



7 Torquay Road Belmont

Use and development of a childcare centre and the display of business identification signage



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## 1. Introduction

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Sincock Planning continues to act on behalf of [REDACTED] in the preparation and lodgment of the planning permit application for the use and development of an 80 place childcare centre (incorporating 3 yr and 4yr old kindergarten) and the display of business identification signage.

The site is within General Residential Zone Schedule 4 and adjoins the Transport Zone Schedule 3 (Torquay Road). Permission is not required to alter (remove) access to Torquay Road given it is a Zone 3 road.

This report is prepared in response to the RFI and the amended single storey building design. The report adopts the current car parking requirements as adopted by Amendment C311.

The site has no canopy trees and therefore permission is not required for the removal of canopy trees pursuant to Clause 52.37.

The application is consistent with the zone and policy framework, and a full assessment of the planning scheme is contained in sections 4 & 5.

## 2. Proposal

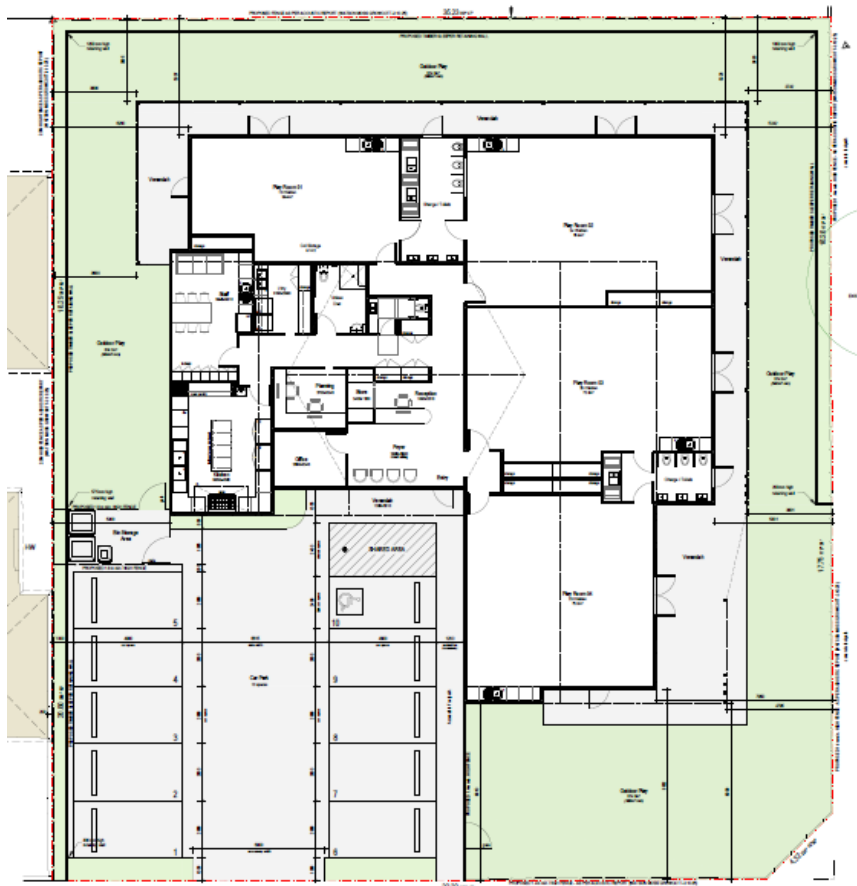
The application proposes the use and development of a childcare centre and the display of advertising signs.

The dwelling is to be demolished and the site cleared (no planning permission required for this) and a single storey building constructed for use as a childcare centre.

The centre will face Dorothy Avenue and comprise four large playrooms on the north and east sides of the building that all open out to the outdoor play areas. The kitchen, laundry, staffroom, offices and reception foyer are all located in the south-west corner of the building.

The building is designed to provide the required 3.25m<sup>2</sup> of indoor space and 7m<sup>2</sup> of external space per child.

The building will have a 8.01m front setback to Dorothy Avenue, 5.301m wall setback to Torquay Road (3.801m to the verandah), 5.3m setback to the west boundary and 5.307m setback to the north boundary.



1.4m high fencing is proposed to the south and east boundaries to provide for child safety, with taller fences to the north and west boundaries abutting neighbouring lots, whilst the car park entry to the south will be unfenced. 10 car parking spaces are provided in this parking area, one of which is an accessible space adjacent to the building entry.

The building is cut into the site and as such has a low overall height of 6.157m.

Materials and finishes include vertical cladding and corrugated roof sheeting. Specific colours have not been chosen however muted natural tones are proposed.



Street elevation Dorothy Avenue

The operating hours are as follows:

