

MINUTES

PLANNING COMMITTEE MEETING No. 226

**Thursday 23 July 2026
6pm**

City Hall, 57 Little Malop Street, Geelong

LIVE STREAMED ON THE CITY'S WEBSITE:

www.geelongaustralia.com.au/meetings

COMMITTEE MEMBERS:

Cr A Katos – (Deakin Ward) - Chair
Cr T Sullivan (Leopold Ward) - Deputy Chair
Cr S Kontelj (Kardinia Ward)
Cr R Nelson (Barrabool Hills Ward)
Cr E Sinclair (Charlemont Ward)
Cr M Cadwell (Cheetham Ward)
Cr E Wilkinson (Connewarre Ward)
Cr A Aitken (Corio Ward)
Cr E Kontelj (Hamlyn Heights Ward)
Cr R Story (Murradoc Ward)
Cr C Burson (You Yangs Ward)

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1. PROCEDURAL MATTERS

1.1. Acknowledgement Of Country

The Committee acknowledges the Wadawurrung People as the Traditional Owners of the Land, Waterways and Skies. We pay our respects to their Elders, past and present. We Acknowledge all Aboriginal and Torres Strait Islander people who are part of our Greater Geelong community today.

1.2. Welcome

1.3. Introduce The Panel Members

Committee Members:

Cr A Katos – Chair
Cr T Sullivan
Cr E Kontelj
Cr R Nelson
Cr A Aitken
Cr M Cadwell
Cr C Burson
Cr R Story
Cr E Sinclair

Also Present:

Jacquie Randles, Executive Director Growth and Place
Joanne Van Slageren, Manager City Development
Keelen Jones, Senior Statutory Planner
Verity Bright, Team Leader Statutory Planning
John Rush, Coordinator Statutory Planning
Tessa English, Administration Officer City Development
Alana Martin, Chief Governance and Risk Officer

1.4. Apologies

Cr S Kontelj, Cr E Wilkinson

1.5. Declarations Of Conflicts Of Interest

NIL

1.6. Confirmation Of Minutes

Cr E Kontelj moved, Cr R Nelson seconded -

That the Minutes of the Planning Committee Meeting held on 16 April 2026 be confirmed.

Carried

1.7. Procedure For Hearing Items

Procedure for Hearing Items (When Face to Face or live stream)

The procedure for hearing items this evening will be:

- The officer will present a brief summary of the written report to the Committee.
- The Committee members may ask questions of the officer.
- The Objectors/submitters will detail their concerns to the Committee (3-minute time limit for each objector/submitter).
- The Committee members may ask questions of the objector/submitter.
- The Applicant will detail their application and respond to any objector/submitter concerns to the Committee (5-10 minute time limit for the applicant).
- The Committee members may ask questions of the applicant.
- The Committee members will further discuss the application and make a decision.

The decision of this Committee is the final decision of the Council acting under delegated authority.

If anyone is aggrieved by the decision of this Committee, they may appeal to the Victorian Civil and Administrative Tribunal in Melbourne. Our staff can assist with this process during office hours.

2. MATTER(S) FOR CONSIDERATION

2.1. PP-934-2024 - 127 Christies Road, Leopold

Application No:	PP-934-2024
Applicant:	Permits Hub
Subject Land:	127 Christies Road, Leopold, VIC 3224
Owner:	G Virk & R Kaur
Zone:	General Residential Zone 1
Overlays:	Design & Development Overlay DDO14
Existing Use:	Single Dwelling
Proposed Use:	Use and Development of a Childcare Centre

Summary

1. Where is the subject site and what planning controls exist for the site?

- The site is located at 127 Christies Road, LEOPOLD, with a dwelling currently located on the land. The site is located on a corner and has a street frontage of 17 metres to Christies Road. It has a total area of 1469 square metres.
- The site is located within a General Residential Zone and a Design and Development Overlay.

More information on the site is located within the Site/ Locality section of this report.

