All service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
38. All roof-top plant and services (including any hot water systems, but excluding solar panels) must be installed in appropriately screened areas (away from the outer edges of the roof section upon which they are installed) unless otherwise agreed in writing with the Responsible Authority.

Fencing

39. Prior to the commencement of the approved use, all fencing (whether new or retained) must be erected in good condition and be fit for screening purpose in accordance with the plans endorsed under Condition 1 of this permit to the satisfaction of the Responsible Authority. Any proposed fencing is to be constructed at the cost of the developer.

Construction Management

40. The owner must use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry 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

Advertising Sign

41. The approved sign must not contain flashing or intermittent light and must be constructed and maintained in good condition to the satisfaction of the Responsible Authority.
42. The intensity of the light in the approved sign 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.
43. No sign/s shall be illuminated between the hours of 9:30pm to 7:30am (inclusive).
44. The approved sign expires 15 years from the date of this permit, or if the approved use ceases to operate. Upon expiry, the sign and structures built specifically to support and illuminate it must be removed.

Permit Expiry

45. This permit will expire if one of the following circumstances applies:
 - 45.1. The development is not started within two (2) years of the date of this permit; and
 - 45.2. The development is not completed within four (4) years of the date of this permit; and
 - 45.3. The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend these times 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 lodged in a very preliminary form immediately following a pre-application meeting in late 2017. Consequently, there was a significant amount of further information required. After subsequent plan amendments, the proposal was presented to the Sustainable Design Taskforce in June 2018. At this meeting, further modifications were tabled and overall, the proposal was well received. Comments pointed to the need to ensure landscaping and acoustics were well considered, and that the rear elevation was well presented.
- 2.2 Further plan changes were made in response to these comments, and notice of the application was given over a three-week period which concluded on 15 May 2019. On 5 July 2019, a Section 57A amendment was lodged to provide a supplementary traffic and gap analysis and some additional plans changes, including an increased 4 metre setback between the ground level play space and rear boundary, revisions to the fire escape location and increased landscaping within the western and southern setbacks. These changes were re-advertised by way of letters to neighbouring and objecting properties, with the advertising period concluding on 1 August 2019.
- 2.3 The statutory time for considering a planning application is 60 days, which falls on 2 September 2019.

3 THE SITE AND SURROUNDS

The Site

- 3.1 The site is located on the south-west corner of Doncaster Road (Service Road) and Harcourt Street. The site comprises two relatively standard residential allotments with a total area of 1,598 square metres. The site is irregularly shaped, with a combined frontage width of 37.22 metres to Doncaster Road and a 30.35 metre frontage to Harcourt Street.
- 3.2 The land has been vacant and devoid of vegetation for many years. The land has a cross-fall in the order of 4 metres from east to west. A 1.83 metre wide drainage and sewerage easement runs adjacent to the rear boundary.

The Surrounds

- 3.3 The site and the adjoining properties to the east and west and directly opposite are subject to the same planning controls (RGZ2 and DDO8-1). Properties to the south are within the General Residential Zone, Schedule 1 (GRZ1).
- 3.4 The site has direct abutments with the following properties:

Direction	Address	Description
West (RGZ2)	450-452 Doncaster Road	This property is developed with 12, three-storey townhouses which were constructed a year ago in accordance with Planning Permit PL13/023934. The townhouses are laid out in two separate rows, with the eastern row (units 8-14) running parallel to the site. The eastern row of townhouses is setback between 2.5 and 4.8 metres from the common boundary. The ground level setback provides pedestrian access to the dwelling entries, with the pathway excavated beneath

		the site level. There are four first floor balconies along with first and second floor windows upon the eastern elevations, all of which have unobscured views toward the site.
South (RGZ1)	2 Harcourt Street	This property adjoins the eastern half of the site's rear boundary and contains a two-storey brick dwelling which fronts Harcourt Street. A double garage is built upon the common property and setback 7.59 metres from the street. The dwelling is located to the south of the garage and contains one upper level window facing the site, and another at the ground level, though located a substantial distance from the shared boundary. The areas to the west and north of the dwelling provide secluded private open space, and there are two large, mature trees in the vicinity of the site (one being a eucalypt).
	51 Finlayson Street	This property shares its rear boundary with the western half of the site's southern boundary. The property contains a two level brick dwelling fronting Finlayson Street, which is located over 10 metres from the site. This setback area is used for secluded private open space and includes an outbuilding and several trees which provide a dense screen along the rear boundary.

- 3.5 The character of the broader neighbourhood is in transition. This particular section of Doncaster Road still retains a number of single post-war homes, however is becoming increasingly defined by larger apartment style buildings and townhouse developments of three to four storeys (with exception of the recently completed 5 storey Tullamore building). These developments are consistent with the "preferred" neighbourhood character implied by the DDO8-1, and further developments of this nature are anticipated.
- 3.6 Land to the rear of the site (fronting either Harcourt Street or Finlayson Street) falls within a General Residential Zoning (GRZ1). Whilst predominantly characterised by single homes, there has been some transition toward increased housing densities in the form of units or townhouses. An example of this is the three, two-storey townhouses generally opposite the site at No. 53 Finlayson Street. This form of development is expected to increase in accordance with the incremental level of change anticipated.
- 3.7 Doncaster Road is a VicRoads declared arterial road running in an east-west alignment with three lanes of traffic in each direction. The outer lanes are dedicated bus lanes during peak hours. Service roads are provided on both sides in this particular section of Doncaster Road. There is no median break opposite the Harcourt Street intersection, so all traffic leaving this street must turn left into Doncaster Road. This aspect tends to reduce delays at the intersection, as it is relatively easy to turn out of the street especially with the impact of traffic lights further to the east.
- 3.8 There is a median break with an associated deceleration/turning lane approximately 340 metres west of the site, diagonally opposite the Hender Street intersection. This is designed to allow westbound traffic to turn around and head east prior to the signalised intersection further to the west.

3.9 The service road in front of the site has a width of 5.5 metres, with parking permitted on the southern side only. Traffic flow is restricted to a westbound direction, with an opening (left-turn only) onto the main carriageway just east of the Hender Street intersection.

4 THE PROPOSAL

4.1 The proposal is outlined on the plans prepared by Co-lab Architecture, dated 29 June 2019 and a landscape plan prepared by Package Landscapes Australia, Project No. 4994, dated 4 July 2019. Refer to Attachment 1.

4.2 The following reports were provided in support of the application:

- Town Planning report prepared by Keen Planning, dated July 2019;
- Traffic Engineering Assessment prepared by Traffix Group, Job No. G25107R-03A, dated March 2019, plus supplementary assessment date 19 June 2019;
- Acoustic Report prepared by Acoustic Design Pty. Ltd., dated 7 December 2018;
- Waste Management Plan prepared by Leigh Design dated 4 July 2018;
- Sustainable Management Plan prepared by Auswide Consulting, dated December 2018;
- Arboricultural Impact Assessment and Tree Protection Management Plan prepared by All Trees Consulting Services Pty Ltd, dated 7 November 2018; and
- Centre Operator (Inspire Early Learning Centre) Description of Use and Demand Analysis, dated 19 June 2019.