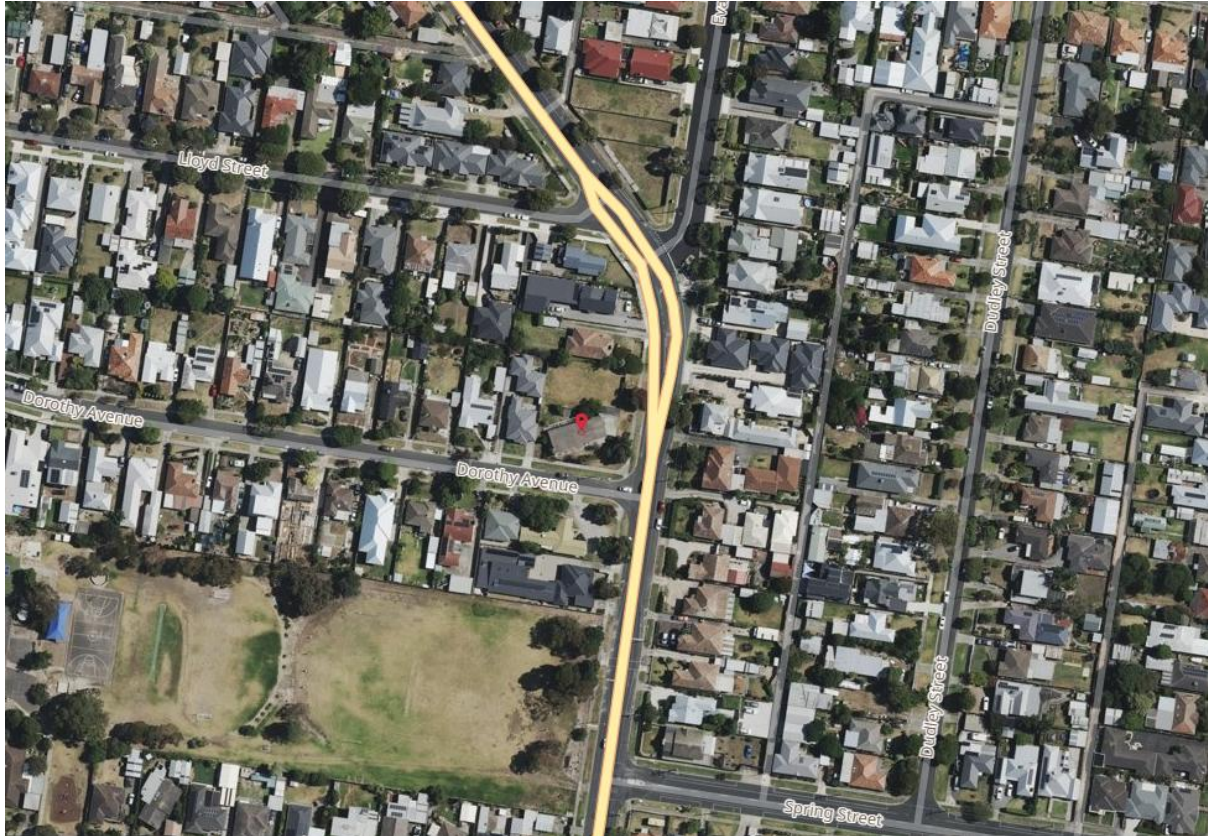
- Monday to Friday 6.30am-6.30pm

Two small business identification signs are proposed, one being 3sq.m in area and attached to the south wall of the childcare centre adjacent to the car park, and the other being a 2m<sup>2</sup> incorporated into the Torquay Road fence.

### 3. Existing site conditions

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The subject site is located on the north-west corner of Torquay Road and Dorothy Avenue Belmont. The site is developed with a dilapidated single storey fibro dwelling and has a double frontage to Torquay Road. The surrounding area is residential with High Street Belmont shopping strip being only 500m away in a north-westerly direction.



The site has an area of 1375m<sup>2</sup> and has a 1.5m fall from the north-west corner to the south-east corner. Vehicle access is currently via Torquay Road and the side fence to the east is setback in line with the front of the garage. Fencing to the north and west varies between 1.7-2m high paling fences. No fencing exists along Dorothy Avenue although a low rock retaining wall does extend along part of the boundary.



*7 Torquay Road as seen from Dorothy Ave (left) and Torquay Road (right)*

To the west are two single storey dwellings at 51 & 53 Dorothy Avenue. The front dwelling has vehicle access along the east side of the property to a single garage and the SPOS of the dwelling is located to the north of the dwelling.

The rear dwelling has vehicle access along a driveway on the west side of the property and the SPOS is located in the north-east corner of the property.



*53 Dorothy Avenue*

To the north is a single storey orange brick dwelling with detached garage at 5 Torquay Road. The property has no front fence and paling fences to other boundaries. The SPOS of the dwelling is to the rear of the building and the western end of the property.



*5 Torquay Road*

To the east side of Torquay Road, directly opposite the site, are dwellings at 4 & 6 Torquay Road. At 4 Torquay Road is a multi dwelling development comprising a two storey light brick dwelling at the front with SPOS located behind the timber paling fence, whilst the other dwellings are located at the rear. Only the single storey white weatherboard dwelling is visible from the street, this dwelling being at the north-east corner of the property. A third single storey dwelling is located in the south-east corner of the property and has limited visibility from the front.



*4 Torquay Road*

There are three dwellings at 6 Torquay Road, the front one being a single storey brick dwelling. A brick and metal fence is located along the front boundary and the front garden is well maintained and contains some mature vegetation. The remaining two dwellings also appear to be single storey, although they have limited visibility from the street.



*6 Torquay Road*

## 4. Zoning Provisions

The property is within the General Residential Zone Schedule 4 and adjoins land in the same zone to the north, east and south whilst land to the west is in the Neighbourhood Residential Zone Schedule 8 as shown on the map below.



**Non-residential use and development**

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

**Planning Policy**

Policy as set out within the Planning Scheme provides strategic direction and guidance in decision making to achieve good planning outcomes. Of relevance to this proposal are the following relevant Municipal Planning Strategy policies:

- Clause 02.03 Strategic Directions
- Clause 12 Significant Environments and Landscapes
- Clause 13 Amenity, Human Health and Safety
- Clause 15 Built environment and heritage
- Clause 17 Economic Development
- Clause 18 Transport

Particularly relevant objectives and strategies within these policies include:

Clause 02.03-5 Built environment and sustainability***Built environment***

*Geelong's sense of place and identity is valued by its community. Council seeks to balance growth in the municipality while maintaining its identity by identifying areas for varying levels of change and by balancing the need for conservation and renewal. Medium density housing can have a greater impact on neighbourhood character than traditional detached housing. As housing density intensifies, it is important that housing makes a positive contribution to the neighbourhood. The protection of amenity and facilitation of environmentally sustainable and healthy development that will benefit and improve the community's quality of life is at the forefront of Council's built environment goals.*

***Strategic directions***

- *Ensure that development enhances Geelong's sense of place and identity.*
- *Support the design and provision of healthy, walkable neighbourhoods.*
- *Encourage environmentally sustainable design in all development.*
- *Encourage all development to provide high quality urban design and landscaping.*

