

Assessment Officer Report

PA2403077

161 Central Road, Nunawading



Officer Assessment Report
Development Approvals & Design



Department
of Transport
and Planning

OFFICIAL



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Executive Summary



Key Information	Details		
Application No:	PA2403077		
Received:	30 July 2024		
Applicant:	Australasian Conference Association Ltd c/- Currie & Brown (Australia) Pty Ltd		
Planning Scheme:	Whitehorse		
Land Address:	161 Central Road, Nunawading		
Proposal:	Construction of a building and carrying out of works for a replacement Early Learning Centre, ancillary to the existing Nunawading Christian College, removal of vegetation (including native vegetation) and construction of a fence.		
Development Value:	\$ 5.5 million		
Why is the Minister responsible?	In accordance with Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for an education centre which is ancillary to, carried out in conjunction with, and on the same land as a primary or secondary school, where the estimated cost of the development exceeds \$3 million.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 32.09	Neighbourhood Residential Zone Schedule 1 (NRZ1)	Construct a building or construct or carry out works associated with a Section 2 use.
Overlays:	Clause 42.01	Environmental Significant Overlay Schedule 1	Construct a building or construct or carry out works Construct a fence Remove, destroy or lop vegetation.
	Clause 43.02	Significant Landscape Overlay Schedule 5	Construct a building or construct or carry out works Remove, destroy or lop vegetation.
	Clause 43.02	Significant Landscape Overlay Schedule 9	N/A <i>Affects the southeastern portion of the site, outside area of proposed works.</i>
	Clause 44.05	Special Building Overlay	N/A <i>Affects the southeastern portion of the site, outside area of proposed works.</i>
	Clause 45.06	Development Contributions Plan Overlay Schedule 1	N/A <i>Land developed for a non-government school exempt from development contribution requirement.</i>
Particular Provisions:	Clause 52.17	Native Vegetation	Remove, destroy or lop native vegetation.
Cultural Heritage:	The subject site is not within an aboriginal cultural heritage sensitivity area.		
Total Site Area:	8.18	ha	



Gross Floor Area:	1,128	m ²			
Height:	1	Storeys excluding plant			
	6.43	Metres excluding plant			
	6.43	Metres (total to Australian Height Datum – highest point for PANS OPS)			
Land Uses:	Dwellings	Office	Retail	Other	
	0	0	0	Early Learning Centre	
Parking:	Cars	Motorcycles	Bicycles		
	9	0	3		
Referral Authorities:	Whitehorse City Council (s52 – notice) VicTrack (s52 – notice)				
Advice sought:	N/A				
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none">• Display of sign on site at Laughlin Avenue frontage• Public notice mailed to affected properties owners/ occupiers One objection has been received as of 21 January 2025 .				



Application Process

1. The subject site is not within an area of Aboriginal Cultural Heritage Sensitivity and the preparation of a Cultural Heritage Management Plan is not required.
2. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting	N/A
Application lodgement	30 July 2024
Further information requested	9 August 2024 22 October 2024 (following unsatisfactory response)
Further information received	6 November 2024
Decision Plans	Plans prepared by Kneeler Design Architects, titled 'Nunawading Christian College' and dated 16 September 2024.
Other Assessment Documents	<ul style="list-style-type: none">• Arborist Development Impact Assessment prepared by Arbor Survey and dated 6 November 2024.• Acoustic Assessment prepared by Octave Acoustics and dated 27 June 2024.• Landscape Plan prepared by Species Landscape Architecture and dated 18 September 2024.• Native Vegetation Assessment prepared by Nature Advisory and dated October 2024.• Sustainability Management Plan prepared by Co-Perform Pty Ltd, dated 31 May 2024.• Traffic Impact Assessment Quantum Traffic Pty Ltd, dated 16 September 2024.

3. The subject of this report is the decision plans (as described above).

Proposal Summary

4. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Construction of a building and carrying out of works for replacement Early Learning Centre, ancillary to existing Nunawading Christian College, removal of vegetation (including native vegetation) and construction of a fence.
Total Site Area:	8.18 ha
Gross Floor Area:	1,128 m ²
Height:	6.43 m (maximum building height)
Setbacks:	North boundary - 3.44 metres minimum setback South boundary – approx. 336 metres (separated 20 metres from existing primary school building) East boundary - 14.7 metres minimum setback West boundary - approx. 217 metres (separated 13.5 metres from existing portable classroom)



Land Uses:	Education Centre – Early Learning Centre
Car Parking:	9 spaces
Bicycle Parking:	3 spaces
Motorcycle Parking:	Nil
Total Parking:	141 (132 existing spaces associated with the school)
Loading and Waste arrangements:	Waste collection and loading to occur through existing centralised area, which services the school campus, accessible via Central Road.

Buildings and works

5. The application seeks consent for the development of a replacement Early Learning Centre (ELC), ancillary to the existing Nunawading Christian College school. The proposal forms stage 6 of the masterplan for the school site, with stages 1-5 already completed.
6. The existing ELC is located immediately south of the Laughlin Street entrance, adjoining existing primary school building and accommodates 66 students. This building is proposed to be retained and repurposed as part of the primary school.
7. The existing single storey brick dwelling and portable classroom buildings located at the north of the site are proposed to be demolished, as well as central driveway and carparking area to accommodate the new ELC development.
8. The proposed ELC building is a single storey development and will have split levels to accommodate the downward slope at the rear. The building is to consist of three playrooms and children's amenities, three meeting rooms, staff room, office and foyer/ reception area. A deck is proposed along the southern and eastern walls, adjoining large outdoor play area. The new centre will provide childcare for 99 children.
9. The development is to be orientated east, with pedestrian and vehicle access from Laughlin Avenue. The ELC building is setback 14.7 metres from the eastern frontage and 3.44 metres from the northern site boundary.
10. A new retaining wall is proposed along the eastern site boundary, adjoining property at 1 Laughlin Avenue. The existing entry gate is proposed to be relocated further east to align with the Laughlin Street property boundary. The existing entrance gate is setback approximately 17.2 metres, to the west of the existing single storey brick dwelling within the school property.
11. New 1.5-metre-high palisade fencing is proposed surrounding the outdoor play area at the south of the site, surrounding the two rainwater tanks at the west of the development and between the development and the northern site boundary, with an access gate. The existing paling fencing along the northern and eastern site boundaries are to be retained.
12. The proposed development includes a gable end building, incorporating colorbond roofing in surfmist, aluminium and brick external cladding in white, aluminium cladding with timber finish and timber decking. Five double glazed skylights are proposed above the southern deck area.

Carparking

13. A new carparking area and vehicle accessway is proposed within the ELC frontage. The car parking is to provide 9 new car parking spaces including one accessible parking space. There is an existing car parking area immediately adjacent to the site, accessible via Laughlin Avenue which includes 53 spaces. No reduction to the statutory car parking requirements is sought as part of the proposal.

Vegetation removal

14. A total of 23 trees are proposed to be removed as part of this application, three of which are native scattered trees. The proposed landscaping plans includes planting of 17 native canopy trees to provide alternative habitat and vegetation on the site post development.
15. The applicant has provided the following plans/ concept images of the proposal:



Figure 1 School site masterplan



Figure 2 Proposed demolition plan



Figure 3 Proposed site plan (northeast portion of the site)