Development summary

4.3 A summary of the development is provided as follows:

Land Size: 1,598m ²		Maximum Building Height:	10 metres (approx.11.7m to shade sail posts)		
Site Coverage: 58%		Preferred height under Zone and Overlay:	RGZ2: 14.5 metres (with slope provision) applicable to residential buildings		
Permeability: 28.3%			DDO8: 10 metres with slope provision (discretionary)		
Total Places:	196	Minimum setbacks:	Wall setbacks:	Play area/balcony setbacks:	
No. of children per room:	0-3yrs 3-5yrs		<u>Doncaster Road</u>		
<i>Ground floor:</i>		Basement:	3.05 - 5.9m	-	
Room 1 (59m ²)	16	Ground:	6.0 - 8.3m	3.7m	
Room 2 (52 m ²)	16	First:	7.3 - 9.6m	4.0 - 5.1m	
Room 3 (52m ²)	16	Second:	6.2m	5.6 - 5.9m	
Room 4 (54 m ²)	16				
Room 5 (73 m ²)	-				
<i>First floor:</i>		<u>Harcourt Street</u>			
Room 6 (73m ²)	-	Basement:	2.5 - 8.3m	-	
Room 7 (73 m ²)	-	Ground:	3.0 - 6.1m	-	
Room 8 (74m ²)	-	First:	5.9m	2.65m	
		Second:	4.5 - 7.1m	3.8m	

Room 9 (87m ²)	-	22			
Second floor: Room 10 (73m ²)	-	22			
			<u>Southern boundary</u> Basement: Ground: First: Second:	4.0m 8.5m 10.6m 12.7m	- 4.0m 4.3m 7.2m
Staff required: (1:4 ratio for 64 children between 0-3 years and 1:11 ratio for 132 children between 3-5 years)	16	12	<u>Western boundary</u> Basement: Ground: First: Second:	1.55m 6.98m 11.27m 27.45m	- 2.0m 6.05m 11.12m
Statutory car parking rates: 0.22 car spaces to each child	No. of car spaces required on-site: 43	No. of car spaces provided on-site: 49	Car space shortfall or surplus: 6 space surplus		

4.4 It is noted that there is an error on the development plans with respect to the age and number of children in some of the ground floor rooms. The figures above provide the correct room and age numbers, and a condition will require this be corrected on plan.

Use

4.5 The childcare centre proposes operating hours of 7.30am to 6.00pm Monday to Friday. There are five rooms which can accommodate a maximum of 196 children at any one time. At full capacity, the centre would require a total of 28 staff. It has been indicated that up to 3 office, 1 kitchen staff and 3 supporting staff would also be required.

Design layout

4.6 The main centre entry is presented to Doncaster Road, where the reception, kitchen, laundry and staff areas are located amidst 5 childcare rooms. Play spaces are provided at-grade within the Doncaster Road and Harcourt Street frontages and also in the form of raised terraces.

4.7 The first floor level contains four rooms which are serviced by balcony play spaces extending around the periphery. The second level is limited in footprint, containing only 1 room and a staff office/meeting area, with the remaining roof area of the level below providing a large “roof-top” play space. This area is open-air, with the exception of some shade sail coverings.

4.8 The play areas are enclosed by 1.8 metre high balustrades. These are constructed of solid concrete/stucco finishes in part, with an acoustic clear glass above with applied vertical metal batten screens in front. To the south and west, these battens are closely spaced to provide no more than 25% transparency, whilst to

the north and east, more generous spacing enables views out toward the street aspects. Fencing along the site frontages is of a matching vertical batten design.

Pedestrian and vehicle access and layout

- 4.9 Two levels of car parking beneath the main building will service the centre, accessed via a new double width crossover in Harcourt Street. Whilst substantially in basement form, the upper level projects above the natural ground toward the west of the site, with this element used to accommodate terraced play areas above.
- 4.10 The first level provides 22 car spaces, in addition to the main waste collection area. The lower level provides 27 car spaces, 4 of which are in tandem and indicated for staff use.
- 4.11 The main building entrance is serviced by a graded pathway from Doncaster Road. A central lift core and stairwell connect the car park and each level above. The basements also has an emergency fire stair out toward the site frontage.
- 4.12 An existing vehicular crossover is to be removed from the service road frontage (generates the need for planning approval for this aspect).

Landscaping

- 4.13 The site peripheries will exhibit a layered landscape theme consisting of canopy trees, understorey planting and ground covers. The raised ground level terraces are proposed to be finished in a synthetic turf and soft-fall surfacing. Within the frontage to Doncaster Road (forward of the raised terrace play area), a number of large trees and shrubs are proposed, however it is also intended to be used as a play area, with a meandering pathway amidst the plantings and a sandpit area in the western corner.
- 4.14 The setback to Harcourt Street is similarly proposed as a play area, to be finished in a synthetic turf and “crazy pave”, and bordered with planting along the title boundary.
- 4.15 The setbacks between the ground level terraced play areas to the western and southern boundaries (2 metres and 4 metres respectively) will be dedicated to dense landscaping. Limited areas of these setbacks allow for clearances set aside for “informal” emergency exit pathways.

Design Detail

- 4.16 The architectural styling/built form is considered to be similar to that associated with a small apartment building. The main building facades will be constructed of a blue/grey toned face brickwork, with the balcony fascia's completed in a beige coloured concrete combined with black vertical battens for visual interest.

Advertising sign

- 4.17 Business identification signage is proposed within the main street setback. The advertising area is 1.39 metres in height and 2.86 metres wide (total 3.98sqm). The sign reaches 1.9 metres in height, however the lower 550mm at the base is effectively reserved as a landscape “rise”. Signage detailing shows the centre business name (“Inspire Early Learning Journey”) and company logo, which will be illuminated with a flood light.

- 4.18 The location of the sign is not detailed on the site plan, however the perspectives indicate placement in the vicinity of the north-eastern corner splay, and integrated into the playground fencing approximately 2 metres back from the main frontage.

5 LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.

- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:

Clause 32.07 Residential Growth Zone, Schedule 2:

- Clause 32.07-2 for use of the land for a childcare centre
- Clause 32.07-8 to construct a building or construct or carry out works for a use in Section 2;

Clause 43.02 Design and Development Overlay, Schedule 8:

- To construct a building or construct or carry out works, including a front fence.

Clause 52.05 Signs:

- To construct or put up for display a floodlit business identification sign.

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

- To create or alter access to a road in a Road Zone, Category 1.