Clause 15.01-1S Urban design

Objective - *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

## Strategies

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*

Clause 13.05-1S Noise management

## Objective:

- *To assist the management of noise effects on sensitive land uses.*

## Strategies:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.07-1L-01 Non-residential uses in residential zones

## Objectives:

- *To provide for non-residential uses that serve the needs of the local community.*
- *To support non-residential uses that are compatible with the residential character, scale and amenity of neighbourhoods.*

## Strategies

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

#### Location strategies

- *Locate non-residential uses on sites that have access to a road in a Transport Zone.*
- *Discourage non-residential uses from locating on sites in a local access street or lane.*
- *Locate non-residential uses where they will benefit and be convenient to local residents.*
- *Avoid a concentration of non-residential uses where it would:*
- *Create a de-facto commercial area.*
- *Isolate residential properties.*
- *Contribute to unplanned expansion of commercial or mixed use zones into surrounding residential land.*

#### Amenity strategies

- *Consider as relevant:*

*Encouraging non-residential uses to locate on sites where they will not unreasonably affect the amenity of the surrounding residential area due to existing conditions or locational attributes.*

*Whether noise attenuation measures should be provided.*

*Designing or locating all external noise sources (such as air-conditioning, heating, plant equipment etc) to minimise noise emissions to adjoining properties.*

*Limiting loading and unloading of vehicles to between the hours of 8am and 6pm.*

#### Design and siting strategies

- *Facilitate the re-use of buildings originally built for non-residential purposes.*
- *Site and design buildings to respect the siting and layout of adjacent buildings.*
- *Design development to respect the existing neighbourhood character and reflect a residential scale and appearance, particularly with regard to:*
  - Building and roof form.*
  - Building height and setback.*
  - Design detail (including façade articulation, verandahs, window and door style and placement).*
  - Building materials.*
  - Colours and finishes.*
- *Locate air-conditioning, heating and plant equipment to avoid being visible from the public realm and adjoining properties.*

#### Landscaping strategies

- *Provide planting on site that maintains the landscape character of the area.*
- *Retain significant trees where practicable.*
- *Set aside the front setback of sites for landscaping.*
- *Provide landscape buffers between adjoining properties and areas used for access and parking on the site.*

Car parking and traffic strategies

- *Locate car parking areas so they do not dominate the streetscape by locating them at the side or rear of the site.*
- *Support uses where the traffic generated by the use can be accommodated within the surrounding street network.*
- *Support uses that can accommodate parking on site and do not create significant increases in on-street parking demand.*

Clause 15.01-1L-03 Signs in urban environments

This policy applies to all urban land in the municipality.

## Objective

- To encourage signs to meet the objectives of the City of Greater Geelong Sign Guidelines (February 2024).

## Strategies:

- Encourage signs to meet the strategies of the City of Greater Geelong Sign Guidelines (February 2024).

Clause 15.01-2S Building design

## Objective

- To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

## Strategies

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures that encourage:
  - Passive design responses that minimise the need for heating, cooling and lighting.
  - On-site renewable energy generation and storage technology.
  - Use of low embodied energy materials.
- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban

#### Clause 15.01-2L Environmentally sustainable development

This policy applies throughout the municipality to residential and non-residential development, excluding subdivision, in accordance with the threshold detailed in this policy other than where an ESD plan or framework has been previously approved.

#### Objective

- To achieve best practice in ESD from the design stage through to construction and operation.

The policy provides objectives to be satisfied where applicable under the following headings:

- Energy performance
- Water resources
- Indoor environment quality
- Stormwater management
- Transport
- Waste Management
- Urban ecology

#### Assessment

Clause 13.07-1L-01 provides direction for discretionary uses in residential areas in Greater Geelong. This policy was prepared prior to the new residential zones being gazetted, when there were no decision guidelines applicable to section 2 and provided guidance for the Responsible Authority when considering applications of this nature. The policy remains in place since the new zones were gazetted and is now used in conjunction with the decision guidelines of the zone that essentially seek to consider the same matters.

The proposed site has been purchased for use and development as a childcare centre as the site attributes support this form of development due to its main road location, proximity to a primary school, large site area and location within Belmont which has a high population of young families. Further, the site is not constrained by any overlay controls that that constrain siting or built form, nor are there any environmental matters including vegetation or flooding that affect the site.

Neighbouring dwellings are sited and designed such that all siting, setback and amenity standards of Clause 54 are easily achieved and impacts on neighbours from overlooking or overshadowing are non-existent due to the single storey building scale and large setbacks.

The following assessment responds to the objectives and the policy statements separately, in the same order as shown in Clause 13.07-1L-01. The objectives are addressed as follows:

- *To provide for non-residential uses that serve the needs of the local community.*
- *To support non-residential uses that are compatible with the residential character, scale and amenity of neighbourhoods.*

The zone purpose recognises a long standing expectation that residential land will sometimes be developed for commercial type uses that provide a necessary and desired service to the local community. These can include all manner of uses such as kindergartens, schools, convenience shops, maternal health centres, medical centres, childcare centres and petrol stations that the residential community will use and benefit from the proximity to their homes.

As many VCAT decision have identified, childcare centres are essential to a 21st century residential community and these centres are most commonly located in residential zones where they provide convenience for the families who need to use them.

The site is located on Torquay Road which is a main road (TRZ3) and vehicle access is provided via the side street (Dorothy Avenue) to a car park that accommodates 10 car parking spaces, none of which are tandem and therefore none are constrained in their use throughout the day.

Parking is accommodated on site in full as required by the parking provisions at Clause 52.06. Provision of parking at the full parking requirement will ensure that impacts from parking within the street and surrounds are minimised, and more importantly that parking will not place undue pressure on the on-street parking in the neighbourhood generally.

The proposed building is a simple single storey contemporary form that is cut into the slope (north) such that the highest point of the building of the building has a maximum height of 6.157m above natural ground level, this reflecting a fairly common single storey scale.

The low height maintains an appropriate building scale in a residential setting where the built form is compatible with the residential character and scale of the area. The building is sited to exceed the requirements of Clause 54 (ResCode) and as such overshadowing does not increase beyond the site (at the equinox).

