

1 USE AND DEVELOPMENT OF THE LAND (EXISTING BUILDING) FOR A CHILD CARE CENTRE AT 34-35 RAILWAY AVENUE, BUNYIP

FILE REFERENCE INT194595

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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RECOMMENDATION

That a Notice of Decision to Grant Planning Permit T180627 be issued for the development and use of the existing building for a child care centre at 34-35 Railway Avenue, Bunyip VIC 3815 subject to the conditions attached to this report.

Attachments

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| 1 | Locality Map | 1 Page |
| 2 | Development Plans | 5 Pages |
| 3 | Copy of Objections - Circulated to Councillors only | 10 Pages |

EXECUTIVE SUMMARY:

APPLICATION NO.:	T180627
APPLICANT:	William Heseltine
LAND:	34-35 Railway Avenue, Bunyip VIC 3815
PROPOSAL:	Use and development of the land (existing building) for a Child Care Centre
PLANNING CONTROLS:	General Residential Zone – Schedule 1 Bushfire Management Overlay – Schedule 1
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the <i>Planning and Environment Act 1989</i> , the application was advertised by the placing of a sign on site and notices in the mail to adjoining property owners. Five (5) objections have been received to date.
KEY PLANNING CONSIDERATIONS:	Car parking, appropriate land use, providing for education and community facilities.
RECOMMENDATION:	Approval

BACKGROUND:

The subject site is located on the northern side of Railway Avenue, approximately 700 metres to the west of Main Street, Bunyip. The site currently contains a single storey, yellow-brick veneer dwelling which is constructed over both allotments, with a circular driveway providing access via two (2) crossovers at either end of the property frontage. The site was created on Plan of Subdivision 005888 on 8 May 1970, and has previously been used for both residential (dwelling) and non-residential uses, including being most

recently used as a Masonic Hall, which ceased operation in 2016.

The Planning Permit history of the site includes Planning Permit T130520 which was issued for the erection of a property identification sign (associated with the use of the land for a Masonic Hall) on 14 November 2013.

SUBJECT SITE



The site is located on the northern side of Railway Avenue.

Two (2) crossovers are located at either end of the street frontage. There are no easements located within the title boundaries.

The site currently contains a single storey brick dwelling, small outbuilding, a circular driveway and some scattered vegetation.

The topography of the land is relatively flat.

The main characteristics of the surrounding area are:

- North: Directly north of the site is a large allotment which currently contains the future residential subdivision 'Bunyip Meadows' approved by Planning Permit T041069 which was issued on 7 March 2007. Once completed this subdivision will add a further 136 lots within the immediate vicinity of the subject site.
- South: Directly south of the site is Railway Avenue. Further south is the Bairnsdale Railway Line, Pound Road Bushland Reserve, Bunyip Primary School and large agricultural allotments.
- East: Directly east of the site is 33 Railway Avenue which is a similarly sized allotment currently containing a single dwelling, outbuilding and scattered vegetation and gardens. Further east are other similarly sized allotments containing dwellings and outbuildings. Bunyip Town Centre and Main Street are also located approximately 700 metres to the east of the subject site.
- West: Directly west of the site is 36 Railway Avenue, which is also a similarly sized allotment containing a single dwelling and outbuilding. Further west are a number of other residential

allotments and larger parcels of agricultural land. Garfield Town centre is also located approximately 2.8 kilometres to the west of the subject site.

PROPOSAL

Approval is sought for the use and development of the existing building for a Childcare Centre. The application being made is largely for the use of the land for a Childcare Centre, with some minor works being required on the existing building in order to retrofit it for this use.

Proposed buildings and works:

The floor area of the existing building will remain relatively unchanged. The buildings and works required include updates to the façade of the building and a small addition to the rear of the existing building. These updates include the replacement of the existing tile roof with a corrugated Colorbond steel roof in 'Dune', rendering of the existing face brickwork in 'Paperbark', addition of weatherboard cladding in 'Paperbark', the replacement of guttering and window frames with Colorbond in 'Monument' and the addition of a Fieldstone feature wall to the entrance of the building.

The internal layout of the building will also be altered to cater for the different spaces required for each age group of children. The existing back yard area will be utilised for a secure outdoor play space for the children.

Building works will also include the paving and landscaping of the proposed car parking area to the front of the site and upgrades to the existing crossovers. A total of twenty (20) car spaces have been provided within the front setback, including one (1) disabled space and two (2) designated staff spaces.

Proposed use:

The centre is proposed to cater for ninety (90) children predominately under the age of five at any one time. This will include children ranging from infants and babies, to toddlers, up to pre-primary school aged children.