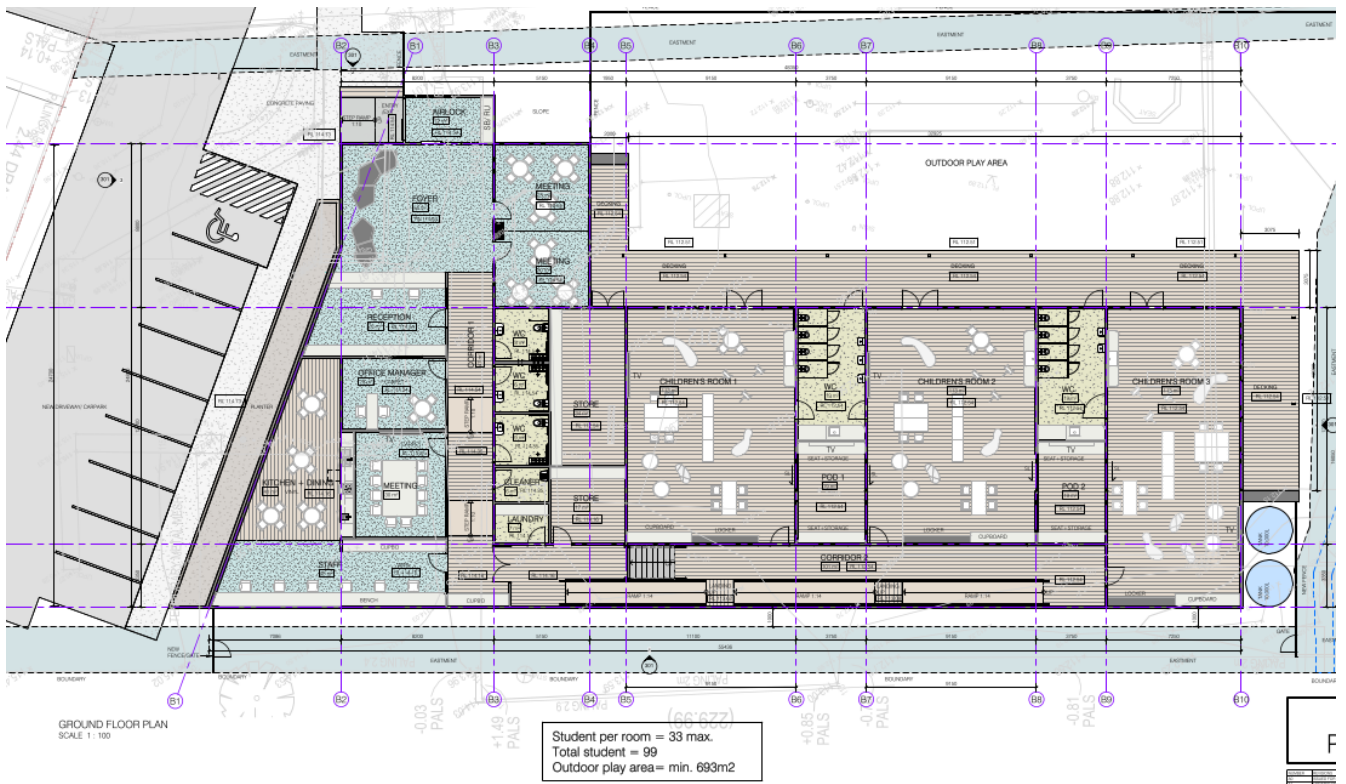


Figure 4 Proposed ground floor plan

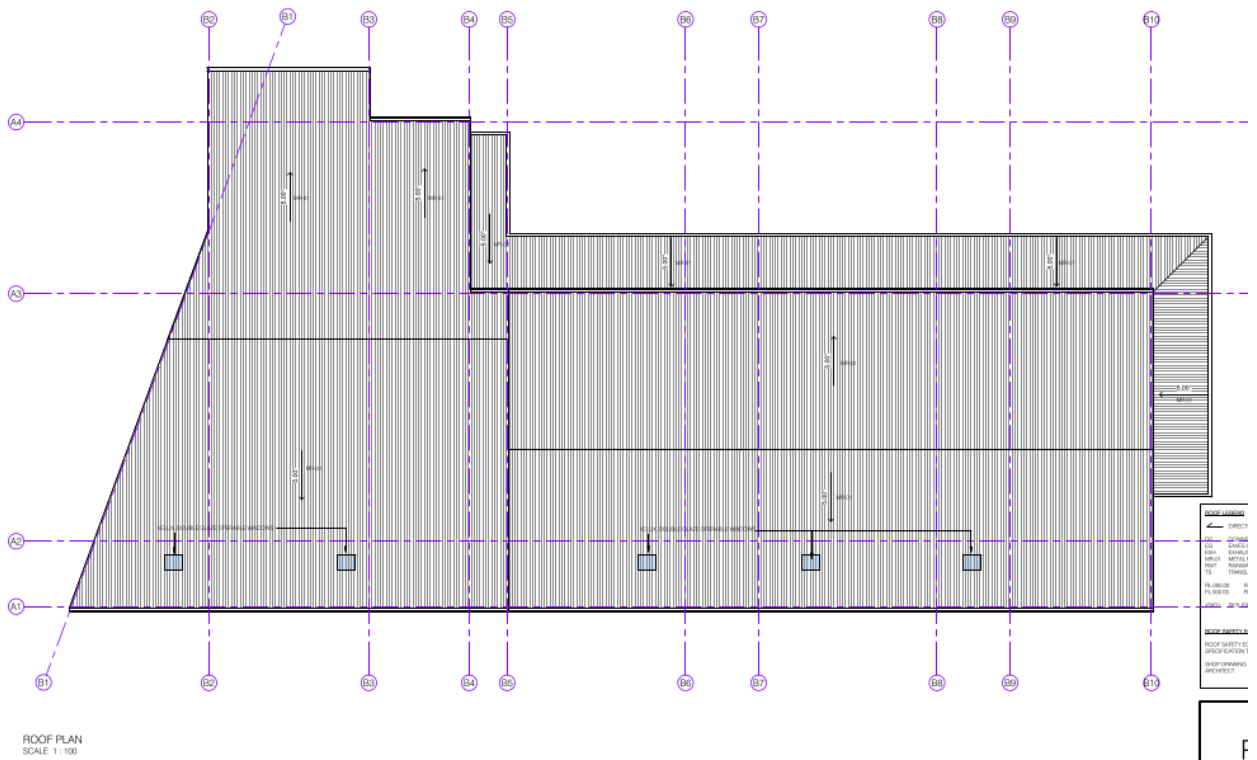


Figure 5 Proposed roof plan

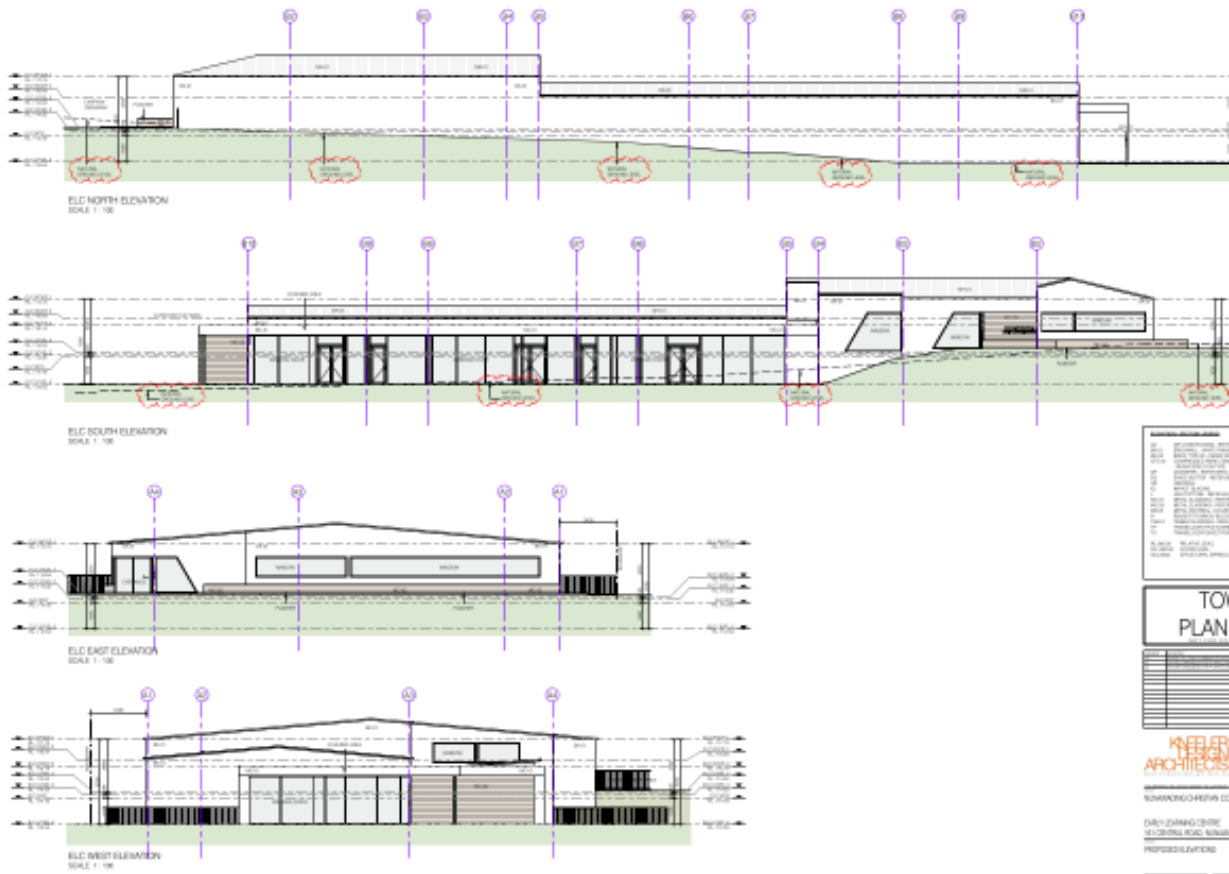


Figure 6 Proposed elevations

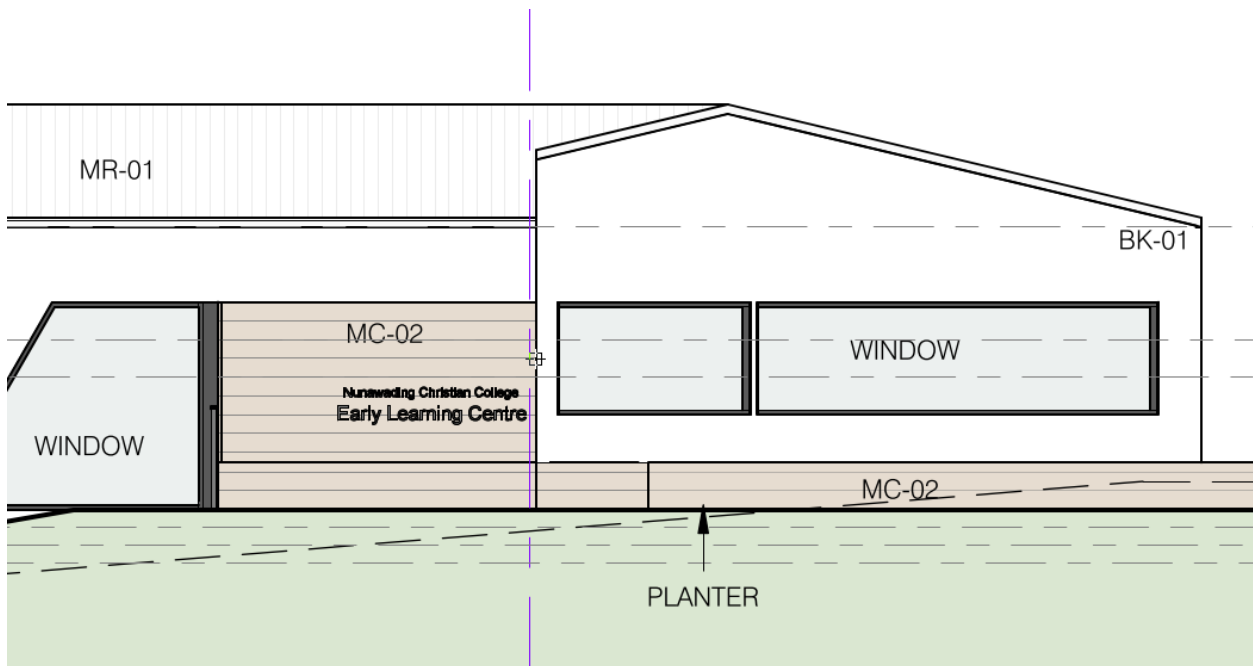


Figure 7 Proposed entry signage - orientated internally to the site



16. The applicant has provided the following concept image/s of the proposal:



Figure 8 Proposed concept image - ELC frontage entrance and carparking area



Figure 9 Outdoor play area and ELC building, viewed from the south



Figure 10 Outdoor play area and view to the west



Site Description

17. The site is located on the northern side of Central Road, approximately 403 metres west of the intersection of Central and Springvale Roads.
18. The site measures approximately 8.18 hectares and has frontages to Central Road and Laughlin Avenue.
19. The subject size is a large parcel, extending from Central Road, north to the Belgrave/ Lilydale railway line. The property consists of multiple land uses including Nunawading Christian College, Advent Care Residential Aged Care and Nunawading Seventh-day Adventist Church.
20. The school occupies the northern portion of the site, accessible via a central vehicle accessway and via Laughlin Avenue to the northeast. The aged care and church are located on the southern area of the site, fronting Central Road.
21. This application relates to the school portion of the site only, specifically the northern area adjacent to Laughlin Avenue. The existing school site provides childcare, primary and secondary school and consists of two junior/primary school learning centres, senior centre, gymnasium, performing art centre, sports courts and oval.
22. The school has prepared an informal masterplan for the site which identifies planned upgrades, with the proposed ELC development forming stage 6 of the 12 planned stages. It is noted the masterplan has not been endorsed as part of other planning permits applying the site. Further, the masterplan is not sought to be approved as part of this application.