Whilst there are windows facing neighbouring properties, these are single storey and generally cut into the site such that, with the proposed boundary fencing, do not result in any overlooking of any residential dwelling or its SPOS.

VCAT have identified in its various decisions that childcare centres can have implications in terms of planning considerations, such as amenity and traffic impacts, and these matters have been the subject of objections and appeals throughout Victoria. Traffic expertise was obtained in the early design phase of the application to ensure the plans were prepared accommodating the required parking (and in fact exceeding it). The assessment also confirmed that the traffic generation was acceptable when considered in conjunction with likely walking trips and existing traffic in the road network, confirming again that the development would have minimal net impact on the function of the surrounding road network.

The specific strategies and guidelines of Clause 13.07-1L-01 are addressed as follows:

#### Location and amenity strategies

- *Locate non-residential uses on sites that have access to a road in a Transport Zone.*
- *Discourage non-residential uses from locating on sites in a local access street or lane.*
- *Locate non-residential uses where they will benefit and be convenient to local residents.*
- *Avoid a concentration of non-residential uses where it would:*
  - Create a de-facto commercial area.
  - Isolate residential properties.
  - Contribute to unplanned expansion of commercial or mixed use zones into surrounding residential land.
- *Consider as relevant:*
  - *Encouraging non-residential uses to locate on sites where they will not unreasonably affect the amenity of the surrounding residential area due to existing conditions or locational attributes.*
  - *Whether noise attenuation measures should be provided.*
  - *Designing or locating all external noise sources (such as air-conditioning, heating, plant equipment etc) to minimise noise emissions to adjoining properties.*
  - *Limiting loading and unloading of vehicles to between the hours of 8am and 6pm.*

The proposed use is located on Torquay Road which is a Transport Zone 3 and carries a reasonably high volume of traffic in a north south direction through Belmont.

The vehicle access and parking areas are accessed from Dorothy Avenune and abut the neighbouring garage and driveway, with no parking spaces directly abutting the SPOS of any neighbouring property. This layout reduces any potential amenity impacts on the adjacent dwelling as vehicle movements are generally sited adjacent to the neighbouring garage wall and not sensitive spaces within the dwelling.

Parking space 5 is sited opposite a habitable room window, however also adjoins a proposed 2m high acoustic fence which will reduce noise impacts beyond the site. This space could be nominated as staff parking only in order to reduce the number of vehicle movements adjacent to the habitable window on the east side of the dwelling if Council consider this is necessary.

The use will benefit the local community via the provision of childcare spaces for families that live and/or work in the local area. Operating hours are proposed to be 6.30am to 6.30pm Monday to Friday only, as such ensuring that neighbours have no noise or traffic impacts on the weekend, whilst these hours are generally accepted as being standard operating hours for childcare centres in similar residential locations.

The site lies within close proximity of Oberon Primary School and provides a benefit to parents who have children needing both childcare and primary school spaces, with parents able to do dual drop offs within the same general location. Whilst the site could continue to be used (and further developed) for more intensive residential uses, its size, proximity to High Street, and its suburban Belmont context, makes an ideal site for childcare purposes that caters for the local community.

It is our view that the amenity of the immediate area will not be compromised by the proposed change of use, with vehicle entry and exit located adjacent to the neighbouring garage and driveway, with car parking located at the front of the site and away from neighbouring SPOS. The car park design does not rely on tandem parking, making the car park efficient to use. The proposed parking location will minimise impacts on neighbours with the play areas located to the north and east of the site at the front of the site adjacent to the main road where traffic noise and volumes already exist.

Loading and unloading is limited to standard waste, food delivery and small volumes of office supplies. Office supplies are typically transported by standard vehicles that can utilise the car park for their deliveries. Food will be delivered outside of the peak arrival and departure times to ensure access is available and parking is not interrupted. As childcare centers operate on a long day schedule, timing of these deliveries is reasonably easy to manage.

Waste from the premises will be collected by a private contractor with one collection each of general waste, organics and recycling, essentially replicating a standard residential collection frequency. A waste management plan is included in the submission and this recommends a 6.4m long mini loader undertaking the collection outside of peak drop-off and pick-up times to ensure safe access onto and within the site.

Watson Moss Growcott have undertaken acoustic testing and modelled noise impacts associated with the childcare centre. They have made a number of recommendations in order to minimise noise emissions from the site - the report should be read in totality to understand the guidelines used, assessment criteria and the various VCAT decisions.

The report however at Section 10 makes numerous recommendations for noise mitigation in general operations, mechanical services, car parking areas, waste management and general noise management. The assessment of noise from children playing outside has been modelled on the basis of all children playing outside simultaneously which is obviously a worst case scenario, and therefore reduced noise volumes are expected in reality as children will rarely, if ever, all play outside at the same time.

*The assessment works have included noise modelling to calculate noise emissions associated with the proposed use including due to services equipment, waste collection, and noise due to children occupying outdoor areas associated with the proposal.*

*The findings of the assessment conclude:*

- *Practical barriers have been incorporated in the proposed design, which on this occasion result in residual noise levels consistent with the AAAC guideline values and values which have been commonly considered appropriate by Victorian Responsible Authorities and in VCAT determinations.*
- *With suitable equipment selections and setbacks from residential boundaries, noise due to services equipment at the site can be adequately attenuated to comply with Noise Protocol noise limits at sensitive residential receptors.*

*When addressing waste collection noise from the site, it would be recommended that collection events are limited to between 7:00am and 6:00pm Monday to Saturday to align with both the Noise Protocol noise limit requirements, and the intent of EPA Publication 1254.2.*

Providing these recommendations are adopted ongoing, acoustic impacts on neighbouring dwellings will be within the acceptable limits for noise and therefore not result in any significant loss of amenity. We note that the centre only opens Monday to Friday such that weekday night noise and weekend noise from the site will not occur.