2. What is the application for?

- The application seeks to use and develop the land for a child care centre in a General Residential Zone.
- The two-storey childcare centre is to be setback 4 metres from Highland Way and 9.9 metres from Christies Road.
- Surrounding the childcare centre to the north and east is a 525 sqm playground area.
- To the west of the site there is a 15-space car park including one disabled car park.
- The child care centre is to accommodate 72 children and operate between the hours of 6:30 am and 6 pm.

More information is provided within the Proposal section of this report.

3. How was the application advertised? How many objections were received?

- Public notice was undertaken by way of signs on site and letters to the adjoining owners and occupiers. A total of 61 objections were received.
- The main concerns related to the location of a child care centre in a residential area, lack of need for a childcare centre, traffic, noise, waste management, safety, poor experiences with child care centres in the area, overlooking and overshadowing.

A more comprehensive response to the objections is within the Public Notice Section of this report.

4. Referrals

- The application was externally referred to the Department of Transport (DTP) and Barwon Water. DTP and Barwon Water did not object or provide conditions.
- Council's Civil Infrastructure, ESD, Environmental Health, Parks and Waste Departments were supportive of the application, subject to conditions.

More information is within the Referrals Section of this report.

5. How was the application assessed and against what provisions?

- The application was assessed against the relevant parts of the Greater Geelong Planning Scheme including:
 - Municipal Planning Strategy
 - Planning Policy Framework
 - General Residential Zone
 - Clause 52.06 Car Parking

More information is included in the Zone, Policy and Particular Provisions of this report.

What is the recommendation?

On balance and having considered all the relevant matters within the Planning Scheme, it is respectfully recommended that the Council issue a Notice of Decision to Grant a Planning Permit for the Use and Development of a Child Care Centre.

Recommendation

That the responsible authority, having considered all matters which Planning and Environment Act 1987 requires it to consider, decides to issue a Notice of Decision to grant a Planning Permit for the Use and Development of a Childcare Centre at 127 Christies Road, Leopold, generally in accordance with the plans and documentation submitted with the application on the conditions outlined in Attachment 1.

Lapsed

RESOLUTION – Item 2.1

Cr T Sullivan moved, Cr R Story seconded -

That the responsible authority, having considered all matters which Planning and Environment Act 1987 requires it to consider, decides to refuse to grant a Planning Permit for the Use and Development of a Childcare Centre at 127 Christies Road, Leopold, generally in accordance with the plans and documentation submitted with the application on the grounds outlined in Attachment 3.

Carried

Financial Sustainability

1. No direct financial implications for Council. All development, infrastructure and operational costs will be met by the applicant.

Community Engagement

2. The application was advertised via letters to surrounding owners/occupiers and signage on site. A total of 61 objections were received. External referrals were undertaken with DTP and Barwon Water, and internal referrals were undertaken with relevant Council departments.

Social Equity and Sustainability

3. The proposal supports access to early childhood education and care services for the local community. The development includes accessible facilities, lift access and a disabled car parking space, improving accessibility for a range of users.

Relevant Law/Policy/Legal Implications

4. The application is assessed under the Planning and Environment Act 1987 and the Greater Geelong Planning Scheme, including the General Residential Zone, Clause 52.06 (Car Parking), the Municipal Planning Strategy and Planning Policy Framework.

Conflict of Interest

5. No officer involved in the preparation of this report declared a general or material conflict of interest.

Risk Assessment

6. Potential risks relating to traffic, noise and residential amenity have been assessed and are addressed through permit conditions, referral authority advice and supporting technical reports.

Environmental Sustainability

7. The proposal incorporates environmentally sustainable design measures, including solar panels, water-sensitive urban design, energy-efficient building measures, natural ventilation and landscaping requirements to reduce environmental impacts and improve climate resilience.

