

APPLICATION FOR CONSIDERATION
NOTICE OF DECISION
OFFICER REPORT



Application Details:

| | | |
|---|--|--|
| Proposal | Use and development of a Child Care Centre | |
| Applicant | Mr Chris Vaughan Christopher Vaughan Architects | |
| Date Received: | 03 October 2022 | |
| Statutory Days: | 239 days as of 14 August 2024 | |
| Section 50/50A/57A Amendment | <input checked="" type="checkbox"/> None | |
| Application Number | T220667 | |
| Planner | Sasha Savanovic | |
| Land/Address | Lots 101 & 102 PS515605, 24-26 Honeyeater Way, Pakenham VIC 3810 | |
| Property No. | 5000003972 & 5000003973 | |
| Zoning | GRZ1 - General Residential Zone - Schedule 1 | |
| Overlay/s | DCPO1 - Development Contributions Plan Overlay - Schedule 1 | |
| Permit Trigger(s) | Pursuant to Clause 32.08-2 (GRZ) a planning permit is required to use the land for a Childcare Centre. Pursuant to Clause 32.08-10 (GRZ) a planning permit is required to construct a building or construct or carry out works associated with a Section 2 use (Child Care Centre). | |
| Aboriginal Cultural Sensitivity | <input checked="" type="checkbox"/> No | |
| Section 55 Referrals | <input type="checkbox"/> None | <input checked="" type="checkbox"/> Yes, list below: ▪ Transport for Victoria (DoT / VicRoads) |
| Registered restrictions on Title | <input type="checkbox"/> None | <input checked="" type="checkbox"/> Yes, list below: A Covenant (expired) is also noted on title – AE991066F, AE958201Q dated 19/03/2007(expired in 2017). The proposed use/development does not breach the covenant. Section 173 Agreement X688218H – between Cardinia Shire Council and a previous owner of the land relates to a previous special charge scheme levied by Council, and re-zoning of land as part of the subdivision. This agreement is of no relevance to the application. |

| | |
|----------------------------|--|
| Recommendation | <input type="checkbox"/> Permit <input checked="" type="checkbox"/> NOD <input type="checkbox"/> Refusal |
| Documents relied on | <ul style="list-style-type: none"> ▪ Development Plans prepared by Christopher Vaughan Architects ▪ Landscape Plan prepared by Keystone Alliance Pty Ltd ▪ Town Planning Submission prepared by unspecified author ▪ Acoustic Planning Assessment prepared by SLR ▪ Traffic Impact Assessment prepared by TTM |

Proposal

The application was submitted to Council on 3 October 2022 by Christopher Vaughan Architects.

The application proposes the use and development of a double storey Child Care Centre allowing for a maximum of 80 children with 17 car spaces provided with access via a proposed crossover to Honeyeater Way.

The proposal is summarised as follows:

| Ground Floor | |
|-----------------------------------|---|
| Footprint | 300m ² |
| 3 child care Rooms | (45 sqm, 64 sqm and 70 sqm) 179m ² |
| Staff and building amenity area | 120m ² |
| Outdoor play area | 275m ² |
| Capacity | 50 Children |
| First Floor | |
| Footprint | 250m ² |
| 2 child care Rooms | (56 sqm) 110m ² |
| Kitchen and building amenity area | 80m ² |
| First floor play area | 60m ² |
| Capacity | 30 Children |

The application proposes a new vehicle crossover located near the existing crossover to lot 102, with the previous crossover to be reinstated to nature strip.

A 1.5 to 1.8-metre-high 'acoustic' fence is proposed along the outdoor areas on Webster Way and Honeyeater Way and 2.1 to 2.4-metre-high acoustic fencing is proposed along the southern and western boundaries.