Figure 11 Aerial image of entire subject site



Figure 12 Aerial image of northern area of subject site, occupied by Nunawading Christian College

23. The site is formally described as Lot 2 on Plan of Subdivision 737975T.
24. The following easements are located in the northeastern area of the site, nearby the proposed area of development:
 - E-1** 1.83-metre-wide sewerage easement, running north-south through the site.
 - E-2** 1.97-metre-wide sewerage easement, running east-west from the site boundary at Laughlin Avenue.
 - E-3** 2.44-metre-wide drainage and sewerage easement, running east-west along the northern site boundary, adjacent to the railway line.
 - E-4** 3-metre-wide drainage easement, running north-south through the site.
 - E-5** Drainage easement, located in the Intersecting area between E-1 and E-4 immediately adjoining northern site boundary
 - E-6** Drainage easement, located in the intersecting area between E-3 and E-5 immediately adjoining northern site boundary.
 - E-7** Drainage easement locating in the Intersecting area between E-3 and E-4 immediately adjoining northern site boundary.

This application does not propose the construction of any buildings over these easements, and access will be maintained following the development.

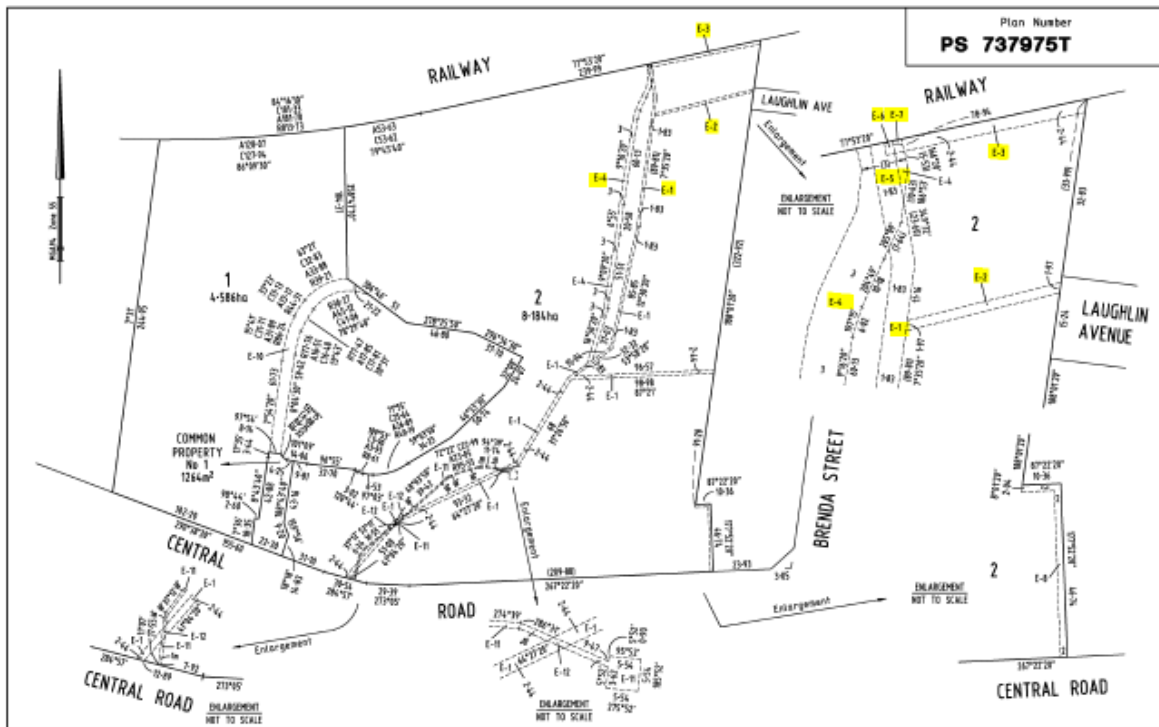


Figure 13 Plan of Subdivision 737975T (relevant easements highlighted)

23. The following caveats/ restrictions also affect the site, however, are not relevant to this assessment:

- **Caveat AS866004H**, relating to lease claim by Telstra Corporation Ltd for 8sqm area at south of the site, for the purpose of Telstra telecommunication cabinets.
- **Caveat AX286876K**, relating to lease claim by United Energy Distribution Pty Ltd at the southeast of the site, for the purpose of electrical substation.
- **Notice N733820G**, identifying the Retirement Villages Act 1986 applies to part of the site.
- **Agreement R388499T**, detailing agreement under Section 55A(7)(b) of the Building Control Act 1981 relating to the Aged Care development, allowing walls bounding sole-occupancy units and public corridors to be constructed of dry wall in lieu of concrete or masonry.

Site Surrounds

25. The surrounding development consists mainly of residential land uses including retirement village and aged care services.

26. Development surrounding the site can be described as follows:

- To the **north** of the site: Railway line (Belgrave and Lilydale lines) and industrial development beyond.
- To the **south** of the site: Central Road and residential development beyond, typically single, detached dwellings.
- To the **east** of the site: Residential dwellings (typically single, detached dwellings) along Laughlin Avenue and Brenda Court, as well as Advent Care Retirement Living units.
- To the **west** of the site: Pavilions Blackburn Lake retirement living apartments.



Figure 14 Existing Laughlin Avenue school entrance



Figure 15 Existing portable classroom building to be demolished



Figure 16 Central Road School entrance, Pavilions Blackburn Lake retirement village adjoining



Municipal Planning Strategy

27. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-5	Built environment and heritage
02.03-9	Infrastructure
02.04-1	Strategic framework plan

Planning Policy Framework

28. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
Clause 12	Environmental and Landscape Values
12.01-2S	Native Vegetation Management
Clause 15	Built Environment and Heritage
15.01-1S	Urban Design
15.01-2S	Building design
15.01-2L	Environmentally Sustainable Development
15.01-5S	Neighbourhood character
15.01-5L	Neighbourhood character
15.01-5L-01	Tree conservation
Clause 17	Economic Development
17.01-1S	Diversified economy
Clause 18	Transport
18.01-1S	Land use and transport integration
Clause 19	Infrastructure
19.02-2S	Education facilities
19.02-2R	Education precincts – Metropolitan Melbourne

29. The assessment section of this report provides a detailed assessment of the relevant planning policies.



Zoning and Overlays

Applicable Zone

Neighbourhood Residential Zone – Schedule 1

30. A planning permit is sought to construct a building or construct or carry out works associated with a Section 2 Use in accordance with Clause 32.09-10. The purpose of the Neighbourhood Residential Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

31. The following sections include a discussion of how the proposal responds to these requirements.

Applicable Overlay/s

Environmental Significance Overlay – Schedule 1

32. A planning permit is sought to construct a building or construct or carry out works, construct a fence and remove, destroy or lop vegetation in accordance with Environmental Significance Overlay.

33. The objectives and decision guidelines relevant to this proposal are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Significant Landscape Overlay – Schedule 5

34. A planning permit is sought to construct a building or construct or carry out works and remove, destroy or lop vegetation in accordance with Significant Landscape Overlay.

35. The objectives and decision guidelines relevant to this proposal are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Other Overlays

36. The Significant Landscape Overlay – Schedule 9, Special Building Overlay and the Development Contributions Plan Overlay – Schedule 1 apply to the greater site but not the location of the proposed works. A permit is therefore not required under these overlays.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Car Parking



37. Clause 52.06 applies to, amongst other things, an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use. The applicable measure specified for a childcare land use is 0.22 spaces to each child.
38. The proposed development is to accommodate an additional 33 children compared with existing conditions, thus requiring an additional 7 spaces to be provided. The new car park is to provide 9 new spaces, complying with the statutory requirement of Clause 52.06.5. Therefore, a permit is not required to reduce the number of car parking spaces required pursuant to Clause 52.06-3.
39. It is noted a former staff car parking area which contains 7 spaces, located north of the existing ELC building, is proposed to be removed as part of the proposal. The school claim the car parking area has not been in use for several years due to its unsafe proximity to children's play areas. Aerial and street view imagery dating back to 2019 is consistent with the school's advice on this matter. The removal of this car park does not trigger a planning permit under Clause 52.06 because the school and ancillary ELC benefit from existing use rights (which incorporates a reduced statutory car parking rate) and the 7 staff car parking spaces are not tied to any existing planning permission associated with the site.

Native Vegetation

40. A planning permit is pursuant to Clause 52.17-1 to remove destroy or lop native vegetation, including dead native vegetation.
41. The proposal seeks to remove 3 native trees, including one small and two large, scattered trees, equating to 0.111ha overall.
42. The purpose of Clause 52.17 is:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation

43. Under the guidelines referred to above, the proposed vegetation removal is falls within the intermediate assessment pathway, noting less than 0.5ha is to be removed including at least one large tree in location 1. As the proposal does not constitute a detailed assessment pathway, no referral to Department of Energy, Environment and Climate Action (DEECA) is required.

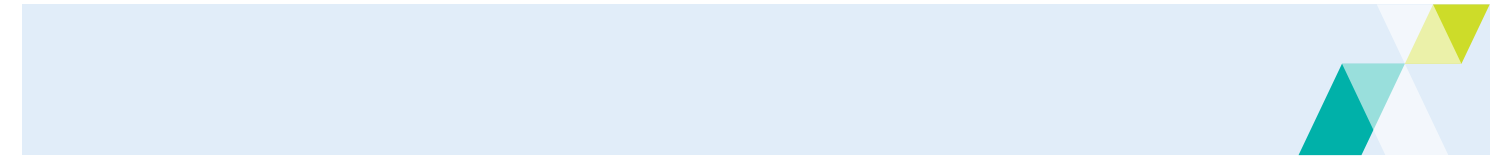
General Requirements and Performance Standards

Stormwater Management in Urban Development

44. Clause 53.18 applies to the buildings and works of this application. An application to construct a building or construct or carry out works must meet all the objectives and should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Non-Government Schools

45. Clause 53.19 applies to this application for an education centre ancillary to, and on the same land as a non-government school.