Section 10 of the acoustic report sets out detailed recommendations that must be read in full. Those that will require the submission of plans and reports via permit condition, include the following:

#### *Mechanical Services Equipment*

*Given the early stages of the project, definitive strategies cannot be provided regarding noise control and equipment operating parameters. Based on the current design, the proposal has nominated a rooftop plant platform setback from site boundaries by 8-10m.*

*Pending the finalised equipment selections, and configuration, the platform may require a barrier to provide shielding to the R01 and R02-R03 receptors to the north and west.*

*WMG expects that achievement of compliance with Noise Protocol noise limits can be included as a Permit condition for the proposal to satisfy any Council concerns. Further to the Permit condition however, WMG recommends that a review is undertaken by an acoustic consultant once the equipment design has been finalised.*

#### *General Noise Management Recommendations*

Part of controlling noise emissions associated with the proposal will rely on facility management being active and aware of potential noise issues. It may be suitable for the facility to prepare a noise management plan which identifies potential issues and includes set processes to minimise noise emissions where practicable.

*Guideline recommendations for minimising site noise emissions which could form part of the noise management plan include the following:*

- *Implementing management plans for non-typical events (eg. crying) within outdoor areas to ensure that the events are relocated to indoor areas and resolved promptly.*
- *Communication with parents / guardians relating to expectations during arrival and departure from the subject site. This will include minimising loud communication, and operating vehicles in 'reasonable' manner.*
- *Clear signage within car parking areas which notifies parents / guardians to be aware of their surroundings and to conduct themselves in a 'reasonable' manner.*

- *Provision of facility contact details for parents and neighbours to facilitate communication and to resolve any neighbourhood issues that may arise due to operation of the Centre.*
- *Staff to be educated to control their volume of voice when located outdoors.*

For consistency the recommendations of the acoustic report are adopted by plans and reports prepared by designers and other consultants, and we note that the following is proposed on plans and in expert reports:

*The proposed hours of 7am-6pm M-F have also been recommended by the waste consultants;*

*Landscape design has provided for clear visibility when departing the car park;*

*Gates are noted on the plans as being fitted with rubber stops or slow closing mechanisms;*

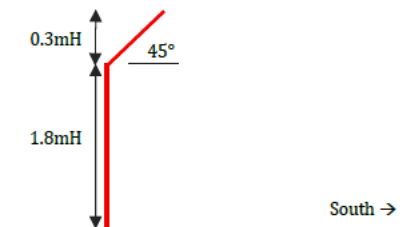
*Mechanical plant location is shown on the plans, however permit conditions should ensure the equipment is reviewed by an acoustic consultant once equipment is chosen, and barriers, if required, would require further consent from Council prior to being installed;*

*A noise management plan would be prepared as a permit condition to confirm general noise management practices and procedures;*

*Operating hours and child numbers are specifically sought by the application and a permit condition will likely be issued that provides for these hours and on site numbers;*

*Waste collection requirements are also recommended in the waste management plan and would be applied via permit conditions;*

*The acoustic barrier requirements are noted on the plans and will be installed during construction. The acoustic fences are proposed on the boundary and therefore represent a height above the existing natural ground level. Where fences exceed 2m in height, an alternate design is available that provides for a 1.8m high fence with an angled section that would need to have a vertical height of 0.3m, and could extend back toward the south at 45deg for 0.3m to provide the relevant noise shielding as seen in the image below:*



*Figure 4: Illustration of Indicative 2.1m High Barrier Proposed for the Northern Site Boundary (NTS)*

### Design and siting strategies

- *Facilitate the re-use of buildings originally built for non-residential purposes.*
- *Site and design buildings to respect the siting and layout of adjacent buildings.*
- *Design development to respect the existing neighbourhood character and reflect a residential scale and appearance, particularly with regard to:*
  - Building and roof form.
  - Building height and setback.
  - Design detail (including façade articulation, verandahs, window and door style and placement).
  - Building materials.
  - Colours and finishes.
- *Locate air-conditioning, heating and plant equipment to avoid being visible from the public realm and adjoining properties.*

The application proposes a purpose designed building that is sited and designed to maximise setbacks to boundaries, minimise impacts to neighbours and address building scale and bulk by a single storey structure along with a substantial site cut to the north where the building is cut up to 1.2m into the site. These design outcomes result in a building that has a maximum height of 6.157m.

The proposed siting and design maximizes open space around the site boundaries and eliminates any visual bulk from neighbouring properties. The northern end of the building has a flat roof to limit built form and massing from the immediate neighbours and this also reduces the scale of the building as people drive past the site along Torquay Road.

Further, the first floor is sited away from the boundaries such that at the closest point it is 5.328m from the northern boundary and 5.35m from the western boundary. These setbacks far exceed any ResCode provisions that would apply to a single storey dwelling and these setbacks effectively manage off site impacts of building scale and bulk whilst overshadowing is contained within the site.

The building has a simple contemporary form including flat and gable roof forms, lightweight cladding and earthy tones that is be respectful of the housing character of the immediate area. , The intent of the design and built form principles is not to ensure commercial buildings mimic residential dwellings, but to have maintain an appropriate appearance in a residential setting. Numerous VCAT decisions support one and two storey childcare centres in typical residential locations given the buildings are compatible with the residential character. We submit that the proposed single storey structure is appropriate in this residential context and has been sited appropriately to protect amenity and outlook for neighbours.



*Dorothy Ave streetscape*

Plant and equipment (heating and cooling) is nominated on the flat roof on the north side of the building and the acoustic report recommends review of equipment by an acoustic consultant prior to installation to ensure amenity impacts are managed. If barriers are required to protect the adjacent windows, these will need to be shown on plans and resubmitted to CoGG for approval.

Visually the equipment is sited 8-10m from site boundaries and at single storey height will not result in unreasonable visual impacts.

The building extension is consistent with the objectives and standards of Clause 54 as set out, being:

Clause 54.03-1 Street setback.

A 4m setback is required to Dorothy Avenue, and this is exceeded, with the centre having a 8.01m setback.