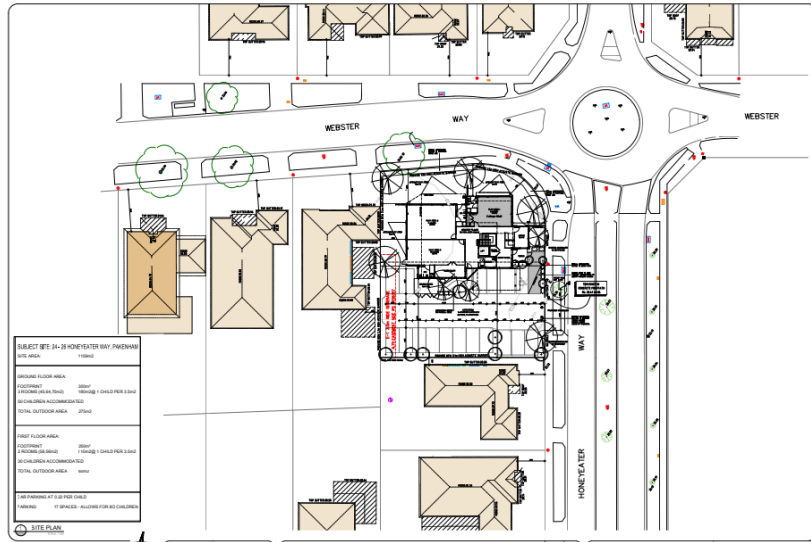


Image 1: Site Plan

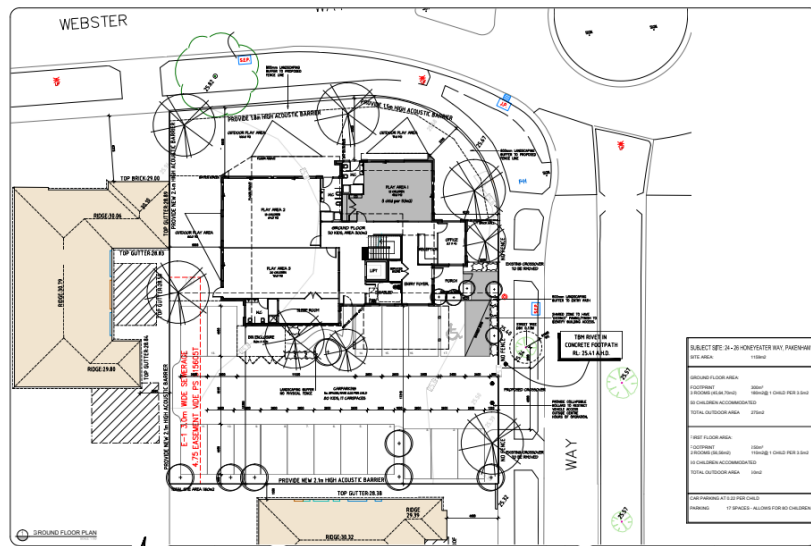


Image 2: Ground Floor Plan

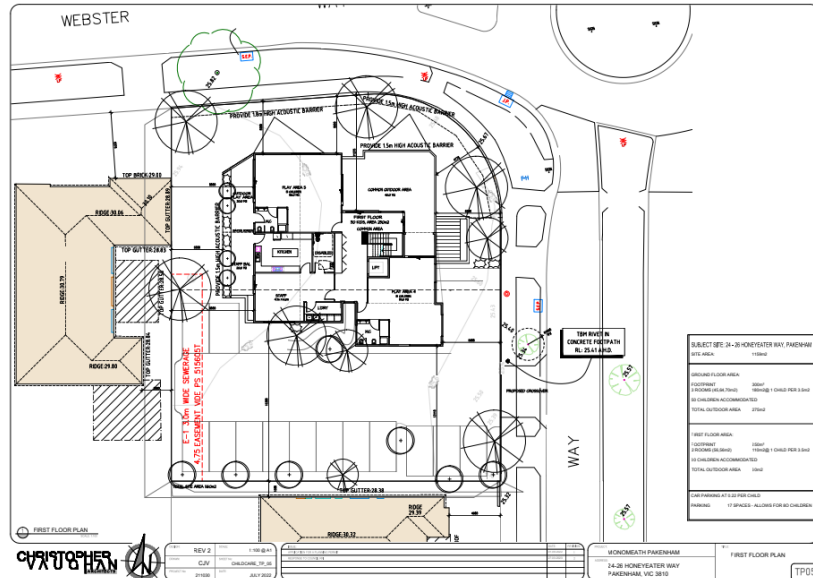


Image 3: First-floor Plan

Building Design

The proposed development employs elements from surrounding development including the use of brick as the predominant building material. Other materials include render, feature cladding and glazing with aluminium frames.

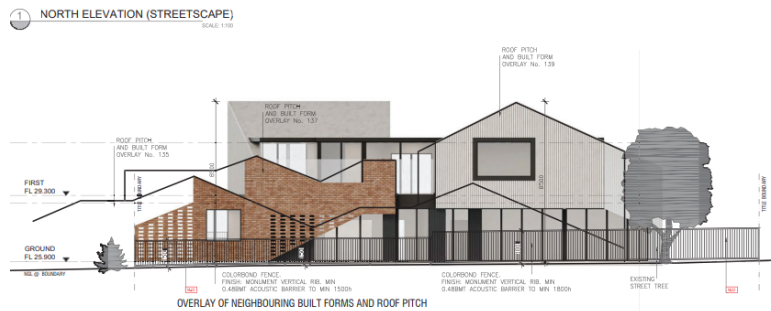


Image 4: North-east Elevation (Streetscape)



Image 5: Material Schedule

Operational Details

The proposed child care centre is proposed to accommodate up to 80 children plus staff. It is proposed that the centre will operate from 6:30am to 7:00pm, Monday to Friday.

A total of 17 parking spaces are to be provided for the use and development. Waste Management is proposed to occur onsite, outside of the general operational hours, with additional collections proposed on an as-required basis.

Subject site & locality

An inspection of the site and the surrounding area has been undertaken.

The site consists of two lots, 24 & 26 Honeyeater Way, with the former located on the corner of Webster Way and Honeyeater Way and the latter located to the south on the west side of Honeyeater Way.

The combined sites are generally of a rectangular shape and consist of a frontage of 36 meters and combined depth of 32 metres comprising a total area of 1159 square meters.

The subject site is currently vacant with two single width crossovers located along Honeyeater Way along the eastern side of each lot.

A small street tree (DBH 0.13m) is located in the middle of the nature strip between both existing crossovers and another, mature street tree to the northern boundary along Webster Way. The allotments themselves are devoid of any vegetation.

There is a sewer/drainage easement in the southwest corner of the property at 24 Honeyeater Way and running the entire length of the western boundary of 26 Honeyeater Way, being 3 meters wide.

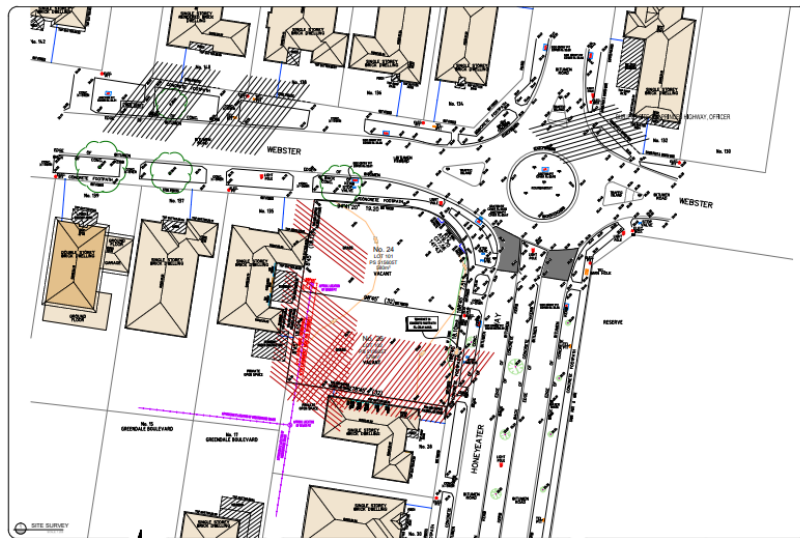


Image 5: Site Survey

The main characteristics of the surrounding area are:

- **North:** the subject site faces 136 and 134 Webster Way. The sites each contain one single-storey brick/render dwelling with tiled roof and an average front setback of 6.5m and single width crossovers.
- **East:** the subject site faces an almost 5-hectare reserve. The reserve's frontages consist of Honeyeater Way, Webster Way, Arden Avenue, and Sandalwood Drive.
- **South:** of the subject site is 28 Honeyeater Way. Consisting of a two-storey brick/render dwelling with a tiled roof and front setback of 5.10m with crossover is located within the south-east corner of site.
- **West:** 135 Webster Way contains a single storey dwelling that is vegetated along the frontage, with a crossover located at northeast corner of the site.

The subject site is situated between Princes Highway and Princes Freeway in an established residential area with good vehicle access and local amenities.

The surrounding area generally consists of detached dwellings with predominantly single and double storey scale. They have limited side setbacks and relatively high levels of site coverage, with recent developments generally comprising of higher site coverages.

Dwellings generally have hip and gable titled roofs, primarily without eaves. Building materials predominantly consist of brick with some render, standard narrow windows grouped to form. Front setbacks vary from 5 to 7 metres on average.

Landscaping species are primarily young, with few mature examples of fully established large trees.



Image 6: Site Context

Permit/Site History

The following permit history relates to the subject allotments.

24 Honeyeater Way:

- T090579 – A variation of a restriction and the subdivision of land into three (3) lots – Application lapsed on 7 April 2010.

24 & 26 Honeyeater Way:

- T120275 – Subdivision of land into three lots and the variation of restrictive covenants AE991066F and AE958201Q to delete Clause (a) and (g) – Permit issued on 28 September 2012.
- T170308 – Subdivision of the land into three (3) lots. Application lapsed on 4 August 2017.
- T200243 – Subdivision of land into three (3) lots – Permit issued on 19 October 2020.

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- GR1 - General Residential Zone - Schedule 1

Overlays

The land is subject to the following overlays:

- DCPO1 - Development Contributions Plan Overlay - Schedule 1

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 (Settlement) - Planning should anticipate and respond to the needs of existing and future communities, including the provision of community facilities and infrastructure.
- Clause 13.05-1S (Noise Management) - To assist the management of noise effects on sensitive land uses.
- Clause 13.07-1S (Land use compatibility) - To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- Clause 15.01-1S (Urban design) - Policy encourages the creation of safe, healthy, functional, and enjoyable urban environments.
- Clause 15.01-2S (Building design) - Policy seeks to achieve high-quality building design that positively contribute to the public realm.
- Clause 15.01-5S (Neighbourhood character) - Policy seeks to recognise, support, and protect neighbourhood character.
- Clause 17 (Economic Development) - Policy aims to promote jobs and growth to provide for a strong and innovative economy. This policy recognises the importance of all sectors of the economy.
 - Clause 17.01-1S - (Diversified Economy) - Policy aims to strengthen and diversify the economy.
- Clauses 18.02-4S (Roads) - Policy aims to appropriately regulate development with relation to integration within an existing or future road network.
- Clause 19 (Infrastructure) - Policy seeks to recognise the social needs of local areas by providing land for a range of accessible community resources, including education, cultural and health facilities.
 - Clause 19.02-2S (Education facilities) - Policy seeks to assist the integration of education and early childhood facilities with local communities

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03-2 (Urban Established Area - Beaconsfield and Pakenham) - Policy seeks to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Urban Established Area.
- Clause 21.04-1 (Employment) - Policy encourages the development of diverse local employment opportunities to meet the needs of a growing residential population.
- Clauses 21.05-3 (Local roads) - Policy identifies issues with integrating development within existing road networks and ensuring the character of the existing network is maintained and enhanced. The proposed use and development are not considered to have an impact on the existing road network, other than what has been discussed within the relevant assessment area below.
- Clause 21.05-6 (Community services and facilities) - Policy acknowledges the diversity of age groups within the Cardinia Shire and the importance of providing services to meet the needs of particular age groups such as children and therefore seeks to facilitate the establishment of early years services (i.e., child care centres in activity centres and in residential areas where they can be provided in a manner which minimises any impacts on the amenity of the area.

- Clause 21.06-1 (Urban Design) - Policy seeks to ensure that all development considers the character and constraints of the site and wider area, and that development contributes to the character, identity, and sense of place of the area, particularly in newly developing areas.
- Clause 22.09 (Signs) seeks to facilitate signs that allow for the reasonable identification and marketing of businesses in Cardinia while enhancing the character of a building, site and area.

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 (Signs).
- Clause 52.06 (Car Parking).
- Clause 52.34 (Bicycle Facilities).
- Clause 53.18 (Stormwater Management in Urban Development).
- Clause 65 (Decision Guidelines).
- Clause 66 (Referral and Notice Provisions).

Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-2 (GRZ1) a planning permit is required to use the land for a Child Care Centre.
- Pursuant to Clause 32.08-10 (GRZ1) a planning permit is required to construct a building or construct or carry out works associated with a Section 2 use (Child Care Centre).

Public Notification

The application has been advertised pursuant to section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining and surrounding land; and
- Placing one (1) sign on site facing Honeyeater Way.

The notification has been carried out and the statutory declaration has been submitted to Council on 15 January 2024.

Council has received seven (7) objections to date, which centre around the following:

- Loss of privacy;
- Development impact;
- Traffic/congestion;
- Noise;
- Parking; and
- Over saturation of use within the town.