46. It is noted an application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

Relevant Strategic Plan / Background Documents

Incorporated Document / Structure Plan / Planning Scheme Amendment/s

47. There are no strategic documents or active scheme amendment relevant to this application.



Referrals

48. Notice of the application was given to the following groups:

Provision / Clause	Organisation	Response and date received
Section 52 Notice	Whitehorse City Council	19 August 2024
Section 52 Notice	Whitehorse City Council	30 October 2024
Section 52 Notice	VicTrack	13 December 2024

Municipal Council Comments

49. The Whitehorse City Council (the council) provided an initial referral response on 19 August 2024. The council's comments are summarised below:

Theme	Council comments	DTP Response
Tree matters	<p>The submitted design has not applied the advice provided in the arborist report prepared by Arbor Survey dated 3 June 2024 as follows:</p> <ul style="list-style-type: none"> Major encroachment impacts to Tree 1. Trees 23 and 26 not retained in design. <p>It is suggested the consulting arborist review the most up to date plans to ascertain if the trees will be adversely impacted or not.</p> <p>With regards to replacement species, all Eucalypts should be reflective of the species removed. Rather than Eucalyptus polyanthemos, replacements should be E. cephalocarpa, E. goniocalyx and E. radiata. All of these will need to be grown to order to ensure availability and should be sourced from local seed.</p> <p>The use of the Acacia melanoxylon is appropriate. There are 8 Pyrus calleryana in the plan, the schedule says 7. These are an overused tree with an unpleasant smell. There are already 3 on site. Given that these trees are between a pathway and the playground, it would be appropriate to use species that have a broader umbrella like form that will provide shade even though they are planted to the south. Using a mix of species including evergreens will provide interest for the children and allow for the inclusion of native species.</p> <p>The Pyrus and the trees in the northeast corner appear to be positioned over easements. I wonder if this has been investigated.</p>	<p>Council responses were provided to the applicant who addressed the following matters:</p> <ul style="list-style-type: none"> Arborist report amended to correctly identify tree species including those which are native. Landscape plan updated to remove the Pyrus calleryana from the planting schedule as recommended. Landscape plan updated to include Eucalypts cephalocarpa species as recommended. General tree protection requirements to be applied for retained trees. <p>It is noted the proposed development significantly encroaches on the structural root zone of Tree 1 and this tree cannot be retained based on the current design.</p>
Native Vegetation	<p>The arborist report prepared by Arbor Survey dated 3 June 2024 advises there are no protected trees under Clause 52.17 (Native Vegetation).</p> <p>However, by reviewing aerial imagery it appears trees have been located on the site for a period of time. It remains unclear if trees naturally occurred or not. Therefore, it is recommended a suitably qualified ecologist provide confirmation if any trees are protected under Clause 52.17 (Native Vegetation).</p>	<p>Council's referral comments were provided to the applicant, who revised the application to seek consent for removal of native vegetation, under Clause 52.17.</p> <p>A Native Vegetation management plan was submitted, as well as the arborist assessment updated to identify relevant trees as native.</p>
Car parking	<p>Car Park Design</p> <p>Whilst the car park layout appears acceptable, the plans have not been dimensioned and no swept paths have been provided (particularly at the Laughlin Avenue entry point) to make an appropriate assessment". It was also noted that the shared area</p>	<p>Conditions on permit will require the Traffic Impact Assessment to incorporate swept path diagrams to demonstrate manoeuvring/ accessibility into the proposed on-site carpark, however it is noted this car parking</p>



beside the accessible parking space does not have a bollard as required by AS 2890.6 and is therefore not DDA compliant.

Parking provision

One of the main difficulties in assessing this proposal is that an early learning centre may cater for various age groups which will determine the number of staff in addition to the typical parking provision rate for a school i.e. 0.22 spaces per child. It is understood that young children require a higher number of staff per child.

The parking surveys do not detail the level of parking demand in the existing car park during the peak periods. Previous site observations found that the demand for parking is high and there is queuing occurring along Laughlin Avenue. This proposal will contribute to the existing traffic congestion along the street and the proposal does not involve any remedial measures.

Please determine if there is any possibility of relocating the existing teacher car parking in the existing car park to improve parking availability and reducing congestion along Laughlin Avenue.

area will be used for ELC staff and so frequency of vehicle movement will be limited, compared with the external car park which will accommodate student pick up and drop off. There is no requirement for locations of teacher/ staff car parking to be specified for the expanded ancillary ELC land use

Condition will be included to require bollards be shown adjoining accessible car parking space for DDA compliance.

Permit conditions will also require the Traffic Impact Assessment to include details of how the school will manage congestion in peak times to mitigate exacerbating any existing congestion along Laughlin Avenue. This may include staffing and other measures to enable the efficient operation of the car parking area and ensure the orderly departure and arrival of parents/ students.

<p>Engineering Assets</p>	<ul style="list-style-type: none"> • The stormwater and sewer pits must be shown on the plans to scale. • Existing and proposed ground levels must be shown on the sections and noted as such preferably in different colours. • Report and Consent – Land Liable to Flooding must be approved prior to approval of the Planning Permit. An application to apply for Flood levels can be lodged online on the website below: https://www.whitehorse.vic.gov.au/planning-building/ lodge-and-apply/building-related-applications • The mound shown below must be removed from the easement. 	<p>Amended plans were submitted in response to Council comments. Changes include:</p> <ul style="list-style-type: none"> • Removal of mound previously proposed over easement. • Natural ground level shown on elevation plans • Stormwater and sewer pits shown on site plan <p>A note on the planning permit will be included to require report and consent to be lodged prior to works commencing. It is noted report and consent is not required prior to the planning permit being issued.</p>
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<p>Other matters</p>	<ul style="list-style-type: none"> • It is strongly recommended the decision (if approved) includes the requirement for a Construction Management Plan (CMP) and Waste Management Plan (WMP) to be submitted. • The surface treatments when comparing the development and landscape plans are not consistent. • Written approval to build over an existing easement from the relevant authority for construction proposed over an easement or within 1 metre of an easement may be required. • It is recommended the proposal is sent to VicTrack for review. 	<p>Conditions on permit are recommended to require a Waste Management Plan to be prepared, noting the volume of waste generated from the site will increase with additional students.</p> <p>DTP do not consider the preparation of a Construction Management Plan as required in this instance.</p>
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It is noted in the Amendment VC180 non-government schools Protocol that written responses from Council should contain a statement of objection or no objection. On the basis of the matters raised above at this point in time Council Officers **Object** to the proposal. It should be noted that this matter has not been to a Council Meeting for resolution.

The updated plans show ground cover/ surface treatments consistent with the landscape plan.

VicTrack reviewed the application as part of the public notice process and provided a response, including conditions which are recommended to be included on the planning permit.

50. The council provided additional referral comments following the submission of further information, these comments are also summarised below:



Theme	Council comments	DTP Response
Engineering Assets	<p>The Engineering Asset team cannot endorse the plans for the following reasons:</p> <ul style="list-style-type: none"> The applicant must apply for Report and Consent – Land Liable to Flooding prior to approval of the Planning Permit. Once levels received, the applicant is to submit plans for approval to the Planning Department that match those submitted with the Report and Consent Land Liable to Flooding. Plans/survey levels must be submitted to AHD. Application can be found on Councils website under 'Flood Levels' https://www.whitehorse.vic.gov.au/planning-building/do-i-need-permit/drainage-and-easements The applicant must apply for Report and Consent – Building over the Easement prior to approval of the Planning Permit. Applicant should show the alignment of the Sewer and Council drain in easement. 	<p>As above, report and consent works liable to flooding and for building over an easement can be sought by the applicant prior to works commencing on site as a requirement of the building permit. No part of the building is proposed over the easements on site, however landscaping and fencing is proposed in these areas.</p> <p>The location of easements are clearly shown on the submitted development plans.</p>
Landscape Design	<p>The proposal is for a new Early Learning Centre, with proposed removal of vegetation and a new fence construction. This referral deals with the broader landscape architectural considerations.</p> <p>The following comments are based on what has been received.</p> <ul style="list-style-type: none"> Suggested <i>Eucalyptus goniocalyx</i> and <i>Eucalyptus radiata</i> as replacement species and these have not been used. What is the rationale for this please? Would like to see these included based on her recommendation. Similarly, regarding tree #1, permeable paving to the southeast is to be used under the canopy of the retained tree. This can be a small section or the entirety. The proposed <i>A. melanoxydon</i> may get quite big and may not be suitable so close to the car parking area. Suggest a smaller species, could still use an <i>Acacia</i>. Suggest smaller shrubs and potentially trees can be planted over the easement to the west? Or is this part of the learning landscape design? Suggest a wider raingarden/bed used or breakout garden bed stands along the car parking areas to the east to allow for a couple of small tree plantings to provide a more attractive retaining wall and visual from the neighbouring property, rather than just the lily pillies. Apart from that, the species look acceptable. 	<p>The Council's comments regarding the recommended <i>Eucalyptus</i> species have been address in the RFI response. The amended landscape plan proposes planting of five eucalyptus cephalocarpa trees, which was recommended as an alternative species in Council's initial comments. <i>Eucalyptus goniocalyx</i> and <i>Eucalyptus radiata</i> species were also suggested as alternative species, however DTP do not consider planting of all three alternative species is necessary and deem the proposed planting schedule acceptable.</p> <p>It is noted tree 1 is not proposed to be retained and as such permeable pavement is considered required in this location.</p> <p>The proposed raingarden size is consistent with the submitted SDA and STORM report and is considered acceptable.</p> <p>No additional planting is proposed over the easement to the west of the centre, noting this is open space available for outdoor play for students.</p>
Waste	<p>Regarding the waste management aspect of the above-mentioned development, I would advise that no WMP has been submitted and is therefore refused.</p> <p>Refer to the Conditions, Notes and Waste Management Report that follows for a clear understanding of Council's expectations and requirements in relation to the waste management for the proposed development.</p> <p>CONDITIONS ON PLANNING PERMIT</p> <ol style="list-style-type: none"> Waste collections for this development are to be completed internally by Private waste collection contractor. Council issued bins will not be required for this development. Waste collection vehicles are to enter and leave the developed site in a forward direction. The approved WMP will be the model for adoption in this development and the design & as-built aspects needs to account for what is approved in the WMP. Any revision of the 	<p>It is noted a Waste Management Plan was not submitted as part of this proposal. The proposal seeks to replace the existing ELC and increase the capacity of the existing centre by 33 students and the management of waste on the site is not anticipated to significantly change.</p> <p>The applicant has identified the existing collection method associated with the school with be adopted for the new building.</p> <p>A waste management plan is to be required via permit condition to ensure the storage and collection of waste associated with the development is appropriately managed, given some additional waste will be generated. The recommended permit conditions provided by Council are</p>

WMP or changes to the approved waste system of the development requires Council approval.

recommended to be included on the planning permit.

PERMIT NOTE

- Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.
- All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.
- Councils Traffic Engineering Dept. are required to assess the suitability of the proposed waste vehicle access to and from the development as well as the vehicle movements within the development.

Transport

As discussed in the traffic report there is a requirement for the provision of an additional seven (7) parking spaces for parental use which is to be accommodated in the existing 53 space car park given that the new nine (9) space car park is for staff use only. If you accept that 5 staff that are currently parking in the existing 53 space car park can park in the nine space carpark, there would be a shortfall of two (2) parking spaces.

However, from a planning perspective it needs to be determined if you should include the removal of the eight parking space car park as a loss of parking. If this was to be the case there is a potential parking shortfall of ten (10) parking spaces.

I have reviewed the parking surveys undertaken by Quantum which had only one relevant survey was undertaken at 10.30am Thursday 15/2/24. The survey found that in the existing 53 space car park only four (4) of the unrestricted parking spaces were unoccupied and the existing 2-minute and disabled parking spaces were unoccupied. However, this survey was not undertaken during the school peak period times where the early learning centre and the school pick up and drop off times overlap.