6 REFERRALS

External

- 6.1 As the proposal involves the removal of redundant crossover from the Doncaster Road (service road) the application was referred to VicRoads as a determining referral authority.
- 6.2 VicRoads has not objected to the proposal, nor included any conditional requirements due to the Service Road frontage.

Internal

- 6.3 The application was referred to a number of service teams within Council. The following table summarises the responses:-

Service Unit	Comments
Infrastructure Services Unit – Drainage	<ul style="list-style-type: none"> • Stormwater must be drained to the point of discharge and the whole of the land graded and drained to minimise overland flows. • No objection subject to conditions for the provision of on-site storm water detention.
Infrastructure Services Unit	<ul style="list-style-type: none"> • Condition to require vehicle crossing permit be obtained

Service Unit	Comments
– Vehicle Crossing	prior to construction of new crossover and redundant crossovers to be removed and nature-strip and kerbs reinstated.
Infrastructure Services Unit – Access and Driveway	<ul style="list-style-type: none"> • No objection – Design Standards are met. • Conditions to require driveway gradient approval prior to the endorsement of plans
Infrastructure Services Unit – Traffic and Car Parking	<ul style="list-style-type: none"> • The number of car parking spaces, dimensions and layout are in accordance with Clause 52.06-5 and are satisfactory. • There are no significant issues with this development, as far as traffic concerns. • From the traffic impact assessment report, they have addressed the parking requirements, on-street parking availability and the traffic counts conducted during peak hours (taking into account school movements). • Although the current peak volumes are somewhat high, the final statements provided in the report are agreed with. • In particular, it is considered that there would be no significant congestion generated during peak periods. • The possibility of delays for motorists wishing to travel westbound along the service road (from the Harcourt Street intersection) is not a great issue, as the turning count conducted for the report shows minimal access demands for the service road.
Infrastructure Services Unit – Car Parking Layout	<ul style="list-style-type: none"> • The car park layout is satisfactory.
Infrastructure Services Unit – Construction Management	<ul style="list-style-type: none"> • No objection subject to a requirement for the provision of a construction management plan.
Infrastructure Services Unit – Waste	<ul style="list-style-type: none"> • No objection subject to conditions for on-site private waste collection based on an approved waste management plan.
Infrastructure Services Unit – Easements	<ul style="list-style-type: none"> • No objection.
Infrastructure Services Unit – Flooding	<ul style="list-style-type: none"> • The Doncaster Road service road is likely to be affected by overland run-off, however, the proposal is not impacted in its current form.
Integrated Planning Unit – Sustainability	<ul style="list-style-type: none"> • No objection subject to conditions requiring amendments to the assessment in order to meet Council's current expectations for Environmentally Sustainable Design (ESD) standards.
Children's Services	<ul style="list-style-type: none"> • Plan detailing required to demonstrate sufficient unencumbered space for the allocated number of children per room, particularly at second floor level.
Health	<ul style="list-style-type: none"> • The operator of the proposed childcare centre must apply and obtain a Food Act Registration with Council's Health Unit prior to any fit out and commencement of trade. (Permit Note required)
Park and Recreation	<ul style="list-style-type: none"> • The tree located within the Harcourt St naturestrip proposed for removal is supported on the basis that a

Service Unit	Comments
	<p>minimum of four new trees can be planted within the nature strips surrounding the development site, to benefit the overall landscape in the long term. Conditions will require costs associated with removal and replacement to be paid, including for the four footpath panels near the new trees to be replaced with TripStop X to Council specification.</p>

7 CONSULTATION / NOTIFICATION

7.1 Notice of the application was given over a three-week period which concluded on 15 May 2019, by sending letters to nearby property owners and occupiers and displaying a large sign upon each frontage.

7.2 Five objections were received from the following properties:

- 6 Harcourt street, Doncaster;
- 51 Finlayson Street, Doncaster;
- 43 Gray street, Doncaster;
- 8/450-452 Doncaster Road, Doncaster; and
- 522 Doncaster Road, Doncaster

7.3 The main grounds of the objection can be summarised into the following categories:

- Neighbourhood character (height, bulk and commercial operation);
- Traffic and car parking (traffic congestion and parking in local streets);
- Off-site amenity impacts (overlooking, overshadowing, noise and landscaping); and
- Feasibility (in context of a nearby childcare centre approval).

7.4 Re-advertising was also undertaken following the submission of the Section 57A amendment, concluding on 1 August 2019. Notice was given to all objectors and adjoining properties, by way of sending letters which provided a description of the changes to the proposal. No further objections or submissions were received.

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

8 ASSESSMENT

Planning Policy Framework

8.1 At the broader State and regional levels, the Planning Policy Framework (PPF) identifies that planning is to recognise the need for, and as far as practicable contribute towards the health, well-being and safety, diversity of choice and a high standard of urban design and amenity. It further recognises that non-residential uses can establish in residential areas subject to responding to a range of decision making criteria. Clause 19.02-2S includes an objective which is to assist the integration of education and early childhood facilities with local and regional communities. A number of strategies are established including (as they relate to a childcare centre):

- *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
 - *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
 - *Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.*
 - *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*
- 8.2 The proposal measures favourably against these broader principals, given the site is located amid a higher density growth area with steady population increase expected, it provides a safe and secured basement drop-off, and is directly accessible by public bus transport and the established road networks and pathways.
- 8.3 This is further supported by the purpose of Residential Growth Zone, which specifically allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. It is logical that such uses could, and should be permitted within growth zone areas to support the inherent population growth intended, and a childcare centre is one which offers both an educational and community benefit.
- 8.4 In addition to the overall appropriateness of the zone, consideration must be given to whether the context is appropriate. This is more intrinsically tested at the local level through policy at Clause 22.05 for non-residential uses in residential areas. The policy basis also encourages that residential zones accommodate a range of non-residential uses to service local community needs, though acknowledges that they have the potential to adversely impact amenity and character of an area. This requires consideration against a number of policy criteria, with an assessment against each of these provided under the headings to follow.

Location

- 8.5 Locationally, the site meets the first and foremost criteria of addressing a main road. Doncaster Road is an arterial road which provides the benefit of superior transport access (a bus stop is located directly in front of the site), with the service road to which the site has frontage meeting a further criteria preference. The service road provides for an increased level of safety through the inherent “buffer” it offers from the main carriageways, for pedestrians and children in particular. This is also of benefit in the further removal of play areas from the heavier traffic along the main carriageways.
- 8.6 Pedestrian pathways are well established along Doncaster Road and within the general surrounds, including via the nearby signalised pedestrian crossing some 200 metres to the east that safely connects areas north of Doncaster Road, including the Tullamore Estate.
- 8.7 Policy does preference vehicular access from a service road where possible, to avoid the generation of additional through traffic on residential streets. Whilst available kerb-side parking along the site frontage within the service road will remain a viable option for child drop-off/pick-ups, Harcourt Street provides the primary point of access into the basement car park. The reasoning to this is further explained within the relevant section to follow. This arrangement is not expected

to encourage high volumes of through traffic on residential streets, should the centre serve catchments beyond the local level.