The side setback to Torquay Road of 3.801m to the verandah and 5.301m to the wall also exceeds the requirements of the standard.

Clause 54.04-1 Side and rear setbacks.

The side and rear setback standard is exceeded to the north and west boundaries with minimum 5.3m setbacks proposed to single storey walls.

Clause 54.04-2 Walls on boundaries.

N/A

Clause 54.04-3 Daylight to existing windows.

Daylight to windows is exceeded to all neighbouring dwellings windows.

Clause 54.04-4 North facing windows.

N/A

Clause 54.04-5 Overshadowing open space

The shadow impacts of the childcare centre are generally contained within the site, with no shadow cast beyond the boundary at 9am. Given the corner location, and the single storey form, there are no shadows cast onto any other property.



9am shadow

The shadow impacts meet the standard A14 in totality.

#### Landscaping strategies

- *Provide planting on site that maintains the landscape character of the area.*
- *Retain significant trees where practicable.*
- *Set aside the front setback of sites for landscaping.*
- *Provide landscape buffers between adjoining properties and areas used for access and parking on the site.*

The site is cleared of vegetation, having been overgrown and poorly managed in the past. Whilst some mature vegetation was removed, the proposed landscape design has been carefully considered and prepared to enhance the site and provide for shade within the play areas and a densely planted and colourful garden layout with a mix of large and small trees throughout the site (84 trees of 3m+ size at maturity).

The garden design provides various play areas and defined spaces that will offer different experiences for the children. The playground spaces include softfall and sand pit spaces and they incorporate teepees and mud kitchens that provide for creativity and sensory play.

Low planting is proposed around the car park and entry area so that visibility is maximised within the car park whilst there is colour and texture around the perimeter of the space, whilst a climbing fig is proposed to grow on a frame adjacent to the neighbouring garage wall to soften that wall and provide more height to planting in the parking area.

The well considered landscape design provides for an attractive outlook from residential properties that adjoin the site, with perimeter tree planting providing some privacy and extensive greenery that, when mature, is well visible above fences and softens the outlook toward the site for neighbours. Nine larger trees are planted in the play area for shade and to provide greater height for trees more visibility beyond the site.

The proposed landscape design is interesting and will create an attractive setting for the proposed childcare centre and is responsive to the landscape character of the area.

#### Carparking & traffic strategies

- *Locate car parking areas so they do not dominate the streetscape by locating them at the side or rear of the site.*
- *Support uses where the traffic generated by the use can be accommodated within the surrounding street network.*
- *Support uses that can accommodate parking on site and do not create significant increases in on-street parking demand.*

The site is laid out in such a manner that parking can only reasonably be provided within the front setback area, and this is ideal given its abuttal to the neighbouring garage and driveway as it reduces abuttal to higher order amenity spaces.

The site layout provides for 10 spaces on site which achieves the required parking ratio based on staff levels. The report addresses parking requirements, traffic generation, distribution and impacts and concludes as follows:

- *The proposal seeks to provide 10 on-site car parking spaces achieving the minimum statutory requirement.*
- *The vehicle access arrangements and car park layout have been designed in accordance with the requirements set out within Clause 52.06 of the Greater Geelong Planning Scheme and relevant sections of the Australian Standard (AS2890 series);*

- *Loading is to be conducted with a vehicle up to the size of a 6.4 metre long small rigid vehicle (SRV) within the on- site car park outside of peak drop-off and pick-up times of the childcare centre. The swept path assessment shows that an SRV is able to enter the site in a forward direction, manoeuvre within the site, and egress the site in a forward direction in a satisfactory manner. Loading may occur from time to time using an 8.8 metre medium rigid vehicle (MRV) outside of operating times of the childcare centre. The swept path assessment shows that the MRV is able to enter the site in a forward direction, manoeuvre within the on- site car park and egress the site in a forward direction.*
- *Waste collection is to occur on- site by private contractor using a 6.4 metre small rigid vehicle (SRV) outside of peak drop-off and pick-up times of the childcare centre.*
- *The proposal is expected to generate in the order of 64 vehicle movements during both the AM and PM peak hours, which are anticipated to be mostly comprised of vehicle trips already on the road network by parents driving to and from work or local parents working from home who would have otherwise needed to drive their children to another childcare centre outside of the precinct. The proposed development is therefore anticipated to have minimal net impact on the function of the surrounding road network.*

#### Environmentally Sustainable Development

Consistent with Council's policy at Clause 15.01-2L a BESS Assessment and Sustainability Design Assessment has been prepared for the development and a BESS score of 50% has been achieved, this reflecting best practice in energy efficiency in building design.

The report prepared by Passive Energy should be read in full to understand the BESS score and the ESD initiatives that include the following:

#### **Management**

Façade Assessment:

Refer to SDA report for the NCC 2109 Façade calculations (applicable to NCC 2022 Section J4D6)

#### **Water**

Fixtures and Fittings

|                     |                                                                                                                               |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Kitchen Taps:       | 6 Star WELS rating                                                                                                            |
| Bathroom Taps:      | 6 Star WELS rating                                                                                                            |
| WC:                 | 4 Star WELS rating                                                                                                            |
| Water Tanks:        | Connected to all toilet flushing                                                                                              |
| STORM Rating:       | 110%: Refer to Blue Factor rating                                                                                             |
| Proposed Roof Area: | 16,000L RWT connected to 405m <sup>2</sup> roof space<br>4m <sup>2</sup> raingarden connected to 200m <sup>2</sup> roof space |

#### **Energy**

Insulation:

|                      |                                                                                                                                                                                                    |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Childcare Roof       | A minimum R2.72 insulation required<br>Childcare Exposed Floor - A minimum R1.7 insulation required                                                                                                |
| Wall and Glazing:    | Childcare Wall - A minimum R1.5 insulation required<br>Childcare Glazing (GF) U-value: 3.9 SHGC: 0.5270                                                                                            |
| Heating and Cooling: | Heating and cooling systems will be within one star, or coefficient of performance (COP) & energy efficiency ratios(EER) will be 85% better than most efficient equivalent capacity unit available |

Water Heating: Water heating systems will be one star of the best available, or 85% or better than the most efficient equivalent capacity unit

Internal Lighting: The maximum illumination power density will be at least 10% lower than require in accordance with the NCC 2022 Vol:

- Playrooms space: 4.05W/m2
- Change/Toilets/Staff space: 2.70W/m2
- Kitchen space: 3.60W/m2
- Laundry/Storage space: 1.35W/m2
- Planning/Office space: 4.05W/m2
- Meeting room space: 4.50W/m2

## IEQ

Daylight Access: 34.8% of the childcare space will have at least 2% daylight factor

Ventilation: The childcare ventilation system are designed to achieve and monitor a CO2 concentration level of 700 ppm.

