

Response to Objections**Need for a child care**

Melton is identified as a growth area within the Municipal Strategic Statement of the Melton Planning Scheme ('Planning Scheme'), and according to Council's website, the City of Melton experienced one of the fastest growth rates in Victoria in 2015/2016. This included an average growth of 38 families and 45 babies every week in the last year. Given this increase in population, especially families, additional childcares will be needed to meet the needs of current and future residents of Melton.

Early provision of community infrastructure like childcares for future residents is integral to successful integrated land use planning. Childcares located in appropriate locations, in close proximity to main roads, existing and future residential areas, schools and services and with access to public transport should be encouraged.

The site is well-located for use as a childcare – it is located on a busier road in an established residential area, with a new residential development proposed within a kilometre of the site, just west of Clarkes Road. It is located within 200 metres of an existing school, on a bus route, and 1.5 kilometres from the Melton Train Station. The proposed childcare will provide a community benefit to local residents, adding greater choice of accessible childcare facilities for the Brookfield area.

Concerns related to the proposed use

The Neighbourhood Residential Zone specifically provides for uses complementary to residential uses such as education, community, recreation and religious uses. Provision of childcare centres within residential areas provides a choice and offers a valuable service for local residents. This has been confirmed by the Tribunal in a number of cases, specifically *Java Sands Pty Ltd & Anor v Frankston CC [2006] VCAT2168*, where Deputy President Gibson found (emphasis added):

With changing demographic patterns and increased rates of participation by women in the work force, the social need for child care has grown. This need is being met through a proliferation of commercial child care centres. Many such centres choose to locate in residential areas because of the nature of the use and the fact that they are serving local community needs. In my view, child care centres are part and parcel of residential areas. They meet a community need that is directly related to residential use and development in much the same way as schools and kindergartens.

Using land for a childcare centre within a residential zone is entirely in keeping with the purpose of the zone and ensures that community needs are addressed in locations convenient and accessible for its users.

Concerns relating to car parking

Clause 52.06 of the Planning Scheme provides the requirements for the provision, layout and design of car parking and access for childcare centres. Specifically, it requires 0.22 parking spaces be provided for each child. For a proposal of 90 children, a childcare centre should provide a minimum of 19 car parking spaces.

While under no statutory requirement to do so, the proposed childcare provides more car parking spaces than required – a total of 21 car parking spaces, exceeding the requirements by two (2) additional car parking spaces. The Traffic Engineering assessment further details

the proposal's full compliance with the car parking and access layout and design requirements of the Planning Scheme.

As the proposal meets or exceeds the requirements of 52.06 for car parking and access provision, layout and design, no planning permit is required. We respectfully submit that as no planning permit is required, car parking is not a relevant consideration for this application.

Concerns relating to Traffic

With respect to the impact on traffic, the Traffic Engineering assessment submitted with the application finds that the additional traffic generated by the proposal can be adequately accommodated within the surrounding street network.

The proposed parking configuration and vehicular access, including separate ingress and egress will facilitate convenient drop off and collection of children. The one-way design will minimise potential for conflicts, and sufficient space is provided to meet the necessary requirements. The retention of trees along the side boundaries at the front and the inclusion of landscaping will soften the appearance of this parking area.

We further understand that Council's Traffic Engineers have raised no objections with the proposal, and we respectfully submit that the proposal is entirely reasonable with respect to traffic.

Concerns related to noise

A number of objectors have raised concerns with potential noise impacts associated with a childcare centre. It has been a long-standing planning principle that noise emanating from childcare centres, and specifically from children themselves to be reasonable within a residential area. *Krampitz v City of Footscray (1978)* 13 VPAD 88 states the following:

"It will be a sad day for this community when responsible authorities find that the laughter of little children or their exuberance in playing their games becomes a nuisance."

The site is located on a corner, where sensitive interfaces are limited to only two boundaries. Brooklyn Road is acknowledged by the objectors as a busy road, not a quiet residential local street. Campbell Court, while not a busy road, is a local street with wide verges and houses set back some distance from the proposed childcare centre, providing a buffer to the site.

It is further submitted that the site is one where the noise of children can already be heard, with the Melton Christian College located less than 200 metres from the site. Noise emanating from a child care with a total of 90 children will be significantly less than that of this school, which has an enrolment of over 350 primary school children.

Notwithstanding the above, our client would be amenable to a permit condition for acoustic fencing along the western and southern boundaries to reduce any noise impacts to adjacent properties.

Other concerns

Other concerns were raised in relation to overshadowing from shade sails and vegetation removal, neither of which are shown in the plans, also noting that neither require a planning permit. Other concerns related to impacts on neighbouring land value and that the applicant should have purchased another site. As Council will be aware, the issue of land value is not a consideration in the Planning Scheme. With respect to purchasing other sites, this application relates to the use of this site. Each application is considered on its merits and

whether it represents a reasonable outcome for the site, not whether another site should have been purchased.

The proposed buildings and works associated with the use are of a scale in keeping with a single-storey residential dwelling extension. It is worth noting that a residential development of similar works would not require planning approval.