- 8.8 As pictured in the image below, the gateway into the Doncaster Hill Activity Centre is only 600 metres east of the site. Other than Birralee Primary School some 500 metres to the south, there are no other known community based services in the immediate vicinity, however this is expected to change following the development of approved Planning Permit PL17/027661. This permit enables the use and development of a public health club facility at the Tullamore Estate, which includes a gym, tennis courts and swimming pools. It is anticipated that this development will transpire, given there has been subsequent amendments and endorsed plans issued.




- 8.9 The childcare centre will be complimentary to this approved health club and also to the establishing Tullamore Estate community. It is noted that the approved health club does include a limited child-minding service for the benefit of members in attendance, which is quite different to what is offered here, being regular on-going placements for childcare and educational kindergarten programs.
- 8.10 The site and neighbourhood context therefore provides ample justification for such a facility. It should also be noted that opportunities to incorporate childcare facilities within the Activity Centre Zone itself are often quite restricted, given the high space demands they require.
- 8.11 The proposal does not incorporate multiple uses and is a purpose built premises, however its floor plate is “flexible” and could be retro-fitted for other uses should demands ever change in the future (subject to planning approval).

Siting, Scale, Design and Built Form

- 8.12 Clause 22.05 requires buildings complement the preferred built form with respect to building scale, siting, height, massing, setbacks etc. The preferred neighbourhood character for this site is shaped by the policy requirements of the DDO8-1. Albeit that the policy makes reference to “residential development”, the same principals should be applied to non-residential development to ensure the preferred built form outcomes are being achieved.

8.13 The table below demonstrates that the proposal is responsive to the policy criteria of the DDO8-1, subject to some slight modifications generally relating to the shade sails, first floor balcony treatment and landscaping.

Design Element	Compliance
Building Height and Setbacks DDO8-1 (Main Roads)	
<ul style="list-style-type: none"> • 11 metres provided the condition regarding minimum land size (1800sqm all in the same precinct) is met. • If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross-section wider than eight metres of the site of the building is 3.5 degrees or more, in which case the maximum height must not exceed 10 meters. 	<p>Satisfied</p> <p>The height of the building is at or below the suggested 10 metres maximum. An exception to this is the shade sails proposed above the roof-top play area, which increase building height to just under 12 metres.</p> <p>The schedule provides exceptions to the maximum building height, which includes services, lift over-runs, and roof mounted equipment including screening devices. Given shade sails are a removable fixture upon the main building, they could reasonably fall within the general exemption of “roof mounted equipment”. However, the sails are arguably higher than they need to be, and will be visible from the public realm by virtue of their placement.</p> <p>A <u>condition</u> will require these be replaced with a lower, more centralised “pergola style” structure which is more integrated and complimentary to the overall design. This will reduce the height, and be a better design response to the residential nature of the area.</p>
<ul style="list-style-type: none"> • Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser. • For the purposes of this schedule, balconies, terraces and verandahs may encroach within the street setback by a maximum of 2 metres. 	<p>Satisfied</p> <p>The building setbacks range between 6 metres and 8.3 metres, which meets or exceeds the minimum setback requirements. The schedule does enable encroachments into the required front setback area in the form of balconies, terraces and verandahs by a maximum of 2 metres, provided they do not extend along the width of the building.</p> <p>In this case, the raised section of the ground level play terrace extends slightly further into this setback, however only marginally (by 100mm at the western end and 500mm at the eastern end where the front boundary indents slightly). Where the encroachment is greatest, the terrace is virtually at-grade, and incorporates planters with canopy trees, hence achieving the intention for landscaping. To better conceal the raised terrace and make it more subordinate to the landscape treatment, a <u>condition</u> will require that the beige coloured fascia be substituted for a darker colour.</p> <p>The first floor level balcony play area also encroaches into the front setback for the entire width of the building. The balcony is setback 5 metres from the frontage for the most part (which is more generous than the 4 metres permitted) and does include some angling, however further</p>

Design Element	Compliance
	<p>modification is required to provide a greater sense of visual relief across the elevation. This can also be applied to the second floor level for visual consistency.</p> <p>This could be addressed by introducing a 1m deep central indent into the balcony or alternatively through a change in materials. The later approach has the advantage of not compromising the usability of the adjacent play area. A <u>condition</u> will therefore require either an indent, or option to explore a material change within a central location across the fascia (as generally depicted in the image below).</p>
	
<p>Form</p>	
<ul style="list-style-type: none"> • Ensure that the site area covered by buildings does not exceed 60 percent. • Provide visual interest through articulation, glazing and variation in materials and textures. • Minimise buildings on boundaries to create spacing between developments. 	<p>Satisfied The site coverage is 58.1%, which is reflective of the compact building footprint proposed.</p> <p>The building walls are not stepped in a longitudinal sense due to the need for larger internal spaces (as compared to an apartment design) but are edged by substantial balconies which create a sense of depth and variation to the facades.</p> <p>Proposed setbacks create a satisfactory level of spacing to the buildings on adjoining lots.</p>
<ul style="list-style-type: none"> • Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area. • Where appropriate, ensure that buildings are designed to step with the slope of the land. 	<p>Satisfied From the rear boundary, the main building is setback 8.6 metres at ground level, 10.57 metres at the first level, and 12.7 metres at the top level. Balcony play areas are setback a minimum of 4 metres from the rear boundary. These rear setbacks are considered to be generous, and achieve the required “transitioning” down to the two-storey scale of the adjoining properties within the more sensitive GRZ1.</p>
<ul style="list-style-type: none"> • Avoid reliance on below ground light courts for any habitable rooms. 	<p>N/A</p>