Attachments

1. Attachment 1 Conditions [2.1.1 - 8 pages]
2. Attachment 2 Officers Report [2.1.2 - 49 pages]
3. Attachment 3 Grounds of Refusal [2.1.3 - 1 page]

Attachment 1 – Conditions

Amended Plans

1. Prior to works commencing, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) An elevation to show the type of acoustic fencing to be used. The fencing type must nominate the height and materials and reference the acoustic report requirements at Condition 20 of this permit.
 - b) An amended Waste Management Plan in accordance with Condition 22.
 - c) Wheel stoppers in the car spaces 9 to 15 to prevent vehicle overhang into pedestrian and landscape areas.
 - d) A landscape plan in accordance with Condition 9 of this permit.
 - e) An annotation on the site plan demonstrating the vehicle crossing to be 6.4 metres wide.
 - f) The car park constructed at grade for at least 2.5 metres from the western boundary.
 - g) Appearance of cladding on the elevations to be brick rather than horizontal cladding.
2. Before development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans received 20/5/2025 but modified to show:
 - a) Initiatives contained within the ESD (SDA) report along with the proposed changes, including:
 - i. Annotate the internal maximum illumination power density for each area type.

- ii. Information regarding xeriscaping and/or the use of drought tolerant species will need to be added to the landscape plan and architectural plan.
- iii. Daylight modelling demonstrating at least 60% of regular use areas achieve a daylight factor of 2% or greater.
- iv. A ventilation markup demonstrating at least 60% of regular use areas are effectively naturally ventilated in accordance with the BESS requirements.
- v. The ventilation system is to be designed to maintain indoor CO2 levels at or below 800 parts per million.
- vi. Ceiling fans servicing at least 70% of regular use areas.
- vii. It must be demonstrated on the plans that at least 20% of the site area is covered with vegetation as required by the BESS requirements.

If a BESS report is included as part of the ESD report, the BESS report (or similar equivalent) must achieve an overall score of 50% or higher and have a minimum 'pass' rates of mandatory categories.

Endorsed Plans

- 3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. All works must be undertaken in accordance with the endorsed sustainable design assessment report to the satisfaction of the Responsible Authority. No alterations to this plan may occur without the written consent of the Responsible Authority.
- 5. The approved tree protection management plan must not be amended or altered without the consent of the Responsible Authority.
- 6. The endorsed landscape plan must not be amended or altered without the written consent of the Responsible Authority.
- 7. The endorsed waste management plan must not be amended or altered without the written consent of the Responsible Authority.
- 8. The endorsed Acoustic Impact Assessment report must not be amended or altered without the written consent of the Responsible Authority.

Landscape Plan

9. Prior to works commencing, a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale and show:
- a) A survey (including botanical names) of all existing vegetation to be retained and/ or removed.
 - b) Details of surface finishes of pathways and driveways.
 - c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping at a height of 900 mm where in a visual splay.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

Tree Protection Management Plan

10. Prior to the commencement of the development, a Tree Protection Management Plan must be submitted to and approved by the Responsible Authority. The Tree Protection Management Plan must be prepared by a suitably qualified arborist and must include all:
- a) council-owned trees;
 - b) privately owned trees and;
 - c) trees owned by other parties that are located within 4 metres of the property boundary.

When approved the Tree Protection Management Plan and its recommendations will be endorsed and will then form part of the permit.

11. Prior to the commencement of any works at the site including demolition and excavation, a letter of engagement must be provided to the Responsible Authority from the Project Arborist selected to oversee all relevant tree protection works. In accordance with Australian Standard 4970-2009 Protection of trees on developments sites the Project Arborist must be an appropriately experienced and qualified professional (minimum AQF Level 5 Arborist).

Tree Protection Zones

12. Prior to the works commencing (including any demolition works), Tree Protection Fencing must be installed and maintained until works are completed to the satisfaction of the Responsible Authority. All works within the nominated Tree Protection Zones must be:
- a) carried out in accordance with Australian Standard 4373–2007 Pruning of amenity trees and Australian Standard 4970–2009 Protection of trees on development sites.
 - b) overseen by a suitably qualified, level-5 arborist.
 - c) carried out to the satisfaction of the Responsible Authority by suitably trained and qualified arboricultural staff.