Day / Date		Capacity	Demand	Spaces Available
Laughlin Avenue Car Park				
Thursday 15/2/24 – 10:30am	Staff	13	13 (100%)	0
	P2min	5	0 (0%)	5
	Disabled	1	0 (0%)	1
	Unrestricted	34	30 (88%)	4
	TOTAL	53	43 (81%)	10

Historically, Council has received numerous complaints from residents regarding traffic congestion along Laughlin Avenue during the school peak periods. Site inspections found that the 53 space car park was full and a teacher was positioned to encourage parking turnover. It was also noted that the parking spaces were not only occupied by users of the child care centre.

I would recommend a reduction in the number of students to 90 students i.e. 99 students – 9 students (2 spaces / 0.22 space per child) and a car park management planning permit condition.

Carparking demand and traffic impacts are considered in the assessment section of this report.

DTP do not agree that a car parking reduction is required due to the proposed allocation of car spaces to staff as opposed to parents. This is because the applicable rate under Clause 52.06-5 does not specify how the spaces should be allocated.

For the reasons outlined earlier in this report, DTP consider there to be no reduction to the statutory car parking requirement associated the removal of the existing 8 redundant car parking spaces.

It is noted the parking surveys provided are not consistent with typical school peak times. The applicant has noted the drop off and collection timing associated with childcare is far more variable than school hours, and the additional vehicle movements associated with the development will not be concentrated within school peak times.

ESD

I have reviewed the ESD Referral encompassing a Sustainability Management Plan, updated Development Plans, and ancillary documentation.

Having assessed the development against clause 15.01, 22.10, and 53.18 of the Whitehorse City Council Planning Scheme and other relevant provisions, I am reasonably satisfied and issuing permit conditions to ensure that Council’s Environmentally

A condition is recommended to be included on the permit to require the following changes to the SMP prior to endorsement:

- Provide a Preliminary BCA Section J Energy Efficiency Report as an appendix to the SMP
- Recommendations for options and

Sustainable Design (ESD) expectations and requirements are upheld.

Condition 1

Before the development starts, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the decision plans but modified to show:

- Solar photovoltaic panels with capacity maximised for the available roof area (minimum 5kW) as per Clause 15.01 (Encourage On-site renewable energy generation and storage technology), and Clause 22.10 (To reduce total operating greenhouse gas emissions).
- Any changes required to comply with the Sustainability Management Plan under condition XX.

Condition XX Sustainability Management Plan:


Prior to the endorsement of plans under Condition 1 of this permit, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the existing Sustainability Management Plan, but modified to include, show or address:

- Provide a Preliminary BCA Section J Energy Efficiency Report as an appendix to the SMP, including information regarding artificial lighting, window tinting, Window SHGC and U values, double glazing, etc. as per Clause 15.01 (Passive design responses that minimise the need for heating, cooling and lighting), and Clause 22.10 (To reduce total operating greenhouse gas emissions).
- Solar photovoltaic panels with capacity maximised for the available roof area (minimum 5kW) as per Clause 15.01 (Encourage on-site renewable energy generation and storage technology), and Clause 22.10 (To reduce total operating greenhouse gas emissions).
- Recommendations on options and feasibility of energy storage is to be provided in the SMP in accordance with Clause 15.01 (Encourage on-site renewable energy generation and storage technology), and Clause 22.10 (To reduce total operating greenhouse gas emissions).
- Examine what commitments can be made on the use of low embodied energy (or low embodied greenhouse gas) steel, in line with recently published industry net zero transition plans and net zero industry guidelines, as per Clause 15.01 (Encourage use of low embodied energy materials).
- Address Electric Vehicle (EV) charging in accordance with Clause 22.10 (To promote the use of low emissions vehicle technologies and supporting infrastructure). Provide the following EV infrastructure:
 - Shared or Communal Space EV Charging: A minimum of 1 Active EV charging unit (minimum 22 kW, 32 Amp three phase) should be installed at a shared or communal parking space. Shared or communal EV charging spaces should be located in highly visible, priority locations, to encourage EV uptake.

feasibility of solar photovoltaic panels with capacity maximised for the available roof area, to reduce total operating greenhouse gas emissions.

- Recommendations on options and feasibility of energy storage is to be provided in the SMP.
- Examine what commitments can be made on the use of low embodied energy (or low embodied greenhouse gas) steel, in line with recently published industry net zero transition plans and net zero industry guidelines, as per Clause 15.01 (Encourage use of low embodied energy materials).
- Recommendations for options and feasibility of Electric Vehicle (EV) charging, to promote the use of low emissions vehicle technologies and supporting infrastructure.
- Green Travel Plan detailing site-specific options and policies to encourage sustainable travel.

The wording of the Council conditions are recommended to be altered to investigate the options for solar panels, energy storage and electric vehicle charging on site, rather than requiring implementation. DTP do not consider these requirements can be mandated based on Clause 15.01-2L the Whitehorse Planning Scheme as recommended.



The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with **to the satisfaction of the Responsible Authority**.

Advice sought from other agencies

VicTrack

51. VicTrack was given notice of the application via Section 52(1)(a) of the *Planning and Environment Act 1987*, given the subject site immediately adjoins Metro trains rail corridor owned by VicTrack.
52. VicTrack provided a response, advising they have no objection to the application subject to the inclusion of the following permit conditions:
 - No entry to railway land is permitted without the written consent of VicTrack.
 - At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained, all at no cost to VicTrack to prohibit unauthorised access to the rail corridor.
 - Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.
 - No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.
 - The development's landscaping and planting must be setback to ensure tree canopy does not extend over railway land.
53. The permit conditions provided are recommended to be included on the permit.

Notice

54. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to the following provisions:
 - Clause 32.09 – Neighbourhood Residential Zone (Schedule 1)
 - Clause 42.01 – Environmental Significance Overlay (Schedule 1)
 - Clause 42.03 - Significant Landscape Overlay (Schedule 5)
 - Clause 52.17 – Native Vegetation
55. The applicant was directed to give notice by way of erecting a sign on the site and notifying adjoining owners and occupiers.
56. One objection was received, raising the following issues:

Traffic impacts

The new development will cause an increase in traffic in Laughlin Avenue. There is already a significant traffic jam in Laughlin Ave at school pick and drop off times. It is noted Laughlin Ave is a narrow, residential, dead-end street. We already have difficulty leaving our house and returning home at certain times of the day and any increase in the number of parents dropping off children and picking them up will only make it worse. I would argue that the additional 26 vehicle movements estimated in the traffic report will make a significant difference to the length of time that the cars are blocking the majority of the street and would be far from "imperceptible".



Photos are attached of the traffic congestion which can occur within the street, associated with the school.

Response

The concerns regarding traffic impacts and congestion are recognised. It is noted the application does not seek a reduction to the statutory car parking requirement set out at Clause 52.06-5 of the Whitehorse Planning Scheme. Based on the increase of students proposed in the replacement ELC, 7 additional car parking spaces are required. The proposal includes a new carparking area, providing 9 additional car parking spaces, which exceeds the required statutory provision.

It is acknowledged that childcare centre hours are more variable than typical school hours, with drop-off period ranging from 7am – 9am and pick up from 3pm – 6pm. While the proposed additional student capacity is anticipated to result in 26 additional morning vehicle movements 23 afternoon movements, these are likely to be staggered and not concentrated within the shorter peak hours associated with school traffic.

To ensure congestion along Laughlin Avenue is not further exacerbated by the development, the permit will require amendments to the traffic impact assessment prior to endorsement to include detail of congestion management measures in peak school times, including staffing and other regulations to ensure efficient circulation of car parking area and orderly departure and arrival of parents/ students. The permit will also require the preparation of a Green Travel Plan as part of the Sustainability management Plan, to detail site-specific options and policies to encourage sustainable travel to and from the site, reducing the reliance on private vehicles.

Congestion and potential impact on emergency vehicle access

There is an existing retirement village located at 2A Laughlin Avenue accessible only via Laughlin Avenue. The additional traffic and congestion may impede access for emergency vehicles to the retirement village, should an elderly resident require care within a congested period around school drop off/ pick up times.

Response

As above, amendments to the traffic impact assessment will be required by permit conditions to include congestion management measures to be implemented by the school during peak times. The school must ensure school pick up and drop offs are conducted in an orderly manner and do not impact the capacity of emergency services to access the site or surrounding developments.

Removal of vegetation

The recent extension of the school carpark included the removal of many trees. This application proposes further removal of mature trees, which will further reduce the green space and diminish the visual amenity of the street.

Response

The proposal seeks consent for the removal of 23 trees throughout the site. The retention of trees where possible is an objective of the Significant Landscape Overlay and Environmental Significance Overlay which applies to the site as well a relevant local policy. It is noted the majority of the trees proposed for removal have a no or moderate retention value only. The native vegetation to be removed is to be offset as required by Clause 52.17 and logs repurposed on the site as logs for habitat. The proposed landscaping plan includes 17 new trees, with species reflecting those to be removed. On balance the removal of vegetation is considered acceptable, and the development will be able to deliver an outcome consistent with the landscaped character of the area.



Strategic Direction and Land Use

58. The proposal will deliver a larger ELC on the site of the existing Nunawading Christian College. The development will provide childcare services, ancillary to and on the same site as the school.
59. The Planning Policy Framework encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
60. The proposal will deliver of additional ELC services within a residential community, given an ELC with a capacity of 66 students already operates on the school campus. The education land use is established on the site and is considered appropriately located given proximity to commercial areas and public transport on Springvale Road as well as surrounding residential areas. The proposal is considered to be consistent with the objectives of Clauses 11.01-1R, 15.01-1S, 15.01-5S.
61. Clause 19.02-2S (Education Facilities) seeks to assist in the integration of education and early childhood facilities within local and regional communities. Clause 19.02-2R (Education precinct – Metropolitan Melbourne) seeks to ensure education precincts are well serviced by community services. The proposal is considered to align with these policies.
62. The building design and siting is considered to be responsive to the wider context, as the development is well setback from the street frontage and appropriately buffered by landscaping.
63. Clause 12.01-1S (Protection of biodiversity) seeks to protect and enhance Victoria's biodiversity, including through supporting land uses and development that contributes to enhancing habitat for indigenous plants and animals in urban areas. Local policy Clause 12.01-1L encourages replanting of canopy trees and vegetation that are indigenous to the area. The proposal is considered to align with these policies, providing appropriate replacement planting including indigenous species.
64. The proposal appropriately ensures no net loss of biodiversity as a result of the removal of native vegetation, as sought by Clause 12.01-2S (Native Vegetation management).
65. The proposal is generally consistent with relevant policy set out above. Specific matters are assessed in detail in following sections of this report, noting the proposal is deemed acceptable subject to the recommended permit conditions.

