

T220667 PA – Use and development of a Child Care Centre – 24-26 Honeyeater Way, Pakenham VIC 3810

Responsible GM: Michael Casey
Author: Sasha Savanovic

Recommendation

- A. That Council resolve to issue a Notice of Decision to Grant a Permit for Planning Permit Application T220667 for the use and development of a Child Care Centre, in accordance with the approved 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 the 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

AND

- B. That Council authorise the Manager Planning and Design/Coordinator Statutory Planning to instruct Council's Statutory Planners and/ or Council's Solicitors on any future application for review at the Victorian Civil and Administrative Tribunal.

Attachments

1. T220667 PA - Officer Report [5.1.1 - 21 pages]
2. T220667 PA - Locality Map [5.1.2 - 1 page]
3. T220667 PA - Development Plans [5.1.3 - 11 pages]
4. T220667 PA - Landscape Plan [5.1.4 - 1 page]
5. T220667 PA - Applicant Reports [5.1.5 - 72 pages]
6. CONFIDENTIAL REDACTED - T220667 PA - Copy of Objections [5.1.6 - 16 pages]

Application Details

APPLICATION NO.:	T220667
APPLICANT:	Christopher Vaughan Architects
LAND:	Lots 101 & 102 PS515605, 24-26 Honeyeater Way, Pakenham VIC 3810
PROPOSAL:	Use and development of a Child Care Centre
PLANNING CONTROLS:	GRZ1 - General Residential Zone - Schedule 1 DCPO1 - Development Contributions Plan Overlay - Schedule 1

NOTIFICATION & OBJECTIONS:	<p>Application was notified via letters to adjoining/surrounding owners and occupiers and one sign on site.</p> <p>Seven (7) objections have been received on the following grounds:</p> <ul style="list-style-type: none"> ▪ Loss of privacy; ▪ Development impact; ▪ Traffic/congestion; ▪ Noise; ▪ Parking; and ▪ Over saturation.
KEY PLANNING CONSIDERATIONS:	Appropriateness of location of use, traffic, car parking and neighbourhood character, amenity impact
REASON FOR MEETING:	Application has received 4 or more objections (7 objections)
RECOMMENDATION:	Notice of Decision to Grant a Permit

Executive Summary

The application proposes the use and development of a Child Care Centre at 24-26 Honeyeater Way, Pakenham. The proposed Child Care Centre will operate from 6:30 am to 7:30 pm Monday to Friday with capacity for 80 children. The application proposes a new two-storey building with car parking (17 car spaces), outdoor play areas, landscaping, fencing and other associated services and amenities. A new vehicle crossing to Honeyeater Way is proposed, with the existing crossovers to be removed and reinstated.

The proposal responds positively to State and local planning policies. Child care centres are an acceptable land use in a residential area if design and amenity impacts are appropriately managed. The design is responsive to the residential context in size, scale and detailed design. The built form is double storey and provides appropriate front, side and rear setbacks. 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. Overlooking is managed in accordance with planning scheme requirements.

The application was accompanied by a traffic engineering report that has been reviewed by Councils traffic engineers. The proposal is supported by Council's Traffic Engineers and the Head, Transport for Victoria (Department of Transport). It is also noted that all requirements for parking have been provided and no reduction in the number of spaces is required.

The proposed use and development is considered acceptable, subject to conditions.