The centre will include three (3) main area's (baby room, toddler rooms and children rooms). The centre will be open between 6am and 6.30pm and will operate Monday to Friday.

PLANNING SCHEME PROVISIONS

State Planning Policy Framework (SPPF)

The relevant clauses of the SPPF are:

- Clause 13.02-1 Bushfire Planning
- Clause 13.07-1 Land Use Compatibility
- Clause 15.01-4S Healthy Neighbourhoods
- Clause 15.01-6S Design for rural areas
- Clause 17.01 Employment
- Clause 19.02-2S Education facilities

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.02-4 Wildfire management
- Clause 21.03-3 Rural townships
- Clause 21.04-1 Employment
- Clause 21.06-1 Design and built form
- Clause 21.05—6 Community services and facilities

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.05 Advertising Signs
- Clause 52.06 Car Parking
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Clause 21.07-6 Bunyip Township Strategy

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- *Improved Social Cohesion*
- *Reduce financial vulnerability*

Zone

The land is subject to the **General Residential Zone – Schedule 1**

Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay – Schedule 1

PLANNING PERMIT TRIGGERS

The proposal for the **use and development of the land (existing building) for a Child Care Centre** requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.08-2 of the General Residential Zone a planning permit is required for the use of the land for a Section 2 Use (Child Care Centre).
- Pursuant to Clause 32.08-8 of the General Residential Zone a planning permit is required to construct a building or construct or carry out works associated with a Section 2 Use (Child Care Centre).
- Pursuant to Clause 44.06-2 of the Bushfire Management Overlay a planning permit is required construct or carry out works associated with a 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 land.
- Placing a sign on site

Council has received five (5) objections to date.

The key issues that were raised in the objections are:

- Increased traffic and congestion issues;
- Impacts increased traffic will have to wildlife (particular Southern Brown Bandicoot);
- Child safety (potential for snakes and other wildlife to enter the play areas);
- Oversupply of Child Care Centre's in Bunyip; and
- Increased noise nuisance from Children playing outside and car's entering and exiting the site.

REFERRALS

CFA

The application was referred to the CFA as a statutory referral. The CFA had no objection to the proposal subject to conditions.

DISCUSSION

The Application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed use and development is determined to be consistent with these requirements.

State & Local Policy Framework

A number of state and local policies are relevant to this application, such as Clause 21.07-6 (Bunyip), Clause 13.02-1 (Bushfire planning), Clause 15.01-4S (Healthy Neighbourhoods), Clause 15.01-6S (Design for rural areas) and Clause 19.02-2S (Education facilities). These policies aim to strengthen the resilience of communities to bushfire risk, encourage safe and easy access to services, promote education facilities (Child Care Centres) within townships and achieve attractive, diverse, sustainable and liveable townships.

At a local level, Clause 21.04-1 (Employment) and Clause 21.05-6 (Community services and facilities) of the Local Policy Planning Framework is also relevant to this application. This includes objectives and strategies to help deliver a range of social services types to residential areas, while being consistent with the existing and/or preferred neighbourhood character.

Clauses 13.02-1 (Bushfire Planning) and 15.01-4S (Healthy Neighbourhoods) are also relevant to this application. These clauses aim to encourage bushfire resilient and responsive developments and to provide community infrastructure and job diversity to residential areas.

The proposed use and development responds to these clauses and will support the increase of housing close to the town centre of Bunyip, as well as support the current rate of growth and new families moving to the area. The proposed development will also contribute towards a diversity of jobs, while respecting the character of the area.

The proposed use and development of the existing building for a Child Care Centre is consistent with the aims and objectives of the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement. The provision of community infrastructure, particularly for children within this developing area is vital for a growing community and is consistent with the strategic direction of the area.

Bunyip Township Strategy

The key purpose of the Bunyip Township Strategy is to identify the key issues facing the township, and explain why they are important by providing objectives, policies and actions that can be implemented to overcome these issues. The strategy also acts as a guideline for the future development of the township and identifies key areas for future development, as well as guidance on what these future developments may look like.

This site is located in an established residential area with some existing local characteristics. Most lots within the vicinity are large residential allotments (1000 plus square metres) containing single dwellings, with a large residential subdivision being developed directly behind the site. The Strategy encourages a diversity of development types within this area, which complement the surrounding residential uses.

As discussed, the use and development of the land for a Child Care Centre is considered to compliment the surrounding residential uses. As the existing building will be utilised, with only minor changes being required to update the façade, the existing sense of spaciousness between this building and the surrounding dwellings and the continuity of building rhythm along streets with appropriate building frontage will remain relatively intact. A small addition to the rear and a car parking area within the front setback are also proposed, which is also considered consistent with the preferred neighbourhood character and pattern of development along Railway Avenue.