Design Element	Compliance
<ul style="list-style-type: none"> Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>N/A</p>
<ul style="list-style-type: none"> Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation. 	<p>Satisfied</p> <p>The third storey building footprint is limited to a small area of 166sqm, which is less than one-third of the ground floor level area. This element is substantially setback 12.6 metres and 27.4 metres from the adjoining residential interfaces to the south and west respectively.</p> <p>The second storey also appears as a “third storey” at the western end due to the basement projection at this particular point. The level is again significantly recessed in from the levels below, with wall setbacks of 11.2 metres and 10.5 metres from the western and southern boundaries.</p>
<ul style="list-style-type: none"> Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos. 	<p>Satisfied</p> <p>The main play spaces are integrated into the overall design and assume a similar appearance to residential balconies. As discussed above, the replacement of the shade sails on the second level with a more integrative pergola style feature would be of benefit to the overall design.</p> <p>The shade sail within the front setback is considered to be acceptable from a streetscape perspective.</p> <p>The fire escape stairwell upon the external southern elevation is required to ensure safety. A <u>condition</u> will require that the “screen” proposed to conceal the stairs be further detailed and attractive in appearance.</p>
<ul style="list-style-type: none"> Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation. 	<p>Satisfied</p> <p>The “upper level basement” is considered a “sub-basement” as it is wholly beneath the ground level at the eastern end, and above the ground level at the western end due to the natural fall of the land. The projecting basement walls will be largely masked by the placement of terraced play areas atop and landscaping adjacent, however there is opportunity to establish vertical gardens to soften the exposed facades which will be required as a <u>condition</u> in the landscape plan.</p>
<ul style="list-style-type: none"> Be designed to minimise overlooking and avoid the excessive application of screen devices. 	<p>Satisfied</p> <p>Overlooking has been treated through the use of solid balcony balustrading and vertical battens above, with not more than 25% transparency where facing the residential interfaces to the west and south. The play areas facing toward the north and east are afforded views toward the public realms through a widened batten spacing.</p>

Design Element	Compliance
<ul style="list-style-type: none"> Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities. 	<p>Satisfied</p> <p>A pathway connection is provided between Doncaster Road and front entry into the building, in addition to lift and stair access between the car park and levels above.</p>
<ul style="list-style-type: none"> Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties. Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site. Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking. 	<p>Satisfied</p> <p>The basement projection is most prominent in the south-west portion of the site, and is not visible to the main site frontages. Any added height associated with the projection is suitably offset by the placement of the top level toward the eastern end of the building which therefore ensures the building is not more than three storeys in any location.</p>
<ul style="list-style-type: none"> Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established. Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces. 	<p>Satisfied</p> <p>The setbacks of the basement levels and all levels above (including balcony play areas) are 4 metres or more. The rear setback area has been fully dedicated to landscaping with wide spreading canopy trees, which is precisely what policy expects.</p> <p>The setback area also enables new canopy spreads to establish adjacent to, and without compromise to the overhanging canopies of neighbouring trees.</p>
<ul style="list-style-type: none"> Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces. 	<p>Satisfied</p> <p>The metering and service cabinets are provided in a condensed manner at the western end of the frontage. They are finished in brickwork to match the building facades and will appropriately conceal the services and tie into the overall appearance of the development.</p>
<p>Car Parking and Access</p>	
<ul style="list-style-type: none"> Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback. Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open 	<p>Satisfied</p> <p>The proposed crossover/accessway has been satisfactorily designed to facilitate safe and efficient access to and from the development, as discussed in further detail in the later assessment.</p> <p>One street tree requires removal, however this will be replaced with four new trees which will, in time, improve the overall nature strip presentation. Council's Parks Unit will be responsible for the selection of species and establishment of the new trees (at the developer's cost) to ensure the planned treed character is achieved.</p>

Design Element	Compliance
<p>space or is appropriately screened, as is necessary.</p> <ul style="list-style-type: none"> • Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling. • Ensure that access gradients of basement carparks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements. 	
Landscaping	
<ul style="list-style-type: none"> • On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity • Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form. 	<p>Satisfied</p> <p>There are numerous canopy trees proposed with expected mature heights of 12 metres, in addition to supplementary small to mid-sized trees and understorey planting.</p> <p>Planting is shown along the site periphery which will achieve an overall “softening” of the built form as viewed from the public realm.</p>
Fencing	
<ul style="list-style-type: none"> • A front fence must be at least 50 per cent transparent. • On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> • not exceed a maximum height of 1.8m • be setback a minimum of 1.0m from the front title boundary. <p>and a continuous landscaping treatment within the 1.0m setback must be provided.</p>	<p>Satisfied</p> <p>Front fencing is proposed in the form of 1.8 metre high vertical battens extending across both site frontages. The battens include 100mm of spacing which provides for a transparency of 75%. Where fronting Doncaster Road, fencing should be setback 1 metre from the front boundary to enable a continuous landscaping treatment affront. In this case, the fence is setback 500mm from the frontage. Given the higher level of transparency proposed, landscaping both behind and in front of the fence will have the ability to make a visible contribution to the streetscape as anticipated .</p> <p>The fence also steps back further in the vicinity of the western and eastern corners, where more “open” planted areas can be provided. It also maximises the available play space and is setback significantly further from the main carriageways of Doncaster Road (due to the intervening service road).</p>

8.14 This assessment demonstrates that the built form will be consistent with the preferred neighbourhood character of the DDO8-1, and also consistent with the siting, design, scale and built form requirements of Clause 22.05-3 as:

- The development reflects the scale, siting, height, massing and proportions expected for buildings within the Main Roads Sub-Precinct;
- The development is well setback from side and rear boundaries to minimise impacts with respect to bulk and overshadowing, and to enable appropriate

landscape treatments. Of particular note is the retention of a 4 metre landscape buffer along the more sensitive rear boundary which is free from any buildings or play spaces, thus setting the scene for long term screening by larger trees and assisting to reduce visual impacts of the building to the south.

- The commercial nature of the building is masked through the careful selection of materials and colours, non-glazed elements and modulation which resonate with the appearance and proportions of residential buildings;
- The main entry is easily identifiable from the main street frontage and high solid front fencing has been avoided;
- Car parking is concealed beneath the building and therefore will not visibly dominate any aspect of the public domain.

Landscape

8.15 Trees planted at semi-mature heights will be required to ensure screening benefits establish faster, and larger trees and shrubs will border the proposed building. The dedication of the rear setback to planting will in time, fill the existing canopy coverage offered by the trees abutting (pictured below).

8.16 To further improve the landscape buffer along the site perimeter, a condition will require the sandpits adjacent to the frontages be deleted or modified to enable the continuance of a wider garden bed affront. The use of synthetic turf within this setback area is also not typically preferred, however given this is the side setback (where buildings could apply a 2 metre setback), it is acceptable provided a high quality appearance and level of permeability can be demonstrated. A natural alternative will otherwise be required.

8.17 Some encroachment will occur within the TPZ of the large neighbouring Spotted Gum (Tree 3), however the Arboricultural assessment suggests that its health and stability will not be significantly compromised (due to species tolerance) and with implementation of tree protection construction measures. A condition will require that a Tree Management Plan be submitted to ensure these measures are implemented during construction.



