

Advisory — Advocacy — Approval

Metropol Ref. 1320

23 February 2025

Sally Beers
Statutory Planner
Greater Geelong City Council

By email: statplanning@geelongcity.vic.gov.au

Dear Sally,

Planning Permit Application PP-909-2025 — Use and development of a Childcare centre and Construction of a dwelling – 297-307 Roslyn Road, Highton

We write in response to Council's request for further information dated 28 November 2025, and also to amend our application pursuant to Section 50 of the *Planning and Environment Act 1987*.

Amended architectural drawings have been prepared by the [REDACTED] to respond to each of the items of further information sought by Council.

1.0 Section 50 Amendment to the Application

As identified by Council, the Planning Assessment Report submitted with the application mistakenly identifies Clause 52.37-2 as a permit trigger for the removal of a canopy tree. As the property contains an existing dwelling, the canopy tree proposed to be removed is exempt from requiring a permit under this clause.

In addition, design development of the single dwelling proposed to the rear of the Child care centre has resulted in a reduction of the maximum building height of this dwelling. The proposed maximum building height is now 7.334 metres. A permit is therefore no longer required under Clause 43.02-2. We note also that a more contemporary design has now been adopted for the dwelling than previously proposed.

As such, we request that our application is amended to remove clauses 52.37-2 and 43.02-2 as a permit triggers.

A completed section 50 application form is enclosed, along with a Planning Assessment Report, Arborist Report and architectural Drawings which have all been updated to reflect the above amendments.

We note also that a landscape plan is now provided for the dwelling portion of the site.

2.0 Further Information Requested

The following responses are provided to address each of the items of further information requested:

1. Planning Permit Application Form

- *Your application form includes references to seek approval of the removal of a canopy tree...*
- *It is noted that you have not formally applied for business identification signage, please advise if you want to include this in your application.*

As noted above, Clause 52.37-2 was erroneously identified in our application as a permit trigger. A section 50 amendment has been requested to remove this trigger from the application.

Regarding signage, we note that the 3D visualisation was provided for background information purposes only. Signage does not form part of this current application (as depicted in the architectural

drawings). Signage will be dealt with via a separate application (should the extent or type of signage proposed require planning approval).

2. *Special Building Overlay – Council's SBO Engineers have requested the following information to enable assessment:*

- *Finished ground levels surrounding the buildings and retaining wall top levels*
- *At least a couple of orthogonal (North-south and East-west) sectional elevations, preferably through door, showing the floor and finished ground levels*

Please refer to the updated Stormwater Management plan prepared by [REDACTED] which now includes the additional sectional drawings requested by Council's engineers.

We note that the Civil Infrastructure referral response includes the following standard condition:

Any fences and gates within the SBO area must have minimum 150mm ground clearance or 25% opening to 450mm height from the ground.

This contradicts comments provided by Council's Environmental Health team who seek an acoustic fence to the boundaries of the child care centre site (which cannot have ground clearance or openings and still be effective).

The project civil engineer is of the view that permeable fencing is unnecessary to adequately manage the flow of stormwater across the site.

If any shortcomings are identified in the updated Stormwater Management Plan, we suggest that a first principles discussion with Council's stormwater engineers and the project team would be beneficial in resolving stormwater issues on the subject site (which are relatively complex). We would be happy to arrange a meeting to discuss the same.

3. *Car parking and stormwater plan – Council's Engineers have requested the following information to enable assessment:*

Re: Child care centre:

- *Plans amended to show the existing VC for childcare centre lot to be removed and replaced with kerb and channel*
- *Access: When council constructed the footpath in the winter of 2018, a section of the footpath had to be lowered where the existing vehicle crossing is located due to the excessive height differential between the levels in the kerb invert and along the road reserve boundary.*

At the location of the proposed vehicle crossing, the same issue is evident where the height differential between the levels in the kerb invert and along the road reserve boundary is excessive and the footpath will have to be lowered with appropriate transition grades on each side.

Therefore please provide a plan, longitudinal section along the footpath and cross sections at each edge of the vehicle crossing to prove that vehicles can cross the footpath and channel without scraping.

The vehicle crossing and driveway must be 6.0 m with a 1.0 m offset from the eastern property boundary.

Please refer to the enclosed Vehicle Crossover Clearance Check drawings prepared by [REDACTED]. The crossover will be constructed such that vehicles can enter and exit the site without scraping, and to provide appropriate grades for the Roslyn Road footpath.