Referrals

External Referrals/Notices:

| Referrals/ Notice | Referral Authority | Brief summary of response |
|-------------------------|--|---------------------------|
| Section 55 Referrals | Head, Transport for Victoria (Department of Transport) | No objection |

Internal Referrals:

| Internal Council Referral | Advice/ Response/ Conditions |
|------------------------------|---|
| Engineering | No objection (subject to conditions) |
| Traffic | No objection (subject to conditions) |
| Urban Design | No objection, preliminary comments provided |
| Strategic Planning | No objection, preliminary comments provided |

Assessment

The proposal has been assessed against the Cardinia Planning Scheme and is considered to be consistent with the aims and objectives of the Scheme.

Planning Policy

A number of state and local policies are relevant to this application.

Clause 11.01-1S (Settlement) seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements, including by developing compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services and ensuring retail, office-based employment, community facilities and services are concentrated in central locations. Clause 11.02-1S (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

The proposal is considered to adequately respond to these policies as it proposes a use and development that is compatible with the location being within a residential area, adjacent to a local arterial road and within proximity to residential uses and a major road network/freeway.

Clause 13.05-1S (Noise management) seeks to assist the control of noise effects on sensitive land uses.

Clause 13.07-1S (Land use compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

The proposal adequately responds to these policies. Child care centres are considered an acceptable land use in a residential area if amenity impacts are appropriately managed. An acoustic assessment was provided with the application and proposes acoustic fencing to address noise impacts. The hours of operation are also considered reasonable to ensure that offsite amenity impacts from noise are managed and avoided where possible.

Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Clause 15.01-2S (Building design) seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

The proposal appropriately responds to these policies. The design is considered to be an appropriate size and scale for the residential area. The built form is double storey and generous front, side (and rear setbacks have been provided.

Clauses 17.01-1S (Diversified economy) and 21.04-1 (Employment) seeks to strengthen and diversify the economy, supporting local economies to grow and diversity by facilitating growth in a range of employment sectors, including education, based on the emerging and existing strengths of each region.

The proposal adequately responds to these policies. The proposal provides for an opportunity for centrally located, local employment within a growth area which is supported by both State and Local policy.

Clauses 18.02-4S (Roads) and 21.05-3 (Local roads) seek to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

The proposal is considered an appropriate interface with Honeyeater Way which is considered to be part of the wider road network of the estate. The proposal did not receive any objections from Council's Traffic Engineer or the Head, Transport for Victoria (Department of Transport) (under Clause 66.02-11), and is considered to appropriately respond to Clauses 18.02-4S and 21.05-3.

Clauses 19.02-2S (Education facilities) and 21.05-6 (Community services and facilities) seek to assist the integration of education and early childhood facilities with local and regional communities.

The proposal is considered to adequately respond to these policies as it has considered the demographic trends (including the existing and future needs) for childcare in the Pakenham area and provides for a well located and accessible childcare centre within a growing suburb.

Clause 21.06-1 (Urban Design) - Policy seeks to ensure that all development considers the character and constraints of the site and wider area, and that development contributes to the character, identity, and sense of place of the area, particularly in newly developing areas. The proposed design is both appropriate and contributes positively to the existing and establishing character of the area.

Clause 21.03-2 (Urban Established Area - Beaconsfield and Pakenham) - Policy seeks to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Urban Established Area and highlights the relevant following issues:

- To coordinate the appropriate staging and development of land.
- To attract commercial investment and create diverse employment opportunities.
- To create vibrant well serviced activity centres.
- To deliver accessible community facilities and infrastructure.
- To achieve good urban design outcomes with a strong urban character.
- To ensure the development of new infrastructure supports and encourages an active lifestyle.

As discussed previously, the proposed development continues to respect the existing character of the area by appropriately interfacing with the streetscape, materiality and appropriate setbacks.

Based on the above assessment, the proposal is considered to adequately respond to both Planning Policy Framework and the Local Planning Policy Framework and can be supported.

General Residential Zone (Schedule 1)

The relevant purpose of the General Residential Zone for this application is to implement the MPS and PPF, to ensure that development respects the neighbourhood character of the area and allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. A permit is triggered for both the use and development of the land for a Childcare Centre in the GRZ1 under the following provisions:

- Pursuant to Clause 32.08-2 (GRZ1) a planning permit is required to use the land for a Section 2 use (Childcare centre).
- Pursuant to Clause 32.08-10 (GRZ1) a planning permit is required to construct a building or construct or carry out works associated with a Section 2 use (Childcare centre).

The decision guidelines of this zone cover a number of matters, such as the purpose of the zone and the objectives, standards and decision guidelines for non-residential use and development. The specific decision guidelines are:

General

The Municipal Planning Strategy and the Planning Policy Framework.

As discussed above, the proposal is considered to adequately address planning policy.

The purpose of this zone.

The proposal is considered consistent with the purpose of the General Residential Zone which allows education centres (including Childcare centres) to be located within residential areas where they are well located. The site is considered to achieve this. It is within a centralised residential location, providing critical educational infrastructure in a growing area.

The objectives set out in the schedule to this zone.

There are no applicable objectives set out in Schedule 1 of the Zone.

Any other decision guidelines specified in a schedule to this zone.

Addressed below.

The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

There are no existing rooftop solar energy systems to which the proposed Use and Development would overshadow.

Non-residential use and development

Whether the use or development is compatible with residential use.

As discussed above and as recognized by both Planning Policy Framework and Local planning policy, childcare centres can be appropriate land uses when appropriately located within residential areas. The location of the proposed childcare centre centrally located within a residential area, clustered within proximity of Primary School and a major street which acts as a local arterial road, is considered to meet this objective in ensuring that the non-residential use is appropriately located.

Whether the use generally serves local community needs.

Childcare centres are considered by their nature to serve a local community need. Pakenham is a growing area where a number of young families live, and therefore, the addition of this well-located Childcare Centre to help service the growing community should be supported. It is also noted that the childcare centre would also offer opportunities for more places for surrounding townships to equally support their growth and the wider municipality.