Amenity

8.18 Both Clause 22.05 and the Zone provisions provide considerations and measures to assess the impacts of non-residential buildings. Clause 55 does not apply to this application (being a non-residential building), however, Clause 32.07-10 of the Zone requires that any buildings or works that abuts the GRZ must meet six specific Clauses of Clause 55 along that boundary, which is the southern boundary in this case. Whilst this assessment is not technically applicable to the

townhouses to the west (as they too fall within the RGZ), they are considered in this assessment all the same, so as to demonstrate that residential amenity overall is duly considered:

OBJECTIVE		OBJECTIVE SATISFIED / NOT-SATISFIED			
Clause 55.03 Site Layout and Building Massing					
55.03-5 – Energy Efficiency		The building is oriented and designed to take advantage of all solar aspects, with deep balcony projections also supporting energy efficiency.			
<ul style="list-style-type: none"> To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 		Whilst there are currently no rooftop solar facilities on any of the adjoining residential allotments, any future rooftop panels, should they be installed would not be impacted, as demonstrated by sectional shadow diagrams.			
Clause 55.04 Amenity Impacts					
55.04-1 – Side And Rear Setbacks		Satisfied			
<ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 		All setbacks from any residential abuttal well exceeds those required by Standard B17. The table below shows the setbacks provided from the southern property boundary. As seen, they well exceed those required in all cases. Setbacks from the western boundary are similarly well in excess of the minimum requirements.			
Setbacks from southern boundary:		Wall height (m)	Setback required (m)	Setback provided (m)	Compliance
Ground floor level balcony		4.23	1.189	4.00	Yes
Ground floor level wall		5.6	1.6	8.5	Yes
First floor level balcony		6.8	1.96	4.34	Yes
First floor level wall		7.75	2.84	10.58	Yes
Second floor level balcony		9.6	4.69	7.21	Yes
Second floor level wall		10	5.09	12.67	Yes
55.04-2 – Walls On Boundaries		N/A			
<ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 		No boundary construction is proposed.			
55.04-3 – Daylight To Existing Windows		Satisfied			
<ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 		The dwellings to the south have no windows within 3 metres of the shared boundary, and therefore no loss of daylight will occur. The townhouses to the east do have some habitable room windows within 3 metres of the site. The separation between the building and these windows well exceeds the requirements (a distance of half the wall height is required). The sectional shadow diagrams supplied by the applicant further demonstrate this.			

OBJECTIVE	OBJECTIVE SATISFIED / NOT-SATISFIED
<p>55.04-5 – Overshadowing Open Space</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Satisfied</p> <p>Some shadowing will impact the secluded private open space areas of the properties to the south between 1pm and 3pm. Though the shadows only extend marginally beyond the existing fence shadow, and fall upon the densely vegetated areas along the boundary (which would already be in shadow). In totality, additional shadowing impacts only a very small segment near the fence line. The proposal complies with the Standard.</p> <p>To the west, sectional diagrams demonstrate that shadow impacts in the AM periods will not extend above the balustrades of the four balconies facing the site, therefore meeting the Standard (although not applicable to these properties as they are located within the RGZ). The ground level courtyard of the southern-most townhouse has the potential to be affected by shadowing at 9am only, however sectional diagrams indicate that this area is already in shadow by current fencing due to the excavated nature of the area.</p>
<p>55.04-6 – Overlooking</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Satisfied</p> <p>All balcony play areas are appropriately screened. The metal battens extending above the solid balustrades will be more closely spaced to not have not more than 25% transparency where facing the southern and western residential interfaces. To the site frontages, the batten spacing will be increased to afford children with outward views.</p>

- 8.19 The above assessment demonstrates that the amenity of the adjoining properties to the south has been duly considered and whilst these ResCode Standards are not applicable to those properties to the west, the design response is considered to adequately protect their existing amenity.
- 8.20 Clause 22.05 suggests that uses should not adversely affect the amenity of nearby residents by way of noise, loss of privacy, traffic, car parking, lighting, odours or disturbance associated with hours of operation. Suggested design techniques specific to childcare centres include noise attenuation measures to inhibit the transmission of noise from buildings and external plays areas, and the sensitive siting of car parks, play areas etc.
- 8.21 The acoustic report submitted with the application has suggested that the terraced and balcony play spaces be provided with a material density of no less than 8kg per square metres with no breaks or spaces to contain noise sources to a reasonable level. This has been translated on plan in the proposed concrete base barriers and thick glass above which sits behind the vertical battens. Areas at grade where adjacent to the southern and western boundaries will not be used for the purpose of play.

- 8.22 The report makes mention of operational management techniques that reduce noise, such as spacing outdoor play times, however does not detail whether such measures should be applied in this case. A condition will require this aspect be considered and any recommendations updated as necessary, including whether any acoustic fencing along boundaries would be of benefit or necessary. Furthermore, a condition has been included requiring the testing of noise emissions if required as a result of any complaints received.
- 8.23 By virtue of the car parking and building layout, other impacts such as light, odour, waste collection etc. will be well contained. Whilst a childcare centre would seem a more intense use than a residential apartment building may ordinarily be, it's restricted operation between 7.30am to 6.00pm Monday to Friday means that the more sensitive periods after business hours and on the weekends (when residential amenity is generally most valued) are relieved from an activity occurring on the site.

Traffic and car parking

Car Parking

- 8.24 The statutory car parking rates specified by Clause 52.06 of the Scheme for a childcare centre require 0.22 car spaces to each child. For the 196 places proposed, a car parking rate of 43 spaces is required. The 49 on-site car spaces proposed exceed the statutory requirement by 6 spaces.
- 8.25 A minimum of 28 staff would be required to meet the carer ratio for the age and number of children. The applicant has also indicated that a further 4 administrative/kitchen staff and 3 support staff are proposed.
- 8.26 The lower level basement provides 27 spaces indicated for staff use. The upper level basement provides a further 22 spaces which appear reserved for parent parking. The service road frontage also provides 6 kerb-side parallel spaces for public use.
- 8.27 Given there are 6 excess spaces within the on-site car park, the number of staff proposed would seem reasonable. It is commonly accepted that staff are also required to undertake administrative and cooking functions, in addition to the required carers. It is also reasonable to expect that the number of staff present on site will change, depending on the number of booked places on any given day and time. Certain days and times may see places quite heavily booked and others less, and the number of staff required will fluctuate accordingly.
- 8.28 The use of alternative modes of transport (such as walking or public transport) could be reasonably expected for some proportion of staff and parents. In this location, the childcare centre is likely to attract some local residents within the general vicinity for the purpose of employment or child minding services.
- 8.29 The provisional car parking on site is therefore acceptable, given it exceeds statutory requirements and is functionally designed to ensure ease and convenience of use.