Air Quality: All paints sealants, adhesives, carpet and engineered wood will meet the maximum total indoor pollutants emission limits.

Shading: At least 50% of east, west and north facing glazing has appropriate external shading

## Waste

Convenience of Recycling: Recycling facilities will be conveniently located with general waste facilities Food and garden waste: Organic waste facilities will be provided

## Urban Ecology

Vegetation area: 33%

## Conclusion

It is our submission that given all of the above, the use is entirely appropriate in the zone and it will serve the local community needs by providing a necessary and desired facility for the community in an appropriate location with good vehicle access and parking.

The increased traffic volumes will not be noticeable given the volume of traffic carried by Torquay Road whilst the parking provision is fully contained within the site.

We believe it is infinitely clear that the proposed use is consistent with the local policy provisions at Clause 13.07-1L-01. We note the VCAT decision of Gerald Holwell Pty Ltd v Greater Geelong CC 2018] VCAT 486 in which the Tribunal discussed the policy at Clause 22.01 (prior location of the policy under the previous scheme design) and stated as follows (my underline):

*21. Not every site in a residential area will be suitable for a childcare centre. Every application must be determined having regard to the particular circumstances of the proposal, the site and its context, and the applicable controls and policies of the planning scheme. The Council's local policy at Clause 22.01 establishes a series of guidelines about the location and operation of discretionary uses. Importantly, it is not necessary that a proposal meet all of the guidelines in the local policy in order to achieve an acceptable outcome. In this case the objectives of the policy are met because:*

*The scale and character of the proposed use and the proposed building is compatible with the residential character, scale and amenity of neighbourhood. The building is a modern, modest, single storey structure that will fit comfortably in the predominantly single storey character of this*

*neighbourhood. Similarly, a childcare centre accommodating 110 children is not excessive by modern standards. A centre of between 90 to 120 children has been found to be necessary to capture some of the economies of scale to make efficient use of land, staff, equipment and facilities.*

*Neither the Council nor the objectors submitted that the use could reasonably be located in a nearby commercial or mixed use zones.*

*The use does not create a de-facto commercial area, isolate residential properties or contribute to unplanned expansion of commercial or mixed use zones into surrounding residential land.*

*The use is located so as to benefit and be convenient to local residents.*

*Residential properties are not isolated between non-residential uses.*

*The amenity impacts of the proposed use are capable of being managed by way of permit conditions. Conditions relating to days and hours of operation, loading and unloading and noise attenuation can be applied.*

*While the use is not located on a site that has access to a Road Zone, local policy contemplates other locations for such uses where it can be demonstrated that residential amenity can be protected. In this case, Bostock Avenue and Narmbool Street are local streets but they have relatively generous road reservations and carriageway widths and unrestricted kerbside parking. Narmbool Street caters for simultaneous two - way traffic and Bostock Avenue caters for single lane width traffic when parking spaces are occupied on both sides of the street. The proposal is also located on a relatively large site currently used for religious and community uses. In terms of meeting the policy objectives about the preferred location for non-residential uses, the site's characteristics are sufficient to demonstrate that a use of this scale can be accommodated without compromising residential amenity.*

*Given all of the above, and the proposals compliance with the policy at Clause 13.07-1L-01, we say that the proposed building and the change of use is acceptable and should be supported.*

## 5. Particular Provisions

### 6.1 Clause 52.06 Car parking

The purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- 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

Table 1 at Clause 52.06-5 states that parking is required as follows:

| Land use          | Measure          | Category 1<br>(Minimum Requirement) | Category 2<br>(Minimum Requirement) | Category 3<br>(Minimum and Maximum Requirement) | Category 4<br>(Maximum Requirement) |
|-------------------|------------------|-------------------------------------|-------------------------------------|-------------------------------------------------|-------------------------------------|
| Child care centre | To each employee | 1                                   | 0.5                                 | 0.25 - minimum<br>No maximum                    | No maximum                          |

The application proposes 20 staff members, and as such the Table 1 at Clause 52.06-1 specifies that parking is required to be provided by 10 car parking spaces.

The application proposes the full parking provision on site for 10 vehicles and therefore meets the requirements of this clause. .

The car parking spaces and accessways meet the design requirements of Clause 52.06-9 as outlined in the Ratio Pty Ltd report at Section 5.1.

### 6.2 Clause 52.05 Signs

This zone is included within Category 3, High amenity areas where medium limitations apply and the purpose is:

*“To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.”*

In accordance with the Clause 52.05-11 a permit is required for the display of business identification signs and the decision guidelines of Clause 52.05 are detailed in the following Assessment section of this report.