The scale and intensity of the use and development.

Being two-storey in design and appropriately setback from adjoining boundaries, the proposed scale of the building is considered to be appropriate for the predominately double storey, residential character of the area. The intensity of the use is also considered reasonable in this context, as the 80-place childcare centre can provide for all required car parking on-site and as the site is adjacent to a local arterial road, the road infrastructure can also cope with an intensification of uses on the site.

The design, height, setback and appearance of the proposed buildings and works.

As discussed above, the double-storey design of the building is considered in keeping with the predominately double-story character of the area. Notwithstanding the street context being the single storey. The height of the building is also considered in keeping with the preferred character, as two-storey heights are allowed within the General Residential Zone.

Granted the proposed building height is a maximum of 8.5m from FFL. As this assessment previously states, the key feature of the proposed roofline is within the character of the area and pays homage to the existing styles within the area. As such, the proposed maximum height which acts primarily as a design feature in keeping with the intended use of a childcare centre and will allow for clear delineation between the existing residential and educational land uses located within the streetscape.

As discussed above the setbacks proposed as also in keeping with the character of the area and maintain a sense of spaciousness between built form. The design of the building, whilst contemporary, is considered modest and of a high design standard, the design is not considered to detrimentally impact the character of the area.

The proposed landscaping.

The landscaping proposed is considered adequate for the proposed development. Landscaping is proposed within all open areas of the site, including along the frontage, and within the play areas. The landscaping proposed includes a mixture of ground covers, shrubs and canopy trees.

The provision of car and bicycle parking and associated accessways.

The development has provided a total of twenty (17) car parking spaces, which includes a single disabled parking space, and complies with the statutory requirement under Clause 52.06 (Car parking). The accessways are appropriately designed in a one-way fashion and appropriately located on a major local road. Childcare centres are not required by Clause 52.34 (Bicycle facilities) to provide bicycle spaces, and no spaces have been provided.

Any proposed loading and refuse collection facilities.

The proposed waste collection area is easily accessible from the car parking area for collection by a private waste collector from the internal car parking area. The waste storage area is appropriately screened from the car parking area, the road and the neighbouring properties, which is considered a desirable and acceptable outcome.

The safety, efficiency and amenity effects of traffic to be generated by the proposal.

The site is capable of accepting and safely and efficiently managing the additional traffic that will be generated by the proposal. Given that this is a frequently traversed local road, there is not expected to be any negative amenity effects caused by traffic in the wider area. For this reason, the application was supported by Council's Traffic Engineer.

Based on the above assessment, the proposal is considered to be an acceptable and well-located proposal within a General Residential Zone and should be supported.

Development Contributions Plan Overlay – Schedule 1

As per section 4 of the schedule, all non-residential land within the area covered by the Pakenham Township Development Contributions Plan, December 2023 is excluded.

Clause 52.05 Signs

Council offered the opportunity for the applicant to include a display area to avoid the need to apply for a permit for signage at a future date. The applicant submitted the documentation post-RFI process and did not formally amend the application. As such, Council could not consider the proposed display area within this assessment.

Clause 52.06 Car parking

Pursuant to Clause 52.06-5 the number of car parking spaces required under Table 1, is 0.22 spaces per child. The proposed childcare centre is to accommodate 80 children; therefore, the use generates a requirement for 17 car parking spaces. A total of 17 car parking spaces are proposed on site which meet the relevant standards. Council's Traffic Engineer has reviewed the plans and is supportive of the application however, they have requested the parking bay area be modified to include a turning bay. It has been demonstrated that the proposed layout can accommodate the movement of motor vehicles appropriately and the reduction of an additional space is not necessary for a turning bay due to the proposal's compliance with the design standards of Clause 52.06.

Access

Vehicular access is planned via an accessway located along the subject site's Honeyeater Way frontage. The proposed access point is located slightly off-centre to the street frontage and is designed as a double-width access capable of accommodating simultaneous inbound and outbound movements. The proposed access is considered appropriate and in line with the applicable design standards.

Accordingly, the proposal satisfies the purpose of Clause 52.06, specifically:

- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Traffic Generation

The submitted traffic report outlines the estimated AM and PM peak-hour movements to be 0.73 per child place and 0.68. The trip generation rates from the undertaken survey were used to estimate the traffic flow the proposed childcare centre would result in. The estimated trip generation is contained within the extracted table from the provided traffic report:

| Use | Inventory | AM Peak Period 7:30am to 8:30am | | | | PM Peak Period 4:00pm to 5:00pm | | | |
|-------------------|-----------|------------------------------------|-------------|---|--------|------------------------------------|-------------|---|--------|
| | | Rate | | Estimated Peak Hour Two-Way Traffic Flow (veh/hr) | | Rate | | Estimated Peak Hour Two-Way Traffic Flow (veh/hr) | |
| Child Care Centre | 80 no. | 0.73 | | 58 | | 0.68 | | 54 | |
| | | 0.42 IN | 0.32 OUT | 33 IN | 25 OUT | 0.35 IN | 0.33 OUT | 28 IN | 26 OUT |

As demonstrated from the above table, the peak hour traffic volumes were generated by the proposed child care centre. For up to 80 child places, an estimated 58 vehicles per hour during AM peak hour (33 inbound / 25 outbound) and 54 vehicles per hour during PM peak hour (28 inbound / 26 outbound) are likely to occur.

Honeyeater Way would be classified as a Connector Street – Level 1 from Clause 56.06-8 of the Planning Scheme.

| Connector Street - Level 1 | |
|---|--|
| A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods. | |
| Traffic volume¹ | 3000 vpd |
| Target speed² | 50 kph ⁷ reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points. |

For the proposed 80-place child care centre, the estimated daily traffic volume is in the order 160 vehicle movements per day from the site access onto Honeyeater Way.