The Strategy also encourages the use of native vegetation in landscaping and minimal use of front fencing and sufficient open space for gardens in front setbacks. Low, high-density landscaping, which will be requested via a permit condition, will soften the built form of the proposed car parking within the front setback, as well as provide a habitat corridor and shelter for the Southern Brown Bandicoot. Further to this requirement, no front fencing is proposed, which would also allow the Southern Brown Bandicoot to move freely through the site (if they are using the site).

General Residential Zone – Schedule 1

The purpose of this Zone is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. These policies include the encouragement of development that respects the neighbourhood character of the area and to encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport, as well as allowing educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposed use of the land for a Child Care Centre is considered a compatible land use in a predominately-residential area. The site is located within close proximity of Bunyip Town Centre (700m to the east) and had up until 2016, been used for a Masonic Hall, therefore it could be considered that this site has historically been used for non-residential uses.

The site is considered capable of accommodating a facility of this size. This is given the availability of both allotments which the existing building is currently constructed over, the ability to provide two (2) separate access points to the site via the existing crossovers, its close proximity to Bunyip Town Centre and a large portion of new residential development to the north which the centre is expected to cater for.

The buildings and works required, as discussed above, are minor in scale with the only major change to the external appearance of the building being the inclusion of a car park in the front setback and landscaping. The proposal utilises the existing building, which will be updated with render, a Colorbond roof, stone feature wall and weatherboard features to create a more contemporary look. It will remain single storey and will retain its existing front and side setbacks, therefore building itself is unlikely to cause unreasonable amenity impacts to neighbouring allotments. It is considered that these updates will generally improve the appearance of this building from the streetscape.

The location of the site is also considered appropriate as Railway Avenue is a sealed road, located on the perimeter of the township and is considered capable by Council's Traffic Engineer to accommodate any increased traffic generation. It is within close proximity of Bunyip Town Centre and is a connecting road through to other townships such as Garfield to the west.

Considering the current growth of Bunyip, with 136 new lots due to be released directly to the rear of this site at the 'Bunyip Meadows' estate off Nylander Road alone, the need for community facilities such as Child Care Centres to accommodate the growing number of young families expected to establish themselves in Bunyip and its surrounds in the future, is evident.

The report accompanying this application outlines that there is currently only one (1) other 'long day care' (full day) Child Care Centre open and operating in Bunyip (Bunyip Childcare Centre – 65 Hope Street), supplying 75 spaces for a market demand for approximately 410 spaces according to current demographics and statistics.

Response to amenity and environmental based objections

It is acknowledged that one of the concerns raised by objectors was that there are already a number of Child Care Centres in Bunyip, notably a recent approval of Planning Permit T150742 at 31 High Street Bunyip which will cater for 92 children, and that the need for another seems unnecessary, however these statistics

appear to prove otherwise. Furthermore, these statistics are based on families currently living in Bunyip and its surrounds and does not account for new families, which are expected to eventually settle in the area once all the current land development is completed.

Another concern was raised about amenity and noise nuisance resulting from children playing and crying in and outside the facility, as well as the noise that will be generated from cars entering and exiting the site, especially in the earlier hours of the morning. While this is a valid amenity concern, measures can be put in place to ensure that this impact is minimised through landscaping and restricting the hours of operation.

In relation to the objections made on the basis of wildlife, in particular the protection of the Southern Brown Bandicoot, there are no environmental planning controls that apply to the site that require Council to give consideration to risks to flora or fauna. Although the concerns are acknowledged and have been considered, there is no basis in planning at the present time to support additional requirements to be imposed on the permit applicant as part of this application, especially since on balance the site is remaining relatively unchanged (two-crossovers already existing and the site has not historically been used as a dwelling).

However, having regard to the above, measures can be put in place through the Bunyip Township Strategy to provide for low, dense landscaping in the front setback, which as discussed above, has been requested via permit condition, which will be suitable for the needs of the Southern Brown Bandicoot.

Bushfire Management Overlay – Schedule 1

The Bushfire Management Overlay identifies areas where bushfire hazard warrants bushfire protection measures to be implemented in order to protect life and property. Pursuant to Clause 44.06-4, a permit is required to construct a building or carry out works associated with a Child Care Centre. Schedule 2 of the Bushfire Management Overlay does not require the referral of applications for a single dwelling or works associated with a single dwelling (which would otherwise require referral under the parent overlay) to the CFA as long as the application meets the application requirements.

As this application is for the use and development of the land for a Child Care Centre, which has considerable more risk in the event of a Bushfire, when compared to a single dwelling, the application was not exempt from referral under this overlay. Therefore, the application was referred to the CFA in accordance with Clause 55 of the *Planning and Environment Act 1987*.