Buildings and Works

66. The zoning and overlay provisions have been considered in the application.
67. The purpose of the Neighbourhood Residential Zone has been considered and the proposal is considered to be appropriately responsive, noting that the proposal expands the provision of an existing education use, which services the local community, responds to the predominately single storey character and provides appropriate landscaped buffers to respect the vegetated character of the area.
68. The decision guidelines of the Environmental Significance Overlay and Significant Landscape Overlay have been considered in relation the proposed building and works. It is noted that the proposed development is single storey and incorporates natural external materials to avoid being visually dominant.
69. The proposal is appropriate, having regard to the built-form decision guidelines of Schedule 5 of the Significant Landscape Overlay. This is given the development provides for the conservation of some native trees on the site and is to be setback from property boundaries for sufficient new landscaping has a generally inconspicuous building profile and height.

Fencing



70. The proposed fencing is appropriate, having regard to the built-form decision guidelines of Schedule 1 of the Environmental Significance Overlay. The new palisade fencing is proposed to be 1.5 metres high, surrounding the outdoor play area and service areas around water tanks and side access. The fences are partially visually permeable, does not encroach on significant trees, and are not expected to detract from environmental features of the site.

Design Detail

71. The proposed building is single storey, with a maximum building height of 6.43 metres from natural ground level. The development is proposed at the northeast of the school site, nearby the entrance via Laughlin Avenue. The scale and height of the proposed building is considered appropriate and responsive the predominately single storey residential development along Laughlin Avenue.
72. The development is to be well separated from property boundaries and allows for landscaped frontages. A minimum setback of 14.7 metres from Laughlin Avenue is proposed.
73. The building incorporates colorbond roofing in surfmist colour, aluminium and brick external cladding in white, aluminium cladding with timber finish and timber decking. A more detailed materials schedule is to be required as a condition on the planning permit.
74. The mix of materials and built form provides some articulation and is consistent with design features of existing buildings on the school site.

Signage

75. An indicative business identification sign is shown at the entrance of the ELC building, immediately adjoining the building entry/ airlock area, under the roof canopy. This sign is located on the southern elevation of the building and will be orientated internally to the site. Permission for the display of business identification signage has not been sought as part of this application, and a condition on permit is recommended to remove signage from the plans prior to endorsement.

Landscaping

76. A detailed landscape plan has been submitted with the application, proposing landscaping along the northern site boundary adjoining the rail corridor, at the south of the vehicle and pedestrian entrance to the site and between the proposed development and existing primary school/ ELC building to the south. A 12sqm raingarden is also proposed along the eastern site boundary buffering the carparking area and adjoining residential property at 1 Laughlin Avenue.
77. The landscape concept shows a total of 17 new canopy trees, as well as 14 species of compact various shrubs and ground cover species.
78. Clause 2.0 of Schedule 5 to the Significant Landscape Overlay sets out general and specific landscape character objectives to be achieved. The table below lists these objectives and provide assessment response, based on the proposed development.

General landscape character objectives	
Objective	Response
To retain and enhance the vegetation dominated vistas, streetscapes and sites, through ensuring the dominance of native vegetation cover.	The proposed development allows retention of three significant trees and proposes the planting of 17 new canopy trees, providing sufficient vegetation cover within this area of the school site. The entrance to the school via Laughlin Avenue is the key vista viewed from the public realm and will be enhanced with new native planting south of the ELC development. Smaller shrubs and groundcover are also proposed at the northern area of the development, however



	capacity for canopy planting in this area of the site is more constrained by the car parking area and existing easements.
To ensure that new development enhances and respects the vegetation and landscape qualities of the Blackburn Lake Sanctuary and surrounding residential area.	The development is responsive to the vegetation and landscape qualities of the area and has been designed to ensure retained and new planting dominate the site. The proposed development will be visually recessive and is buffered by planting, including native species.
To provide for the retention and planting of tall trees in keeping with the bush environment and habitat values.	Some loss of trees is required to facilitate the development; however, it is noted several canopy trees are to be retained including trees 11 and 12 immediately adjoining the street frontage. The removed native vegetation trees are to be retained on the site as logs, providing some ongoing habitat value. Planting of 17 new canopy trees is also proposed and the development outcome is considered to appropriately provide for bush environment and habitat values.
To encourage the development of sympathetic buildings within an envelope, which ensures the maintenance of tree cover as a key feature of the site.	The design response is considered to appropriately allow for maintenance of tree cover. The ELC building is single storey and separated from all site boundaries, allowing for vegetation planting in setbacks. The building is setback a minimum of 3.44 metres from the northern boundary, with shrubs and small planting proposed within this accessway. The planting of new canopy trees within this setback is not encouraged, to avoid any impact to the sewerage and drainage assets within the existing easement in this location. The development is setback 14.7 metres from the eastern boundary adjoining Laughlin Avenue. A new carparking area is proposed within this setback, with a raingarden proposed immediately adjoining the carpark and site boundary. Tree cover will remain a key feature of the site, particularly at the southeast of the development, adjoining the vehicle and pedestrian entrances. Large existing canopy trees are to be retained in this location, as well as planting of several new canopy trees, including eucalyptus species consistent with species required to be removed to facilitate development.
To ensure that all setbacks are well vegetated.	As above, appropriate planting is proposed within all setbacks to ensure vegetated character of the area is maintained.
To ensure that buildings and works retain an inconspicuous profile and do not dominate the landscape.	The proposed ELC building is appropriately scaled and setback to ensure the development remains generally inconspicuous within the school site. The building is single storey, split level development with a maximum building height of 6.43 metres and will be effectively screened from the entrance/ Laughlin Avenue by vegetation.
To ensure that development is compatible with the character of the area.	The proposal is considered compatible with the character of the area, providing a low scale development which is consistent with the design of existing school buildings on the site.
To ensure that the perimeter trees are protected and enhanced where possible, and if necessary, their replacement is appropriately managed.	The development allows for the retention of some perimeter trees specifically those located south of the development, immediately adjoining the Laughlin Avenue school entrance. While a number of trees on the site are within the development area or significantly encroached upon and cannot be retained, details of proposed replacement canopy trees is provided demonstrating sufficient landscaping will be delivered.
Specific landscape character objectives and appropriate design responses	
To retain and increase the native and indigenous vegetation on site. <ul style="list-style-type: none"> All existing native trees and exotic trees should be retained where possible. Any removal of Pinus Radiata trees around the perimeter should be staged to ensure maintenance of a vegetation screen, and replacement by indigenous species. Buildings should be set back more than 4 metres from 	The development includes the removal of 23 trees, three of which are native trees. The retention of these trees is not possible based the current design response, however the overall the landscape response is considered acceptable based on proposed replacement planting. The significant trees which are proposed to be retained are identified in the submitted arboricultural assessment and disruption to root system and canopy is to be protected through standard tree protection measures.



<p>any vegetation that requires a permit to remove, destroy or lop under the provisions of this Schedule. A building may be closer than 4 metres provided it does not alter the existing ground level or topography of the land.</p> <ul style="list-style-type: none"> • The location of crossovers should minimise vegetation removal. • The building site coverage should not exceed 33% and the total hard surface and building site coverage should not exceed 50%, including paved surfaces, decks, tennis courts and swimming pools. • Works comprising hard surfaced and impervious areas (including tennis courts and swimming pools, but excluding buildings) should not exceed 17% of the site area. • Disruption to the root system and canopy of all trees should be minimised. 	<p>There are no Pinus Radiata trees proposed to be removed as part of this proposal.</p> <p>The proposed building is within 4 metres of trees which trigger a permit to remove under this SLO, however consent is sought for the removal of these trees as part of this application.</p> <p>The location of the vehicle access to the site is not proposed to be altered compared with the existing conditions and will not result in further encroachment to significant trees.</p> <p>The existing school site is a large parcel with a total are of 8.18ha. This development increases the site coverage slightly, equating to approximately 21% overall, complying with the objective.</p> <p>The existing impervious area across the site exceeds the specified 50%, however this proposal does not result in any significant further increase to impervious area and is considered acceptable.</p>
<p>To ensure development sits within a landscaped environment and does not dominate the landscape.</p> <ul style="list-style-type: none"> • Building massing and siting should provide space for frequent pockets of existing and new trees and other vegetation throughout the site. • Buildings should be set back a minimum of 9 metres from the front and 6m from the rear boundaries. • Setbacks from side boundaries should be not less than 1.2 metres. • Building materials should use earthy tones or lighter materials (eg. timber, non-masonry materials). • Built form and overall building height should sit below the existing tree canopy. • Development should be no higher than two storeys or 9 metres. • Building design should follow the contours of the site. • Openness to the perimeter roads and Blackburn Lake Sanctuary should be maintained and walled (gated) development with imposing entrance gates should be avoided. 	<p>The proposed development appropriately responds to the significant landscape context and will not dominate the landscape.</p> <p>The design allows for space of new planting and vegetation, including the retention of existing trees where possible.</p> <p>The existing school site is a large parcel, with the school development located in the northeastern area of the site. While the site is not a regular lot, the development complies with the specified setbacks providing separation of 14.7 metres from the Laughlin Avenue (front setback) and 3.44 metres from the northern boundary (side setback). The development siting generally allows for openness to adjoining the Laughlin Avenue and the proposed relocated entrance gate is considered appropriate, given this is consistent with existing conditions and is practically required for the school land use.</p> <p>The development has a maximum building height of 6.43 metres and is designed with split levels to accommodate the contours of the site.</p> <p>The building materials proposed include natural-coloured materials including light coloured roof cladding, white brick, wood finish aluminium cladding.</p>
<p>To ensure development on 1 Lake Road acknowledges and addresses the Sanctuary.</p> <ul style="list-style-type: none"> • Buildings should be set back from the eastern boundary of the site to minimise visual impact on the Sanctuary. • High or solid fences abutting the Sanctuary should be avoided. • Built form should be adequately screened when viewed from within the Sanctuary. 	<p>This objective is not considered relevant to this proposal.</p> <p>Lake Road is located southwest of the Blackburn Lake Sanctuary and is significantly separated from the subject site. The existing school and the proposed development area has no interface with the Sanctuary and will have no visual impact to this area.</p>

79. Permit conditions will require minor alterations to the landscape plan to ensure planting does not impact existing drainage and sewer assets within the easements on site, specifically requiring:

Acacia Melanoxylon and Eucalyptus Cephalocarpa planting adjoining the car parking area to be appropriately separated from assets within the drainage and sewerage easement or relocated if required.

Removal of Vegetation

80. The proposal seeks planning permission for the removal of 23 trees overall, three of which are native. The trees which require a permit under the Environmental Significance Overlay (Schedule 1), Significant Landscape Overlay (Schedule 5) and Native Vegetation Particular Provision (52.17) are identified in the table below. The location of existing trees and relevant native vegetation on site is also shown in Figures 17 and 18.