The classification of Honeyeater Way as a Connector Street – Level 1 confirms that the traffic generated by the proposal combined with the existing volumes is in the order of 5% of the road's capacity. Thus, the additional traffic generated by the childcare centre can be adequately accommodated within the surrounding street network.

Clause 52.34 Bicycle parking

In accordance with the Table to Clause 52.34- 4 (Bicycle facilities) no bicycle spaces, showers or change facilities are required to be provided for a Childcare centre.

Other matters

Noise impacts

An Acoustic Assessment prepared by SLR Consulting Australia Pty Ltd was provided with the application. The report assessed the noise impacts of the proposed Childcare Centre, undertaking noise logging in the rear yard of 135 Webster Way from Tuesday 1 March to Friday 17 March 2023 to quantify existing ambient and background noise levels.

The report recommends the following locations and heights for acoustic barriers:

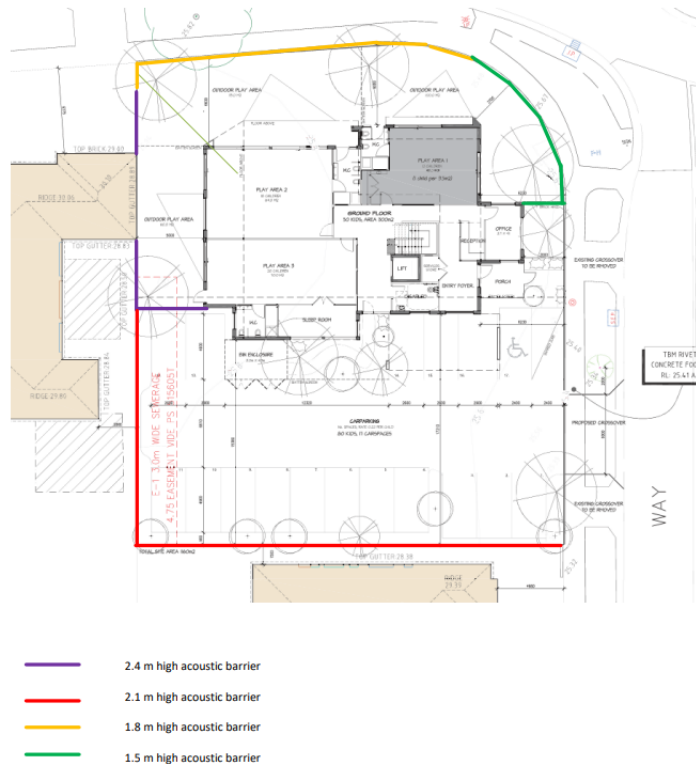


Image 7 – Ground Level Acoustic Barriers

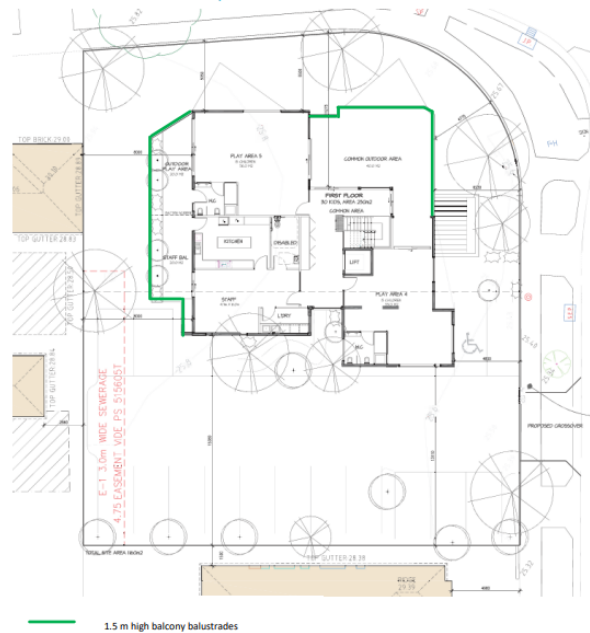


Image 8: First-floor Acoustic Barriers/Balustrades

Noise from children's activities in the outdoor play areas is predicted to comply with all identified noise limits provided that the proposed acoustic barriers and balustrades are constructed.

Acoustic barriers with a height of 2.1 m have been recommended for parts of the west and south boundaries of the subject site to control noise from motor vehicle activity during the night period (6:30 am to 7 am), when sleep disturbance criteria may be relevant. Whilst the fencing is high, the structures provide an appropriate level of noise mitigation in response to the car parking and outdoor play areas from the child care a use. The fencing also addresses concerns relating to privacy and overlooking.

The external traffic noise to the childcare centre will comply with the recommended AAAC Guidelines with the proposed noise barriers in place.

In summary, it is expected the proposed use will provide an acceptable amenity outcome to the surrounding residents provided that the recommendations within the acoustic report are adopted, which will be required as the report will form part of the endorsed plans.

Clause 66.02-11 Land use and transportation integration

Pursuant to Clause 66.02-11 an application to construct a building or to construct or carry out works for an Education Centre an application must be referred to the Head of Transport for Victoria (VicRoads), who is the determining authority. The application was referred to the relevant body to which no objection or conditions were received.

Response to Objections

The proposed use and development of a childcare centre has received seven (7) objections. The following is a summary title of the objection with a corresponding response to each broad summary title.