Works encroaching within the nominated Tree Protection Zones must not be undertaken without the written consent of the Responsible Authority.

Stormwater Management

13. The site stormwater system must be designed and installed such that the site stormwater discharge is not increased by the proposed development. An appropriate on-site detention system designed in accordance with the Infrastructure Design Manual may be required.

Prior to the Use Commencing

14. Prior to the use commencing, the developer must:
- a) Construct the site stormwater system, including connection into the existing pit in Christies Road, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
 - b) Construct the site vehicular crossing to be 6.4 m wide, in accordance with the requirements and standards of the City of Greater Geelong Desing Note 4.
 - c) Ensure any proposed vehicular crossing has a satisfactory clearance to any existing crossover, side-entry pit, power, lighting or telecommunication pole, manhole cover or marker, fire hydrant or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
 - d) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;

- e) Provide and install low intensity lighting to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land.

All to the satisfaction of the Responsible Authority.

- 15. Prior to the use commencing, the developer must construct the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
- 16. Prior to the use commencing, a written statement from the Project Arborist must be submitted to the Responsible Authority that certifies that the following items have been addressed as part of the works:
 - a) Installation and correct placement of tree protection fencing 2 weeks prior to works commencing and for the duration of works.
 - b) Attendance during Tree Protection Zone incursions.
 - c) Adherence to Australian Standard 4970–2009 Protection of trees on development sites.

Hours of operation

- 17. Unless otherwise approved in writing by the Responsible Authority, the use hereby permitted may only operate during the following times:
 - a) Monday to Friday 6:30am to 6:00pm

All to the satisfaction of the Responsible Authority.

Maximum number of children and staff

- 18. No more than 72 children shall attend the child care centre at any one time, to the satisfaction of the Responsible Authority.
- 19. No more than 13 staff may be present on the land at any one time, to the satisfaction of the Responsible Authority.

Noise Management

- 20. All acoustic measures must be carried out at the full cost of the permit holder prior to the occupation of the building in accordance with the amended acoustic report by Octave Acoustics dated 11.02.2026, document number AC839ME-01E02.

21. Prior to use commencing, a noise management plan must be developed in accordance with the guidelines provided by Association of Australasian Acoustical Consultants, (AAAC), Guideline for Childcare Centre Acoustic Assessment Version 3.0, (September 2020), and submitted for assessment by the Relevant Authority. Once endorsed, the noise management plan will form part of the permit.

Waste Collection

22. Prior to works commencing, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan submitted and assessed with the application (Traffix Group, Issue B, dated 9/02/26), but modified to show:
 - a) A statement that the two car spaces to the north of the turning space must be vacant when waste/refuse collection occurs.
23. Waste collection (other than normal Council collection) is to occur outside of the peak hours of the proposed child care centre and be in accordance with EPA Noise Control Guidelines.
24. If waste collections are to occur one collection per week, they must only occur during these times:
 - a) 6:30 am – 8 pm Monday to Saturday
 - b) 9 am – 8 pm Sunday and public holidays

If waste collections are to occur with two or more collections per week, they must only occur during these times:

- a) 7 am – 8 pm Monday to Saturday
- b) 9 am – 8 pm Sunday and public holidays

The storage, removal and disposal of such/garbage refuse must be undertaken in such a manner so as to avoid any nuisance, pollution or loss amenity to the surrounding area and must at all times be to the satisfaction of the Responsible Authority.

No External Sound Amplification

25. No external amplified equipment, loud speakers or public address system shall be used in conjunction with the use hereby permitted.

General Amenity

26. The amenity of the area must not be detrimentally affected by the use or development through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.

All to the satisfaction of the Responsible Authority.

Plant and Equipment Insulation

27. All external plant and equipment must be located, acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
28. All air-conditioning units are to be placed in an appropriate location or alternatively acoustically treated to reduce noise to a level satisfactory to the Responsible Authority.