Tree to be removed	Common Name	ESO1 triggered	SLO5 triggered	Clause 52.17 triggered
1	<i>Narrow-Leaved Peppermint</i>	Yes	Yes	Yes
2	<i>Liquidambar</i>	X	Yes	X
3	<i>Camellia</i>	X	X	X
4	<i>Weeping Willow</i>	X	Yes	X
5	<i>Almond</i>	X	Yes	X
6	<i>Common Fig</i>	X	Yes	X
7	<i>Lemon</i>	X	X	X
8	<i>Lemon</i>	X	X	X
10	<i>Harkness Bottlebrush</i>	X	X	X
13	<i>Moptop Robinia</i>	X	Yes	X
14	<i>Callery Pear</i>	X	Yes	X
15	<i>Callery Pear</i>	X	Yes	X
16	<i>Callery Pear</i>	X	Yes	X
23	<i>Blackwood</i>	Yes	Yes	X
24	<i>Prickly Moses</i>	Yes	X	X
25	<i>Blackwood</i>	Yes	X	X
26	<i>Spotted Gum</i>	Yes	Yes	X
27	<i>Maritime Pine</i>	X	Yes	X
28	<i>Silver-Leaved Stringybark</i>	Yes	Yes	Yes
29	<i>Long-Leaved Box</i>	Yes	Yes	Yes
30	<i>Callery Pear</i>	X	Yes	X
31	<i>Callery Pear</i>	X	Yes	X
32	<i>Moptop Robinia</i>	X	Yes	X

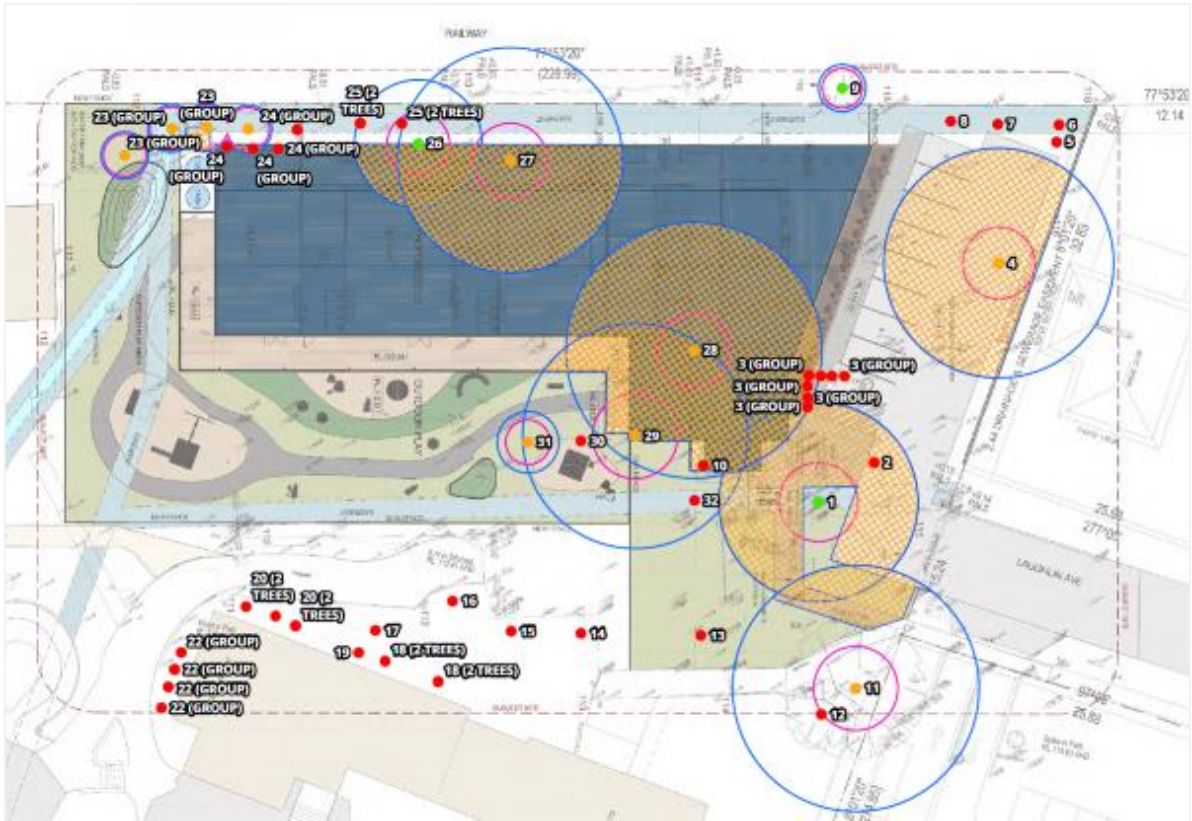


Figure 17 Location of existing trees and development encroachment



Figure 18 Native vegetation removal/ tree protection zones



Environmental Significance Overlay

81. A total of seven trees proposed for removal trigger the need for planning permission under the Environmental Significance Overlay – Schedule 1, three of which are native vegetation (Trees 1, 28, 29) and four are indigenous species which have been planted (Trees 23, 24, 25 and 26).
82. The objectives of the ESO1 include protection of the high conservation values of the area surrounding Blackburn Lake Sanctuary, ensuring the habitat value is not diminished and ensure development is sensitively designed to reinforce environmental characteristics of the site.
83. The proposal is generally acceptable based on the objectives and decision guidelines included in the ESO1, noting all but two of the trees to be removed triggering the overlay are deemed to have moderate to no protection value. The trees to be removed are located at the northern area of the subject site and significantly separated from the Blackburn Lake Sanctuary. Trees 23-26 are located adjoining the VicTrack rail corridor land immediately to the north, and as such viability of habitat is likely to be impacted by noise/ light emitted from this area. Trees 1, 28 and 29 are remnant native trees, which would have formed a patch of high-level conservation significance in the past, however the understory and middle storey vegetation has been lost through ongoing school land use and as such, the environmental value has been reduced.
84. A total of 17 native canopy trees are proposed to be planted on site, providing replacement habitat and vegetation on the site post development. Overall, the removal of these trees is considered acceptable.

Significant Landscape Overlay

85. A total of seventeen trees proposed for removal trigger consent under the Significant Landscape Overlay – Schedule 5 including Trees 1, 2, 4, 5, 6, 13, 14, 15, 16, 23, 26, 27, 28, 29, 30, 31 and 32.
86. The objectives of this overlay include to retain and enhance vegetation in dominant streetscapes, enhance the landscape qualities of the Blackburn Lake Sanctuary and surrounding areas, to ensure all setbacks are well vegetated and buildings retain an inconspicuous profile.
87. Twelve of the trees triggering consent under the overlay are exotic species, do not provide indigenous vegetation on the site and trigger consent for removal based on their size only (specifically trees 2, 4, 5, 6, 13, 14, 15, 16, 27, 30, 31, and 32). While these trees contribute to the vegetation character and canopy coverage in the area, the submitted arborist report does not deem any of these trees to have a high retention value.
88. The remaining five trees (Tree 1, 23, 26, 28 and 29) are indigenous or native species and are considered to have moderate or high retention value. These trees are within the development footprint or will be significantly encroached upon and cannot be retained based on the proposed design response. The removal of these trees is considered generally acceptable, based on the extent of vegetation to be retained and planted on the site, which will provide for the enhancement of landscape quality and vegetated character as encouraged by the overlay.
89. An assessment of the development response against the general and specific landscape objectives set out in the overlay provision is included in the above Landscaping section of this report, demonstrating the development outcome will appropriately respond to these objectives.
90. The proposed development is appropriately separated from site boundaries, allowing for retention of some trees and planting within development setbacks. The submitted arborist report and landscape plan have been reviewed by Whitehorse City Council's Landscape department who are generally supportive of the proposal, pending updates to some proposed planting species to be reflect native species to be lost. Overall, the development outcome and removal of these trees is considered acceptable.

Clause 52.17 Native Vegetation

91. The application is supported by the submitted Native Vegetation Assessment prepared by Nature Advisory and dated October 2024 and Arboricultural Development Impact Assessment prepared by Arbor Survey and dated 1 November



2024. These reports include information required by Section 6.4.1 of the Guidelines for the removal, destruction or lopping of native vegetation 2017 (the guidelines).
92. These reports confirm the extent of vegetation removal falls within an intermediate assessment pathway. The subject site is not located within a Melbourne Strategic Assessment Levy area.
93. A total of three native trees are proposed to be removed, equating to 0.111ha of native vegetation. There are no patches of native vegetation proposed to be removed. The trees are identified as:
- Tree 1 - Eucalyptus radiata (Small scattered tree)
 - Tree 28 - Eucalyptus cephalocarpa (Large scattered tree)
 - Tree 29 - Eucalyptus goniocalyx (Large scattered tree)
94. According to the Guidelines, offset requirements can be secured by either:
- A credit extract allocated to the permit from the Native Vegetation Credit Register.
 - A first party offset site is established, including a signed security agreement and management plan as described at Section 9 of the Guidelines.
95. The native vegetation assessment submitted confirms the general offset required, to be achieved via third party offset, available via the Native Vegetation Credit Register. The offset required includes 0.018 General Habitat Units, with a minimum biodiversity value score 0.0800, including 2 large trees. The offset is required to be within the Melbourne Water CMA or Whitehorse City Council local government area.
96. The application is supported by a quotation for the supply of native vegetation credits through a Department of Energy, Environment and Climate Action (DEECA) as the accredited offset provider. As at the date of that quotation, suitable native vegetation credits were available to offset the biodiversity impact associated with the proposed native vegetation removal.
97. The application is considered to have appropriately responded to the application requirements set out in Table 4 of the Guidelines, as the Native Vegetation Assessment includes the following details:
- Assessment pathway identified
 - Description of the native vegetation to be removed and the mapped location of existing native vegetation, including dated aerial images.
 - Details of previous native vegetation removal on the site.
 - Avoid and minimise statement, noting native scattered trees 11 and 12 have been avoided.
 - Details of the required offset including evidence offset is available to purchase from a third party.
98. Based on the above, the proposed removal of native vegetation is supported subject to permit conditions requiring the preparation of a vegetation management plan based on the findings or the native vegetation assessment and arboricultural development impact assessment and requiring evidence is provided to demonstrate the offset is secured, prior to the removal of any native vegetation.

Amenity and Microclimate

Amenity Impacts (internal and offsite)

99. Any amenity impacts anticipated to result from this development are minor. The building is well separated from the eastern site boundary and adjoining dwellings along Laughlin Avenue. The development will not cast shadows onto surrounding properties given the setbacks and location of the development on the northern area of the existing school site.