- Over saturation of use within the town

- The proposed childcare centre is in line with the demographic forecast trends of Pakenham and broader surrounding growth in townships within this area of the municipality. Childcare and education facilities within a per-urban township require consideration more broadly due to the confined number of required facilities. The nature of the municipality relying heavily on motor vehicles for transportation also provides an increasing user base for the proposed land use for commuters within and surrounding the municipality.
- Objections state an oversaturation of childcare areas within the township and highlight the need for more diverse services. It is noted that the planning scheme does not have a mechanism to which oversaturation of a particular use can be applied as a ground of refusal.
- Traffic/Congestion
 - It is considered that the traffic can be well managed and maintained by the existing road network and is an essential burden that can be adapted to service the township and workers with the wider and adjoining municipality. Access is proposed to occur along Honeyeater Way and will not impede the traffic or motor vehicle movement of Webster Way.
- Noise
 - The proposal adequately responds appropriately to the policies which address the emission of noise. Childcare centres are considered acceptable land use in a residential area if amenity impacts are appropriately managed. The provided acoustic assessment proposes acoustic fencing to reduce noise impacts to adjoining allotments from children in the outdoor play areas is considered to meet EPA guidelines. Additionally, the hours of operation are also considered reasonable to ensure that offsite amenity impacts from noise are managed and avoided where possible.
- Parking
 - The proposed childcare facility provides the required allocated amount of childcare as specified under clause 52.06. As such, the proposed childcare facility does not require a waiver of parking and has satisfied its burden under the planning scheme to provide adequate spaces for the intended use of the subject allotment as a childcare centre.
- Development Impact
 - Standard conditions will ensure that development occurs in a responsible manner which maintains and protects local and neighbouring infrastructure including street/boundary trees and accessways.
- Privacy
 - The development does not pose a risk of overlooking from the second level as the southern windows are setback 13 metres from the corresponding property boundary. Additionally, the western windows which are setback less than 9m will require alteration under condition 1 requirements to ensure overlooking does not occur from the second floor.

Conclusion

It is recommended that a Notice of Decision to Grant a Planning Permit be issued for the use and development of a Child Care Centre, in accordance with the approved plans, and subject to conditions.

Recommendation**Notice of Decision to Grant a Permit**

That Council having caused notice of Planning Application No. T220667 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as Lots 101 & 102 PS515605, 24-26 Honeyeater Way Pakenham, for the Use and development of a childcare centre, in accordance with the endorsed plans, subject to the following conditions:

Amended plans

1. Before the use or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one (1) electronic must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Elevations for the North, East, and South and West aspects of the development, including:
 - i. Dimensions and heights of all relevant components (such as floor levels, ceiling levels, overall height, balustrade height).
 - ii. Measures to address overlooking and noise mitigation.
 - b. Modification to the acoustic fencing in north-west corner of the land to provide visibility splay for neighbouring property to the west.
 - c. Notation that existing crossover to be removed will be reinstated with nature strip and kerb and channel.
 - d. Lighting details for the car parking area and entry path.
 - e. The column next to car space 14 to be designed in accordance with Diagram 1 of Clause 52.06 or car space/s to be widened to allow for car door opening.
 - f. A landscape plan in accordance with Condition 2.

Landscape plan

2. Before the development start/s, amended landscape plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one (1) electronic must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b. Buildings and trees (including botanical names, trunk location, trunk diameter and canopy spread) on neighbouring properties within three metres of the boundary (or where the Tree Protection Zones of such trees fall within the subject site as calculated in accordance with Australian Standards AS4970-2009 (or its successor/equivalent)).
 - c. Details of surface finishes of pathways and driveways.
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e. Landscaping and planting within all open areas of the subject site including:
 - i. Low and dense buffer planting with trees along southern and western boundaries.

- ii. Northern and eastern street interfaces and fenced areas to include dense buffer planting with trees to soften the hard fence edge along street edges.
- iii. Landscaped areas within the property boundary must be planted with shrub and groundcover species capable of achieving a minimum density of at least 85% coverage 12 months after planting.
- f. Any changes in response to the requirements of Condition 1.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for, or impede the movement of, vehicles or pedestrians.

Waste management plan

3. Before the development starts, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must include, but not limited to, the following:
 - a. That collection will only be undertaken from within the site.
 - b. How waste and recycling is to be managed and collected.
 - c. Calculations showing the amount of garbage and recycling expected to be generated.
 - d. Include a plan showing the location of the bin storage area on the site and details of screening from public view.
 - e. Details of the size of bins, frequency of collection and hours of collection.

Once approved, the Waste Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Stormwater management plan

4. Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction and approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. Trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

The stormwater works must incorporate the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on the subject land any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority.

No alterations to plans

5. The use and development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.

Number of children

6. No more than eighty (80) children may be cared for on the premises at any time.

Hours of operation

7. The Child Care Centre may only have children present on the site on Monday to Friday between the hours of 6.30am and 7.00pm.
8. Except with the written consent of the Responsible Authority, the Child Care Centre may only have staff present on the site on Monday to Friday between 6.00am and 8.00pm.
9. Except with the written consent of the Responsible Authority, children are only permitted within the outdoor play areas on Monday to Friday between 9:00am and 6:00pm.

Prior to occupation

10. Prior to occupation:
 - a. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - b. A commercial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - c. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.
 - d. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - e. The acoustic fencing as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
 - f. A bin storage area must be provided as shown on the endorsed plans and be screened so as not to be detrimental to the visual amenity of the neighbourhood to the satisfaction of the Responsible Authority.
 - g. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

Amenity (construction phase)

11. The works associated with the construction of the development must not detrimentally affect the amenity of the area, through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Inappropriate storage of any works or construction materials;
 - c. Hours of construction activity;
 - d. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil;
 - e. Presence of vermin;Or in any other way, to the satisfaction of the responsible authority.

Tree protection

12. Before the development commences, suitable tree protection barriers must be erected and maintained around the tree protection zone (TPZ) of all street trees. Once established the TPZ protection barriers must be maintained at all times and may only be moved to the amount necessary for approved works to occur within the TPZ. The movement of the TPZ barriers to allow such work shall only occur for the period that the works are being undertaken after which time the TPZ barriers must be reinstated.