Business identification sign is defined as:

*A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.*

The decision guidelines include the following (as relevant - illumination is not addressed as no illumination is proposed):

*The character of the area including:*

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The consistency with any identifiable outdoor advertising theme in the area.*

*Impacts on views and vistas:*

- *The potential to obscure or compromise important views from the public realm.*
- *The potential to dominate the skyline.*
- *The potential to impact on the quality of significant public views.*
- *The potential to impede views to existing signs.*

*The relationship to the streetscape, setting or landscape:*

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The ability to screen unsightly built or other elements.*
- *The ability to reduce the number of signs by rationalising or simplifying signs.*
- *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

*The relationship to the site and building:*

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *The extent to which the sign requires the removal of vegetation or includes new landscaping.*
- *The impact of structures associated with the sign:*
- *The extent to which associated structures integrate with the sign.*
- *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

*The need for identification and the opportunities for adequate identification on the site or locality.*

*The impact on road safety. A sign is a safety hazard if the sign:*

- *Obstructs a driver's line of sight at an intersection, curve or point*
- *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
- *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.*
- *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*
- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*
- *Could mislead drivers or be mistaken as an instruction to drivers.*

#### Response

A planning permit is triggered for signage due to the location of the site within the residential area where all business identification signs trigger planning approval pursuant to Clause 52.05-11. The total extent of business identification signage is 5m<sup>2</sup> in total, evenly spread across two separate signs, one of which faces Dorothy Avenue and one facing Torquay Road.

The advertising sign guideline review identifies that:

*Advertising signage is an important part of the economy, helping to promote and generate business. Some signs help identify the location of businesses and places or promote local events. Others, such as large billboards, can promote projects of regional significance (such as new housing estates) or road safety messages. Done well, signage can also add to the vitality of an area and contribute to its character. A corporate logo on an office building can provide a landmark that helps orient city users. It can also provide a sense of connection between a business and its locality and signify its importance to the local economy, such as the Worksafe building in central Geelong.*

The sign facing Dorothy Avenue is located on the south wall of the play room 1, adjacent to the entry and setback 24m from the road frontage. The sign is sited in this location to identify the business without detracting from the built form or dominating the streetscape.

It is only small, with a maximum 3m<sup>2</sup> of signage displayed. The sign is not illuminated, and as such has no impact beyond the sites. In this location that is visually recessive, the sign will have no impact on passing traffic nor will it create a safety hazard generally.

The sign has limited visibility to neighbours, being directly opposite the high side boundary fence of 9 Torquay Road and will not be visible from the open front yard at all, nor from any habitable room windows. Similarly, the sign will not be visible from the dwelling at 62 Dorothy Avenue due to the recessive location of the sign, the side boundary fence and the high front fence that exists at that property.

The signage on Torquay Road is similarly 2m<sup>2</sup> with a height of 1m and length of 2m attached flush to the proposed fencing. The sign is also not illuminated in any way and being attached to a fence that has a height of 1.4m, it will sit below the eye level of drivers as they pass the site.

Signs of this scale is common on main roads and it is unlikely that the sign could cause distraction for motorists, particularly given it isn't illuminated and not prominently displayed in a manner that would draw a persons eye. The sign will only be visible from one dwelling on the east side of Torquay Road, being the dwelling at 1/6 Torquay Road. In this instance the visibility of the sign is filtered by vegetation within that site and located 27m west of the habitable rooms, such that no loss of amenity will result.

The advertising sign guidelines, adopted by Amendment C383 and implemented by Clause 15.01-1L-03 seek to protect the character of residential and other high amenity areas and avoid amenity impacts from intrusive signage such as illuminated and electronic signs. The signage strategies seek to achieve the following:

1. Ensure signs are appropriately scaled to the host site and building as well as the surrounding built form character.
2. Ensure signs do not dominate the streetscape.
3. Encourage signage that is fully integrated into the built form of either the building or front fence.
4. Discourage illuminated, floodlit, animated, electronic and reflective signs, unless there is no adverse impact upon high amenity or sensitive land uses.
5. Minimise the number of signs on any one property necessary to identify the premises.
6. Avoid signs that obscure views through building windows to and from the street.
7. Avoid signage that has a detrimental impact on access to daylight or sunlight, including perception of light and shadow, or overshadowing of any sensitive space (including footpaths, public and private open space, windows) at any time of year.
8. Avoid signs that do not relate to the site on which they are located.

The guidelines specify preferred locations for these signs, including on the wall of buildings no more than 2m above ground and incorporated into the fence design. The signage is proposed in accordance with the signage guidelines as follows:

- Signs do not dominate the streetscape;
- Signs are appropriately scaled to the building and the boundary fence;
- Signage is integrated into the built form, including the acoustic fence paneling on the fence;
- Signage does not obscure view through windows;
- Only one sign is proposed to each street frontage;
- Signage has no impact on daylight to any property;
- Signage relates directly to the proposed childcare business;
- Signage exceeds 0.3m<sup>2</sup> however we note that appropriately scaled signage for a childcare centre or medical centre is typically expected in residential locations to support business, and signage at 0.3m<sup>2</sup> is inappropriately small for a commercial business (being that a 0.2m<sup>2</sup> sign is permitted as of right for a home based business that employs only one person).

In both instances the signage details have not been prepared, however the intention is to include business details such as the centre name only (which is not yet decided) such that there will be minimal information on the sign, and a permit condition could be imposed which provides that detail for endorsement.

We believe that the signage provided within the site is subtle and appropriately located to minimise impacts beyond the site whilst providing a reasonable level of advertisement to a business that will employ and benefit the local community.

## 7. Conclusion

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Having regard to the assessment contained within this report, we say that the proposed use and development of a childcare centre and the display of advertising signage is consistent with the planning scheme and introduces a scale of operation that is appropriate given the site context and the residential neighbours.

The use will operate from 6.30am to 6.30pm, and with the implementation of the noise mitigation measures as outlined by Watson Moss Growcott in Section 10 of their report, we are confident that the use can operate and result in residual noise levels that are generally consistent with the AAAC guidelines and VCAT decisions.

The proposed landscape response is well considered, creating a garden setting that will provide an attractive outlook for the children within the centre, but also accommodates planting that will exceed the height of the fencing and therefore provide for greening when viewed from neighboring properties and the adjacent roads.

The application is consistent with the planning policy framework, the zone and the relevant particular provisions and will not result in any unreasonable loss of amenity to any person, and as such, we look forward to Council's review of the proposal and subsequently the issue of a planning permit.