Use and Development Expiry

29. This permit as it relates to the development of buildings will expire if one of the following circumstances applies:
- a) The development of the building(s) hereby approved has not commenced within three (3) years of the date of this permit.
 - b) The development of the building(s) hereby approved is not completed within five (5) years of the date of this permit.

- c) The use hereby approved has not commenced within three (3) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- a) Within six (6) months after the permit expires where the use or development has not yet started; or
- b) Within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Notes:

1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.
4. A pre-commencement meeting with Council's Civil Infrastructure department is required to be undertaken prior to works starting. To organise this meeting please contact 5272 4426.
5. In the instance that minor pruning is anticipated the applicant must contact Council's Parks Planning Officers on 5272 5272 (treeplanning@geelongcity.vic.gov.au) to lodge a request and provide adequate notice.
6. Noise during construction is to be managed and not emit unreasonable noise at any time of the day under the Environment Protection Act 2017.
7. The proprietor of the proposed food business will be required to apply to the City of Greater Geelong Council's, Environmental Health Unit for registration of a food premises under the Food Act 1984. Recommend that contact is made prior to internal fit-out to be able to assist with compliance.
8. The proposed development must conform to Barwon Water's Asset Protection policy.

Attachment 2 – Officer’s Report

PERMIT TRIGGER:

Planning Scheme Clause	Matter for which the permit has been granted
32.08-2	Use the land for a Child Care Centre
32.08-10	Construct a building or construct or carry out works for a Child Care Centre

DEFINITIONS

Pursuant to Clause 73.03 of the Planning Scheme, a **Child Care Centre** is defined as:

- *Land used to care for five or more children who are not permanently resident on the land.*

Pursuant to Clause 73.04 of the Planning Scheme, **Child Care Centre** is nested in the Education Centre Group.

RESTRICTIVE COVENANT OR SECTION 173 AGREEMENT:

The subject site is burdened by a restrictive covenant and Section 173 Agreement.

Reference no: Covenant R495300V

Details: The covenant prevents the construction of building that are to have external walls of “less than three quarters of which consist of brick, brick veneer or glass materials, windows and doors are excepted.

Response: External material calculations have been provided on the elevation plans demonstrating that 81% of the overall façade (excluding openings) is to be constructed using brick. It is considered the proposal does not contravene the covenant.

Reference no: S173 Agreement P796177Q

Details: The agreement details conditions relating to “the subject land’s” (land marked A on Certificate of Title Volume 8255 Folio 701) rezoning from “Rural Future Urban” to “Reserved Residential” and details subdivision minimum lot size requirements.

Response: As the proposal does not include the further subdivision of the land, the proposal is not considered to contravene the S173 Agreement.

OFFICER DIRECT OR INDIRECT INTEREST:

No officer involved in the preparation of this report declared a general or material conflict of interest.

SITE/LOCALITY:

Image: Site Context



Image: Streetscape of subject site from Highland Way (Google)



Image: Streetscape of subject site from Christies Road (Google)

The subject site is located on a corner site south of Highland Way and west of Christies Road. The site is rectangular in shape with a frontage to Christies Road of 17 metres, a maximum depth of 52 metres and a total area of approximately 1469 square metres.

The site currently contains an existing single storey brick dwelling. The site also comprises a shed on the rear south-western property boundary. The site is defined by a timber paling fence on the southern and western boundaries. At the Highland Way and Hick Street frontage of the site, the front fence consists of a mixture of brick, timber pickets and sheet metal.

There is a lawn area in the front and rear yard of the site. There are three street trees within the nature strip along the Highland Way frontage of the site and one street tree and light pole along the Christies Road frontage. At the front of the site there is a concrete footpath and kerb/channel. There is an existing vehicle crossing which can be accessed from Highland Way. Parallel to the western boundary is a 2.5 metre wide sewerage easement.

The adjoining land to the south is occupied by a single storey brick dwelling. The adjoining land to the west is occupied by a single storey brick dwelling.

The site is in proximity to a range of facilities, services and landmarks including bus route 32 and 61, major roads (Portarlinton Road), Bellarine Rail trail and Fred Cook Reserve.