Amenity (ongoing use)

13. Noise emissions from the land shall comply with EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (or as amended) at all times.
14. The acoustic fencing must be constructed and maintained in accordance with the recommendations of the Acoustic Planning Assessment prepared by SLR Consulting Australia Pty Ltd, Document Reference: 640.30659-R01, dated March 2023 as shown on the endorsed plans to the satisfaction of the Responsible Authority.
15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a. Transport of materials, goods or commodities to or from the land;
- b. Appearance of any building, works or materials;
- c. Emission of noise, artificial light, vibration, smell, flumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d. Presence of vermin

Or in any other way, to the satisfaction of the responsible authority.

16. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
17. External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
18. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level at all times satisfactory to the Responsible Authority.
19. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view at all times to the satisfaction of the Responsible Authority.
20. The site including all buildings and works must be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance to the satisfaction of the Responsible Authority.

Waste management

21. Provision must be made on the subject land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
22. All waste must be stored effectively to prevent odours from affecting neighbouring properties.
23. The Waste Management Plan approved under 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.

Landscaping

24. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

Earthworks

25. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
26. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

Stormwater management

27. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
28. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

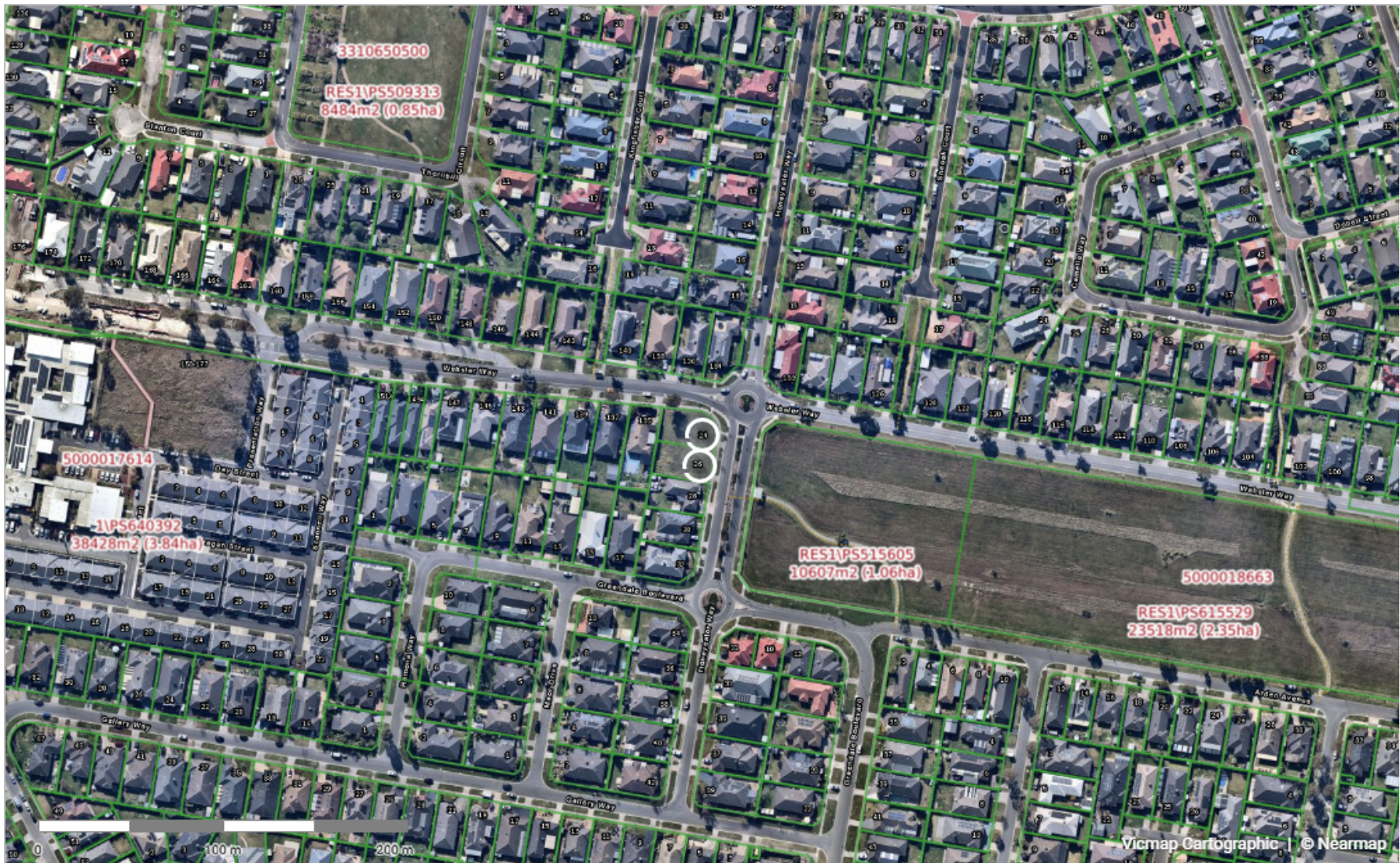
Expiry

29. This permit expires if-
- a. the development does not start within **two (2) years** after the issue of the permit; or
 - b. the development is not completed within **four (4) years** after the issue of the permit; or
 - c. the use does not start within **two (2) years** after the completion of the development; or
 - d. the use is discontinued for a period of **two (2) years**.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- A Building Permit may be required before the development commences. For more information, contact Council's Building Department or a Registered Building Surveyor.
- This Planning Permit does not represent the approval of other departments of Cardinia Shire Council or other authorities.
- A Works Within a Road Reserve (WWRR) Permit must be obtained from Council prior to the commencement of any works within the road reserve.
- Unless no permit is required under the Cardinia Planning Scheme, no sign/s may be constructed or displayed without a further permit.
- Stormwater management plan:
 - Council's Development Services team can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bio retention system, rainwater tanks connected for re-use and a detention system (if a storm water detention system is incorporated in the design it shall provide the same discharge as that of the pre-developed land).
 - The stormwater management plan must be submitted online at https://www.cardinia.vic.gov.au/info/20005/planning_and_building/1061/submit_your_engineering_plans



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