- *The plan must show how vehicles will be prevented from overhanging the footpath, i.e. between the southern row of parking and the building, and the raingarden.*
- *The zebra crossing linemarking shown in the parking aisle has no legal status and must be deleted. Some other form of delineation may be considered.*
- *The dimensions of the turning bay must be shown on the plan.*

- *A swept path diagram of the proposed waste truck using the turning bay must be provided.*
- *The tandem car spaces must be marked as 'staff only' spaces.*

Please refer to drawing TP100, which has been amended in response to Council's traffic engineering comments.

A Swept Path Analysis prepared by [REDACTED] has been included in the appendix to the updated Waste Management Plan. The analysis demonstrates that the waste truck can safely and efficiently turn around on the subject site (noting that waste would be collected outside of the operating hours of the Child care centre to avoid conflicts with other vehicles).

- *Stormwater plan shows multiple pits where the vehicle crossing is proposed to be built, please advise/ amend. "Bubble up pit" is not supported, this is to be a junction pit.*

Please refer to the updated Stormwater Management Plan prepared by [REDACTED]

Pits have been relocated outside of the proposed crossover, and a bubble-up pit is no longer proposed.

Re Dwelling:

- *Dimension/ offsets from the proposed dwelling's vehicle crossing to be shown on plan, this is to be built in accordance with CoGG Standards (Design Note 4)*

Please refer to drawing TP002. Additional dimensions for the dwelling crossover have been provided.

4. *Native Vegetation - It is noted that the subject site is over 0.4ha in size therefore an assessment by a suitably qualified person is required under Clause 52.17 Native Vegetation to determine if the buildings and works will result in the a planning permit being required to remove, destroy or lop native vegetation, including dead native vegetation under the provisions of this Clause.*

As noted in the Arboricultural Impact Assessment prepared by [REDACTED] and submitted with the application, all trees on the site are non-Victorian native species or have been planted.

No permit is required to remove planted vegetation as per the table of exemptions at Clause 52.17-7.

5. *Ground levels – Please provide a plan that shows ground levels at boundary and the extent of cut and fill*

Please refer to new drawing TP001A which shows proposed ground levels and site cut and fill.

3.0 Preliminary Concerns

The following responses are provided to address each of the items of the raised concerns:

6. *Issues – Issues identified above.*

Refer above responses to each item of further information requested.

7. *Protection of residential amenity – Non-residential uses in residential areas 13.07-1L-01 - It is important that your application clearly demonstrate that the childcare centre is designed to protect residential amenity associated with noise, light spill, odours and disturbance associated with the hours of operation.*
8. *Acoustic Report – Environmental Health have requested the following information be provided for assessment:*

- *An acoustic report prepared by a suitably qualified person to demonstrate how the proposal will comply with relevant noise legislation and mitigate amenity impacts on nearby existing and future residences to this development.*

We submit that the proposal has been carefully designed to protect residential amenity (both for existing residences, as well as for any future dwellings on the balance of the site).

An Acoustic Report has been prepared by [REDACTED] and is enclosed with this response. The report finds that any impacts from noise, suitably mitigated by the construction of an acoustic fence, would be acceptable. We note that the Acoustic Report recommends the proposed acoustic fence be extended to

the boundaries of the proposed car park, to protect neighbours from vehicle noise (noting that the retaining wall on the western boundary is also considered an appropriate acoustic mitigation).

The architectural drawings have been amended to reflect the recommendations of the Acoustic Report.

Other amenity impacts would not be expected for a non-residential use of the scale proposed.

The only potential source of odour would be the waste store, which will be effectively controlled by measures outlined in the Waste Management Plan.

With regards to light spill, it is intended that all car park lighting would be provided with low level bollards. If considered warranted by Council, a lighting plan could be required by a way of a permit condition.

9. *Pedestrian Access to the Child care centre – Urban Design note that:*

- *The provision of a separated vehicular and pedestrian entry is acknowledged and appreciated. However, the current location and design are not easily legible from the street, and the arrangement raises safety concerns due to its alignment between car parking bays without (landscaped) buffers, leading to potential vehicle–pedestrian conflicts, particularly while crossing the driveway to approach the entrance to the building.*
- *The applicant is recommended to provide a landscaped buffer on either side with clear unhindered pathway to the front of the building from the footpath. The buffer is to consist of shrubs/vegetation that should not obstruct sight lines. The design and treatment of pedestrian access should ensure that it serves as the primary entry and visual address when approaching the subject site from Roslyn Road.*

Bollards are now proposed to provide clear separation between car parking spaces and the pedestrian accessway. This will improve both the legibility and the safety of the pedestrian accessway.