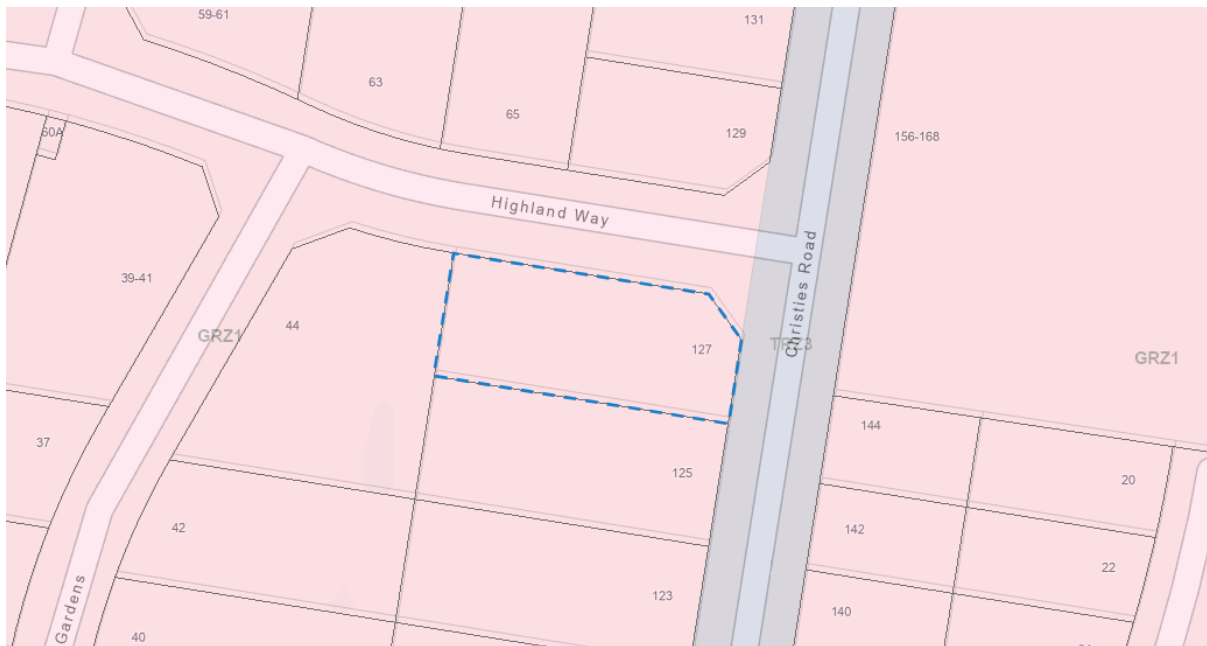


Image: Zoning Map

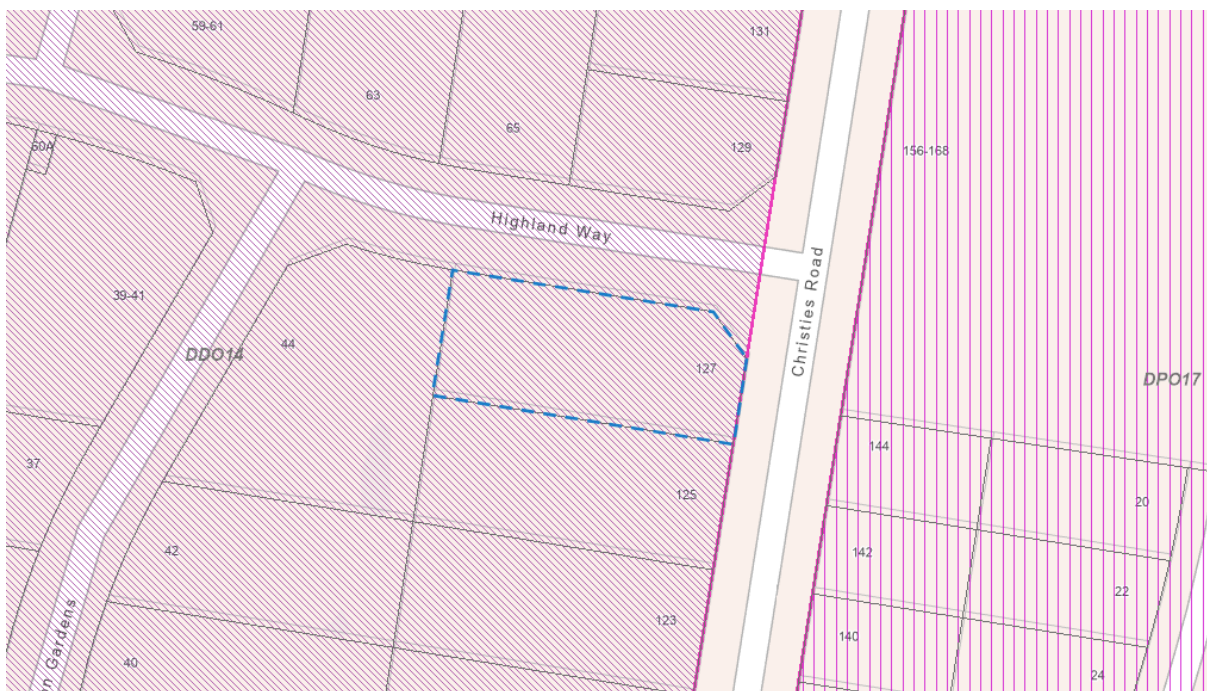


Image: Overlay Map

PROPOSAL:

The application seeks approval for a childcare centre in a General Residential Zone.

The childcare centre is to accommodate 72 children and operate between the hours of 6:30 am and 6 pm.

The two-storey childcare centre is to be setback 4 metres from Highland Way and 9.9 metres from Christies Road.

The ground floor is to contain four childcare rooms, an entry/reception area, kitchen, laundry, two toilet areas and a disabled toilet area. A lift is included, as well as a stairwell leading to the first floor. The first floor is to contain a planning room, staff room, powder room and bathroom facility. Surrounding the childcare centre to the north and east is a 525 sqm playground area. To the west of the site there is a 15-space car park including one disabled car park. A waste storage area is located to the south-west of the site, and a turning bay is also provided at the southern end of the car park. A crossover is proposed to the north-west of the site providing access to the car park.

The childcare centre is to be clad using different coloured brick on the ground floor and cement render on the first floor. The first floor is to contain a skillion Colorbond roof, bringing the building to a maximum height of 7.46 metres. 1.5 metre high acoustic fencing is proposed to the north and east of the site and 2.1 metre acoustic fencing is proposed to the south of the site.