Noise



100. The external noise impacts associated with the development are anticipated to be minor. Given the scope of the proposal includes an increase of 33 students only to the existing ELC use within the school, the impact on adjoining properties in terms of noise is likely to be negligible compared with existing conditions.
101. The proposed ELC building is located along the northern site boundary, immediately adjoining the Belgrave/Lilydale rail corridor to the north. An acoustic assessment has been submitted with the application, which details noise monitoring undertaken on the site recording sound level of 60dB from the adjoining railway line. Given the noise sensitive nature of the childcare land use, the external noise must be considered in the façade design to ensure the building is fit for purpose.
102. The submitted acoustic report identifies measures to mitigate external noise intrusion including standards for façade & glazing, skylights, ceilings and acoustic sealing. Appendices A-F of the show acoustic treatments including walls and glazing thickness/ types on a marked-up development floor plan. A condition on permit is recommended to ensure the recommendation of the acoustic assessment are implemented in the constructed development to appropriately manage external noise impacts.

Public interfaces

103. The proposed ELC building has limited public interfaces, orientated to the end of Laughlin Avenue only. The development will be partially screened with landscaping within the car parking area at the building frontage. Given the single storey design and setback from the eastern boundary, the build form will be visually recessive from the public domain.

Infrastructure

104. Pedestrian and vehicle access to the ELC building is provided via Laughlin Avenue Way. The existing entry gate is to be relocated to the property boundary, located across the new 6.2-metre-wide vehicle crossover is to be constructed to carparking area. A new concrete pedestrian footpath is also proposed from the existing external car parking area to the entrance of the ELC development.


Car and Bicycle Parking, Loading, and Other Services

Car Parking Provision

105. The following car parking rates are relevant to the application:

Use	Rate	Amount Required	Amount Provided
Car Parking	0.22 spaces to each child required for child care centre use	7 spaces (required based on 33 additional children)	9 new spaces Achieved
Car Share	Nil	N/A	N/A
Motorcycle Parking	Nil	N/A	N/A

106. As above, based on the increase of students proposed in the replacement ELC, 7 additional car parking spaces are required, and 9 new car parking spaces are proposed to be provided. Therefore, the application complies with the statutory car parking requirements of Clause 52.06.
107. The applicable car parking rate for a childcare centre under Clause 52.06 does not specify whether the spaces should be allocated to staff or visitors. Notwithstanding this, it is noted the school intends to allocate the 9 car parking spaces within the new car parking area to staff. Parents/visitors will continue to have access to the existing 53 car parking spaces available to the broader school where a drop off/pick up area is located. A new concrete footpath is proposed from this external car parking area to the ELC entrance to ensure safe pedestrian access to the centre. This arrangement is acceptable.

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108. It is noted the proposed works include the removal of a central driveway and bitumen carparking area, previously accommodating 7 spaces, immediately north of the existing ELC building. The school has advised this area has not been used for parking for several years due to its unsafe proximity to student areas. The school noted the existing vehicle access gate at Laughlin Avenue remains locked to ensure vehicles cannot enter this area.
109. As noted elsewhere in this report, the removal of this car park does not trigger a planning permit under Clause 52.06 because the school and ancillary ELC benefit from existing use rights (which incorporates a reduced statutory car parking rate) and the 7 staff car parking spaces are not tied to any existing planning permission associated with the site.

Design Standards for Car Parking

110. The proposed car parking configuration complies with the design standards at Clause 52.06-9. The entrance to the carpark from Laughlin Avenue has a width of 7.2 metres and the internal car park accessway is 6.4 metres wide. The new standard car parking spaces comply with dimensions of 4.9 metres long and 2.6 metres wide. The additional accessible car parking space has dimension of 2.4 metres by 5.4 metres with open space adjoining as required.

Access, Traffic Movement and Circulation

111. A detailed traffic assessment has been submitted with the application, identifying the anticipated traffic generation of the proposal. It is acknowledged that childcare centre hours are more variable than typical school hours, with drop-off period ranging from 7am – 9am and pick up from 3pm – 6pm. While the proposed additional student capacity is anticipated to result in 26 additional morning vehicle movements 23 afternoon movements, these are likely to be staggered and not concentrated within the shorter peak hours associated with school traffic.
112. The assessment notes childcare staff arrive prior to the drop-off of students, most of which will park within the new on-site car parking area. Currently all nine of the ELC staff park in the offsite car park, immediately adjoining the school site on Laughlin Avenue, therefore creating five additional vacancies within this existing car park compared with existing conditions.
113. Parents will be required to park in the existing 53 spaces. A new concrete footpath is proposed from this external car parking area to the ELC entrance to ensure safe pedestrian access to the centre.
114. It is noted traffic congestion currently occurs along Laughlin Avenue, particularly within school drop off and pick up periods. While this application seeks to add additional student capacity to the childcare land use on the land, the car parking provided complies with additional requirements triggered by the additional students and no reduction to the statutory car parking requirement is sought. While the proposal will increase vehicle movements to and from the site, a proportion of these additional trips will be outside the peak school traffic congestion periods and are generally considered acceptable. The anticipated traffic volumes are considered able to be absorbed by the surrounding road network beyond Laughlin Avenue.
115. To mitigate any additional traffic impacts and avoid exacerbating current congestion, a permit condition is recommended, requiring amendments to the traffic impact assessment to include details of how the school will manage congestion in peak times. This may include staffing and other measures to enable the efficient operation of car parking area and ensure the orderly departure and arrival of parents/ students.

Bicycle Facilities

116. Childcare centre is not a listed use at Clause 52.34-5, and as such no bicycle facilities are required to be provided in association with this proposal. The development includes a small bike rack at the entrance, with capacity for three bikes, which exceeds the requirements of the provision.

Loading / Unloading

117. The existing school site is provided with central loading/ unloading facilities accessible via the Central Road frontage. This proposal does not seek to amend this configuration, and all deliveries associated with the ELC are to



use this existing loading bay and transferred internally through the school site. No loading is to occur via the Laughlin Avenue carpark.

118. The proposed loading arrangements are considered appropriate given this configuration is consistent with the current ELC which operates on site, and the proposed development will have similar delivery requirements.

Waste

119. All waste generated by the existing ELC land use on the site is transferred internally throughout the school to the centralised loading/ waste storage area. The applicant has noted the proposed development will adopt the same waste storage and collection practices which are currently implemented throughout the school.
120. Confirmation of the waste management arrangements is recommended to be required by permit condition, requiring the preparation and approval of a waste management plan. The plan is to require details of anticipated waste generation rates and storage details, to be consistent with existing arrangements for the school.

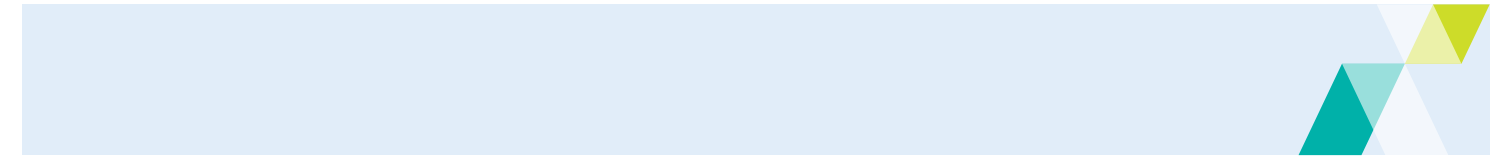
Sustainability

Environmentally Sustainable Design (ESD)

121. A Sustainability Management Plan has been submitted with the application, detailing efficiency measures to be implemented in the development such as construction with sustainability certified timber only, all-electric heated water pump insulated to reduce heat loss, water efficient fittings, rainwater re-use, water efficient landscaping, preparation of a building users guide before occupancy. These measures are cumulatively considered to meet best practice in environmentally sustainable development, demonstrating a BESS Report score of 60% and effectively responding to Clause 15.01-2L (Environmentally sustainable development) of the Whitehorse Planning Scheme.
122. The ESD documentation has been reviewed by Council ESD officer, who was supportive of the proposal subject to some amendments to be required by permit conditions.
123. It is noted some amendments required by conditions recommended by Council are not recommended to be included on the permit. Specifically the requirement for the installation of solar photovoltaic panels on the available roof area, associated energy storage, electric vehicle charging unit.
124. Requirements for solar panels, on-site energy storage and EV charging cannot be mandated based on Clause 15.01-2L the Whitehorse Planning Scheme, as recommended by the council. Instead, it is recommended the the SMP be amended to recommend options and future feasibility for the installation of solar panels and electric vehicle charging..
125. The preparation of a green travel plan is also recommended to be required via permit condition, as required for non-residential developments with a gross floor area exceeding 1000sqm pursuant to Clause 15.02-2L.

Water Sensitive Urban Design (WSUD) and Stormwater Management

126. A WSUD site plan and STORM rating report are included in the SMP, confirming the development meets the best practice standard. The development incorporates two rainwater tanks with 10,000 litre capacity at the west of the development, to capture rainwater from development roof for reuse in toilets and landscaping irrigation. A 12sqm raingarden is also proposed at the eastern boundary, to capture runoff from the ELC car parking area.
127. The WSUD/ drainage site plan also shows the proposed drainage of each area of the development. Much of the area surrounding the development is to be landscaped and permeable. The roof of the development and carparking area is to drain into the tanks and raingarden as shown. The external veranda above the outdoor decking area is to drain to the Council LPOD.
128. The planning report includes response to Clause 53.18, identifying proposed on-site detention measures for the re-use and management of stormwater to provide urban cooling, reduce demand on external drainage system and reduce pollutants in runoff.

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129. A Stormwater Management Plan is to be required by permit conditions, to ensure proposal will result in appropriate stormwater outcomes.

Other Matters

Development Contributions

130. The subject site is not subject to development contributions as identified in the Development Contributions Plan Overlay – Schedule 1, Whitehorse Development Contributions Plan. This is as per the Ministerial Direction on the Preparation and Content of Development Contributions Plans and Ministerial Reporting Requirements for Development Contributions Plans, which exempts non-government schools from development contributions.

Recommendation



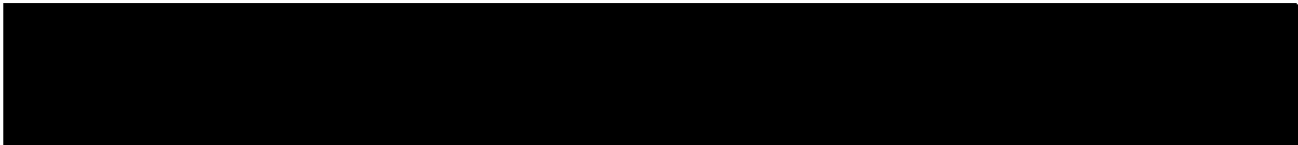
131. The proposal is generally consistent with the relevant planning policies of the Whitehorse Planning Scheme and will contribute to the provision of additional early learning centre services within the Nunawading area.
132. It is recommended that Planning Permit No. PA2403077 for the development of a replacement ancillary early learning centre, construction of a fence, removal of vegetation (including native vegetation) at 161 Central Road, Nunawading be issued subject to conditions.
133. It is **recommended** that the applicant, the council and submitters be notified of the above in writing.



Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.



Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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