The CFA provided a response requesting that a Bushfire Management Statement (BMS) and Bushfire Management Plan (BMP) be submitted, before they would provide comment or conditions. The applicant has provided this detail and the CFA were satisfied that based on the information in the BMS and BMP that all the requirements of Clause 52.47 could be met and therefore, due to the existing defendable space and the materials proposed, the potential risk to life and property is not expected to significantly change. The requirements of Clause 53.02 will be outlined in the BMP, which is required to be endorsed as part of any permit. A mandatory condition will also be placed on the permit to ensure that the bushfire protection measures are adhered to.

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 90 children; therefore, the use generates a requirement for 19 car parking spaces. A total of 20 car parking spaces (including 1 disabled space) are proposed on site and Council's Traffic Department are satisfied that the configuration and dimensions meet all relevant requirements.

The submitted plans includes landscaping across the frontage and the plans in their current form have been revised to satisfy Traffic's requirements in relation to sight lines and car parking dimensions. Furthermore, the existing layout of the front setback and crossovers to the property will allow for all vehicles to enter and exit the site via separate crossovers, which allows for safe access in and out of the site. Conditions will be placed on the permit to limit the number of children on site at any one time to comply with the car parking requirements.

Response to traffic based objections

Concerns raised in relation to traffic have been taken into consideration. Council's Traffic Engineer is satisfied that this road can accommodate the increased traffic, and given the site's close proximity to Bunyip's town centre, are satisfied that the intensification of this site is justified.

As discussed above, the application exceeds the car parking requirements in accordance with Clause 52.06 by one (1) car parking space, and conditions will be placed on the permit to ensure that traffic entering and exiting the site is done so safely and that only the car parking allocated to the site is used.

Furthermore, given the nature of the use, it is expected that children attending the centre will be picked up and dropped off at staggering times, unlike a school, which has a designated start and finish time, which is also expected to alleviate traffic concerns.

Clause 65 Decision Guidelines

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above complies with the relevant state and local policies and the purpose of the zone and overlays that apply to the site. The development is not expected to effect the rural-residential amenity of the area, nor should it have any negative effect on car parking, traffic flow or flora and fauna.

As such it is considered that the application has appropriate regard to the decision guidelines and should be supported.

CONCLUSION

It is recommended that a Notice of Decision to Grant a Planning Permit **T180627** be issued for the **development and use of the existing building for a child care centre at 34-35 Railway Avenue, Bunyip VIC 3815** subject to the following conditions.

CONDITIONS

1. Before the use and development starts, a landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Details of surface finishes of pathways and driveways with the use of varied materials and finishes in order to break up the expanse of sealed surfaces.
 - 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 land.
 - f) Three (3) canopy trees (minimum two metres tall when planted) with a minimum mature height of 5 metres within the front setback.
 - g) Low-lying shrubs and ground covers forward of the car park capable of softening the appearance of the sealed areas.

All species selected must be to the satisfaction of the Responsible Authority.

2. The use and development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. The use allowed by this permit may only operate during the following hours:
 - a. Monday – Friday: 6.00am until 6.30pm.

The hours of operations must not be altered without the written consent of the Responsible Authority.

4. A maximum of ninety (90) children may be cared for on the site at any one time, without the written consent of the Responsible Authority.

5. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
6. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.
7. Before the use commences or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
8. 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.
9. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

10. Before the development is occupied:
 - 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 residential 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.
11. 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.
12. 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.
13. Stormwater works must be provided on the subject land so as to prevent overland flows onto adjacent properties.

14. 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.
15. The dimensions and layout of the proposed access and parking areas must be in accordance with the requirements of Clause 52.06 of the Cardinia Planning Scheme.
16. The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purposes.
17. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be carried out entirely within the site and must not interfere with other traffic
18. Vehicles under the control of the operator of the building, including staff and customer vehicles, must not be parked in any nearby road.
19. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
20. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
21. The use must be managed to the satisfaction of the Responsible Authority 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, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
 - d. presence of vermin.
22. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
23. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
24. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.
25. All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
26. No signs other than those allowed by Clause 52.05 (Signs) of the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.
27. The Bushfire Management Plan prepared by Fire Front Consultancies, drawing no. Version 2, dated 03/12/2018 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
28. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Expiry:

This permit for the use and development of land expires if—

- a) the use does not start within **two (2) years** after the issue of the permit; or
- b) the use is discontinued for a period of **two (2) years**.
- c) the development does not start within **two (2) years** after the issue of the permit; or

d) the development is not completed within **four (4) years** after the issue of the permit.

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 for this development. To obtain a building permit you will need to contact a registered building surveyor.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.