Access

- 8.30 The proposed point of vehicular access to Harcourt Street is considered to be the safest and most efficient location for this development/use and will not generate any adverse impacts in terms of traffic safety or residential impact.
- 8.31 When considering traffic and safety implications as indicated in the supplementary traffic assessment, the option of placing access to the service road was not considered at all appropriate. The following reasons exist for this conclusion:
- It will result in drivers arriving from Doncaster Road undertaking a diagonal movement across the head of the street intersection in order to enter the service road. At times (particularly during primary school peak traffic periods), it may be challenging to enter the service road without safety implications or delay due to queued vehicles obstructing the entrance;
 - Driver connectivity to and from the nearby road network would be significantly restricted, as all traffic exiting the site must travel via the long (360m) service road before accessing Doncaster Road. In the AM and PM peaks, there will be in the order of 79 vehicle movements exiting to the Doncaster Road service road (i.e. all exit traffic movements from the site);
 - Associated traffic wishing to travel back to the east must move across 4 westbound traffic lanes before performing a U-turn;
 - Drivers wishing to access the nearby southern residential area or nearby primary school must wait within the service road, then exit to Doncaster Road before turning left into Hender Street to get back to their intended destination; and
 - The less convenient access location would encourage parents to park in Harcourt Street and turnaround in private driveways, due to the connectivity issues with all traffic being required to exit the site carpark via a left-turn into the Doncaster Road service road.
- 8.32 Council's Infrastructure Service Unit agrees with these findings and also point out that the service lane is affected by overland stormwater flows, and any ramped accessway across this frontage could cause the basement to flood.
- 8.33 Providing a more accessible point of access is also likely to deter vehicle parking on local residential streets, which is a preferred outcome.
- 8.34 Whilst the proposed access arrangement will allow vehicles to travel through residential streets, Pettys Lane is a signalised intersection that allows a controlled and safe access route for any east-bound destinations. The Traffic Assessment also predicts that Doncaster Road will carry the majority of peak traffic distribution generated by the development.

Traffic

- 8.35 The gap acceptance analysis included in the Traffic Report essentially concludes that the Harcourt Street and Doncaster Road intersection does not generally result in the queuing of more than 1 to 2 vehicles during the AM and PM peak commuter periods, with queues clearing almost immediately. An exception to this is between two short 10-15 minute periods of 8:45am to 9.0am and 3:40am to 3:50pm, where traffic associated with the nearby Birralee Primary School creates two "spikes" in the regular traffic volumes. Queues of up to 3-4 vehicles can occur at these time, however queues still clear promptly due to the relative ease of access to Doncaster Road in this location.

- 8.36 The gap acceptance indicates the mean delay and percentile queue for vehicles turning left into Doncaster Road from Harcourt Street will be affected as follows:
- The AM peak hour currently has a 95th percentile queue of 1 vehicle, whilst under post development conditions this will increase to 2 vehicles.
 - The School pick-up peak hour and PM peak hour currently have 95th percentile queues of 1 vehicle, which will be maintained post-development.
 - The AM peak hour currently has a mean delay of 7.5 seconds, which will increase to 8.5 seconds post-development (i.e. an increase of 1 second on average).
 - The School pick-up peak hour currently has a mean delay of 8.4 seconds, which will increase to 8.6 seconds post-development (i.e. an increase of 0.2 seconds on average).
 - The PM peak hour currently has a mean delay of 7.8 seconds, which will increase to 8.2 seconds post-development (i.e. an increase of 0.4 seconds on average).
- 8.37 Officers have observed traffic patterns during the AM peak periods between 8.00am and 9.00am and concur with the findings of the Traffic Report. The intersection most commonly saw vehicles exiting with little or no delay. Between 8.30am and 9am, queuing of no more than 4 vehicles was observed, with these all leaving the intersection within not more than 8 seconds.
- 8.38 The nature of a childcare centre is substantially different to a school, in that child drop-off and collection can occur at any time during the centre's operational hours, rather than at a set start and finish time. Similarly, staff arrivals and departures are staggered to respond to the slow increase in child attendance throughout the day.
- 8.39 Parents who also have school aged children generally opt to drop-off or collect children either before or after school starting and finishing times, and those who are working tend to use childcare services to accord with their working hours, which can vary substantially pending hours and locations of employment. The most of the traffic generated by the childcare centre will therefore unlikely exacerbate traffic and queuing during these short spikes in school traffic, and will not create unreasonable traffic impacts to the intersection and local area in general during the overall AM and PM commuter peaks.

Car parking and traffic management

- 8.40 It is acknowledged that the use has some potential to impact residential streets if not managed correctly, and therefore a condition will require a car parking management plan be submitted. Such plan will require measures to limit conflict between school peak periods and staff arrivals and departures, measures to ensure available on-site parking for parents is maximised during peak drop-off and collection times, and that measures be implemented to prevent parking in nearby residential streets
- 8.41 Within 6 months of the use commencing (or where any operational changes are proposed) an updated plan will be required to enable a "real life" assessment of the parking and traffic patterns relevant to this site and operation, and enable opportunity for the operator or the Responsible Authority to address any known issues should they occur.

Design Standards

- 8.42 The Design Standards of Clause 52.06 relating to accessways, car parking spaces, gradients, safety and landscaping have all been met. Mechanical parking is not applicable to this application. A condition will require that the security grill indicated upon the basement ramp entry remain open during operating times to enable unrestricted user access, and that all waste collection and deliveries occur on site and during permitted operating hours.
- 8.43 Bicycle parking spaces not required by the Scheme, however a condition will require that some be provided where space permits in the lower basement to encourage staff to use alternative modes of transport.

Signage

- 8.44 The proposed business identification sign is consistent with the requirements of Clause 22.07 Outdoor Advertising Signs Policy and Clause 52.05 Signs, in that it is professionally designed to reflect the architectural design of the proposed building, will allow for ease of identification for approaching vehicles, and avoids any direct visibility from residential interfaces.
- 8.45 The associated lighting is not anticipated to cause any impact beyond existing street lighting. A condition will limit illumination beyond 9:30pm to protect the amenity of surrounding residential properties. Whilst the light coloured backing of the sign matches the balcony fascia, a condition will require a darker colour shade be applied to better blend with the landscaping within the front setback. The logo and lettering could be modified if needed, to ensure it remains legible. The location and design of the sign will also require further clarification.

Objector issue / concerns

- 8.46 A response to the grounds of objection is provided as follows:

Traffic and car parking

- 8.47 The potential traffic impacts have been assessed by the permit applicant's traffic consultant and Council's Infrastructure Services Unit who both conclude that the proposal can be accommodated within the existing road network without creating any adverse traffic safety or operational problems. This is further detailed in the traffic assessment above.
- 8.48 Whilst the nearby residential streets may expect some traffic increase as result of the proposal, the site is different to Birrale Primary School in that it has a direct frontage to Doncaster Road, where it is expected that the highest distribution of traffic will be carried. A percentage of vehicles will utilise local streets south of the site, however, the nature of a childcare use results in a more spaced distribution of traffic arrivals and departures, and associated movements are unlikely to significantly compound traffic during the short spikes in traffic created by school commencements and finishing times.
- 8.49 Deliveries to the site will occur within operating hours and would most likely be from smaller vans which would be of no consequence. Waste collection is proposed twice a week and from within the confines of the basement.