Landscaped buffers within the car park are not considered necessary or desirable in this case. There is limited room in which to provide such landscaping without the loss of car parking spaces.

10. *Updated Waste Management Plan - Council's Waste Department have requested an updated WMP must be provided with the above information prior to a permit is being issued.*

This is because:

- *The WMP has not specified the size of the collection vehicle. This must be specified.*
- *A swept path analysis must be provided to ensure that the waste collection vehicle can safely enter and exit the site in a forward motion.*
- *Waste collection should occur outside the normal working hours of the childcare centre to avoid conflict with parking and visitors.*

Please refer to the enclosed amended Waste Management Plan.

The size of the waste truck has been specified as a mini-rear loader and swept paths have been prepared to demonstrate that a truck of this size can enter and exit the site in a forward direction.

Waste would be collected outside the hours of operation of the child care (to avoid any conflict with other vehicles within the car park).

11. *Improved landscaping for the childcare – Urban design note:*

- *The proposed childcare building comprises of reduced setbacks from the street. While it demonstrates acceptable architectural form, the site's elevated position makes it highly visible from the street and distinctive to its surroundings.*
- *To ensure that the building sits within the natural landscape and street setting, it is recommended that increased canopy/tree planting is provided along the site boundaries and to the street frontage (subject to sight lines for traffic movement).*

- *This will ensure alignment to the requirements in 13.07-1L-01 (non residential uses in residential areas) and previous VCAT decision. Currently the proposed shrubs and vegetation to the street edge are inadequate, failing to soften the building's presentation or contribute to the streetscape character.*
- *It is also recommended that landscaping be provided along the entire western boundary of the proposed childcare centre land. This may mean that the area provided for the childcare be increased (the western boundary repositioned slightly) to provide a 1.5m wide and landscaping strip to meet the minimum requirements of Clause 13.07-1L-01.*

Please refer to the amended Landscape Plan prepared by [REDACTED]

Additional trees are now proposed along the Roslyn Road frontage to improve the screening of the Child care centre from the street and soften the built form.

We are not aware of any published VCAT decision applying to the subject site.

Additional landscaping has now been provided along the western boundary of the car park to provide an improved interface to future residential properties on the balance of the site. We also note that there is a retaining wall which runs along the western boundary of the Child care centre site (with the child care centre sitting lower than the balance of the site to the west). This difference in levels will assist in providing physical and visual separation between the car park and future residential properties.

Further landscaping along the western boundary would not be possible without a reduction in the provided car parking or compromising vehicle access to the loading bay.

We also note the referral response of Council's ESD unit which is supportive of the application subject to conditions. The enclosed Sustainable Design Assessment prepared by [REDACTED] has been proactively amended to respond to the proposed ESD conditions. The Blue Factor assessment has been replaced with MUSIC modelling to demonstrate that the proposal will achieve best practice stormwater management. A preliminary façade calculation has also been completed, to demonstrate that the proposal can achieve the thermal performance measure claimed in the BESS report.

4.0 Summary

The following documents are enclosed and comprise our response to Council's request for further information:

- Amended architectural drawings prepared by [REDACTED] (16 drawings total)
- Amended Landscape Plan prepared by [REDACTED]
- Amended Stormwater Management Plan prepared by [REDACTED]
- Vehicle Crossover Clearance Check prepared by [REDACTED]
- Updated Arborist Report prepared by G [REDACTED]
- Updated Waste Management Plan prepared by T [REDACTED] af (including swept path analysis prepared by [REDACTED])
- Amended Planning Assessment Report prepared by M [REDACTED]
- Amended Sustainable Design Assessment prepared by T [REDACTED]
- Acoustic Report prepared by [REDACTED]
- Completed Section 50 Application Form

We trust that the enclosed information satisfies Council's request for further information and look forward to receiving advertising instructions shortly. However, should any shortcomings be identified with this response we request that this correspondence be considered as a request for a further extension of time to respond to the further information requested for a period of six weeks.