- 8.50 The gap analysis provided by the applicant's traffic consultant demonstrates that the Harcourt Street intersection will not experience adverse queuing delays as a result of the proposal, noting that there are currently few delays experienced.
- 8.51 The preference by some objectors for access via the Doncaster Road service road is not a safe or viable option for the detailed reasons highlighted in the traffic assessment section above.
- 8.52 Incorrectly, the "road network" description of the submitted Traffic Assessment makes reference to a break in the median to allow for staged-right turn entry and exit movements to and from Harcourt Street. This mistake was not carried through to the assessment section which correctly considers the actual situation.
- 8.53 Existing on-street car parking demands currently created by residents and bus commuters should not be exacerbated by the proposal, given it offers a well-considered and convenient form of on-site parking allocation, with parking provisions exceeding what is required by the Scheme. There are "No standing" restrictions within Harcourt Street directly in front of and opposite the site, which together with the main centre entry facing Doncaster Road, should deter parent parking in residential streets. The basement parking also allows for a much more direct and convenient form of access into the building and controlled turning at a designated location.
- 8.54 The required car parking management plan will require measures be implemented to educate the facility users of the need to park on site, and not within local residential streets. A request will also be submitted to Council's Infrastructure Service Unit to further review the pre-existing conditions and ascertain if any further traffic management or parking restrictions need to be implemented.

Neighbourhood character, building scale and commercial use

- 8.55 Concerns have been raised with respect to the non-residential nature of the use and the three-storey scale proposed.
- 8.56 As detailed in the use assessment above, policy at Clause 22.05 of the Scheme is specifically aimed at directing non-residential uses within appropriate locations in residential areas. The site's main road location, proximity to the Doncaster Hill Activity Centre, well considered layout and large land parcel provide opportunity to accommodate this use without notable detriment to residential amenity.
- 8.57 The overall three-storey form is also consistent with the preferred neighbourhood character expected by both the zone and overlay provisions. Were a residential development proposed on this site instead, it could assume a very similar building scale and form to what is proposed. The proposal is not considered an overdevelopment of the land, which is demonstrated by its compliant site coverage, permeability, and very generous boundary setbacks (which well exceed those permissible by ResCode).
- 8.58 The overall building height is averaged at 10 metres, which is considered to be relatively modest and not substantially more than a two-storey dwelling. It is also within the building height expectations of the DDO8, and well beneath the 14.5 metre height recommendation of the zone (which anticipates four-storey apartment buildings). The modifications to the shade sails recommended in the above assessment will agreeably achieve a superior outcome which is more considerate of adjoining residential outlooks.

- 8.59 Whilst the nature of this commercial use will generate a notable amount of on-site activity, this is restricted to the nominated operating times on weekdays only, which in turn preserves residential amenity for evening periods and weekends, and considered a balanced outcome.

Amenity Impacts

- 8.60 The following provides a response relevant to the amenity concerns raised by *No. 51 Finlayson Street, Doncaster* (abutting western half of the southern boundary):
- 8.61 Visual bulk and landscaping - The objection included a request to delete the top level of the building, in addition to increasing upper level setbacks to at least 10 metres, and improve the intervening landscape buffer.
- 8.62 The upper level setback of the first and second floor level walls are more than 10 metres from the southern boundary, although the play area balconies 4.3 metres and 12.6 metres from the shared boundary respectively. These setback combined are very substantial, and achieve the required “stepping” toward the rear interface to ensure taller elements are centralised and well removed, as required by the DDO8.
- 8.63 The amended plans submitted following the initial advertising period provided improvements and responded to some concerns, in that the raised play area in the vicinity of the southern boundary is not located 4 metres from the common boundary, and landscaping within this setback is now substantially improved with an increased number of canopy trees which will in time, achieve screening between the properties.
- 8.64 Overlooking - The request for horizontal louvres is not considered necessary, given the vertical battens proposed are appropriately spaced to allow no more than 25% transparency (as ResCode would usually require). The vertical form of the battens also better complements the overall architectural styling adopted.
- 8.65 Noise – Noise will undoubtedly be generated during the weekday operational hours (particularly when outdoor play occurs), however the acoustic report suggests that the applied 8kg/m² material density material will to act as an affective sound barrier. Furthermore, the raised nature of the play areas apparently reduces the ability for noise to travel “downwards” toward the adjoining dwelling. These aspects, combined with the 4 metre separation of any play areas from the southern boundary is not considered to warrant the deletion of these play spaces as requested, however, an updated acoustic assessment will be required to consider whether acoustic fencings along the title boundary is warranted to further limit noise transmission.
- 8.66 The following provides a response relevant to *No. 8/450-452 Doncaster Road, Doncaster* (southernmost townhouse in the row adjoining the site to the west) who has raised questions as to whether excavation will affect foundations or if overlooking or sunlight impacts will occur.
- 8.67 Loss of sunlight and overlooking - Daylight to existing windows is measurable by Clause 55.04-3 of the Scheme though not applicable in this case as the land is also within the Growth Zoning. Were it applied, the setbacks suggested by Standard B19 would be well exceeded (for example, a the 5.8m play area wall adjacent would require a 2.9m separation from the window, and over 5 metres is provided). The applicant has also produced sectional shadow diagrams which

demonstrate that sunlight access to the balcony area is not affected by shadows at 9am or any time beyond that. The ground level courtyard is shadowed at 9am only, however is already in shadow from boundary fencing and excavation, and would not be impacted for the following 5 hours during the control period.

- 8.68 The application of balcony screening appropriately mitigates overlooking. Some upward views between the ground level play space and third floor level of the objectors property may occur, however if applying ResCode Standards, any views above a 1.7 metre height do not require (and cannot reasonably require) screening.
- 8.69 Excavation impacts – Excavation associated with the basement is setback 2 metres from the shared boundary. Protection works to ensure the structural integrity of existing buildings remain intact are regulated through the Building Permit process.

Feasibility

- 8.70 This objection raises concerns with the proximity of this proposed centre from the childcare centre approved on 522-524 Doncaster Road (under PL17/02803 for 148 places) and the economic feasibility, given they are approximately 600 metres from each other.
- 8.71 The census data referred to which indicates an oversupply of childcare places appears reflective of National data, and is not specific to Manningham or this particular location. The MSS anticipates Manningham's population will rise significantly and other immediate factors include the growing population of the Tullamore Estate.
- 8.72 Whilst a permit has been granted for another child care site, endorsed plans are yet to be obtained, and the permit has therefore not been acted upon and may never be. At present, there are no other centres in the immediate proximity. This particular centre offers a specific Montessori Educational and Kindergarten program, which may very well differ to the learning programs and offerings of other centres.
- 8.73 Various Tribunal decisions identify that the relevance of economic impacts in planning matters relates to the contended effects on the community, and cannot be applied to individuals and private financial interests without evidence of demonstrable impact.

9 DECLARATION OF CONFLICT OF INTEREST

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