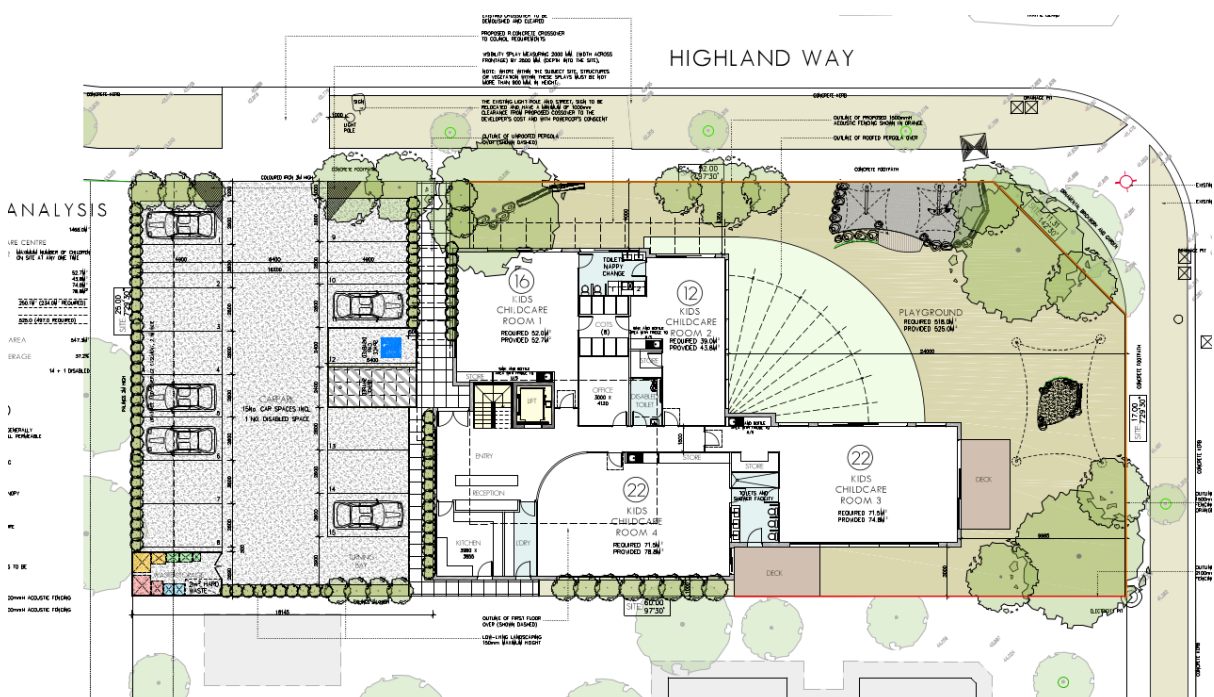


Image: Floor Plan

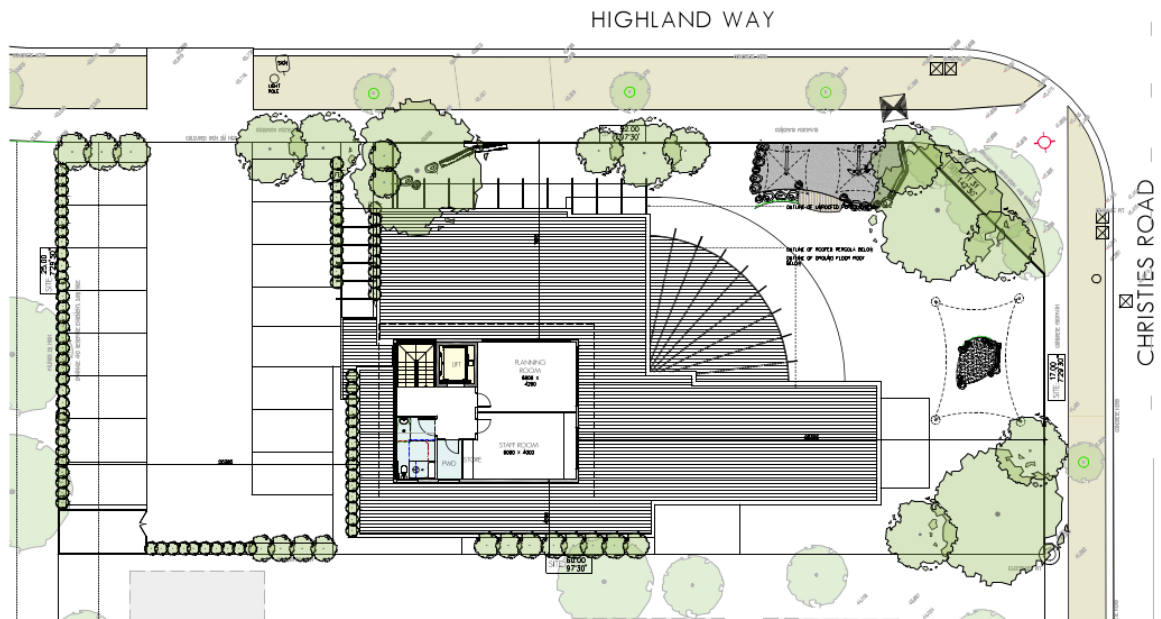


Image: First Floor Plan

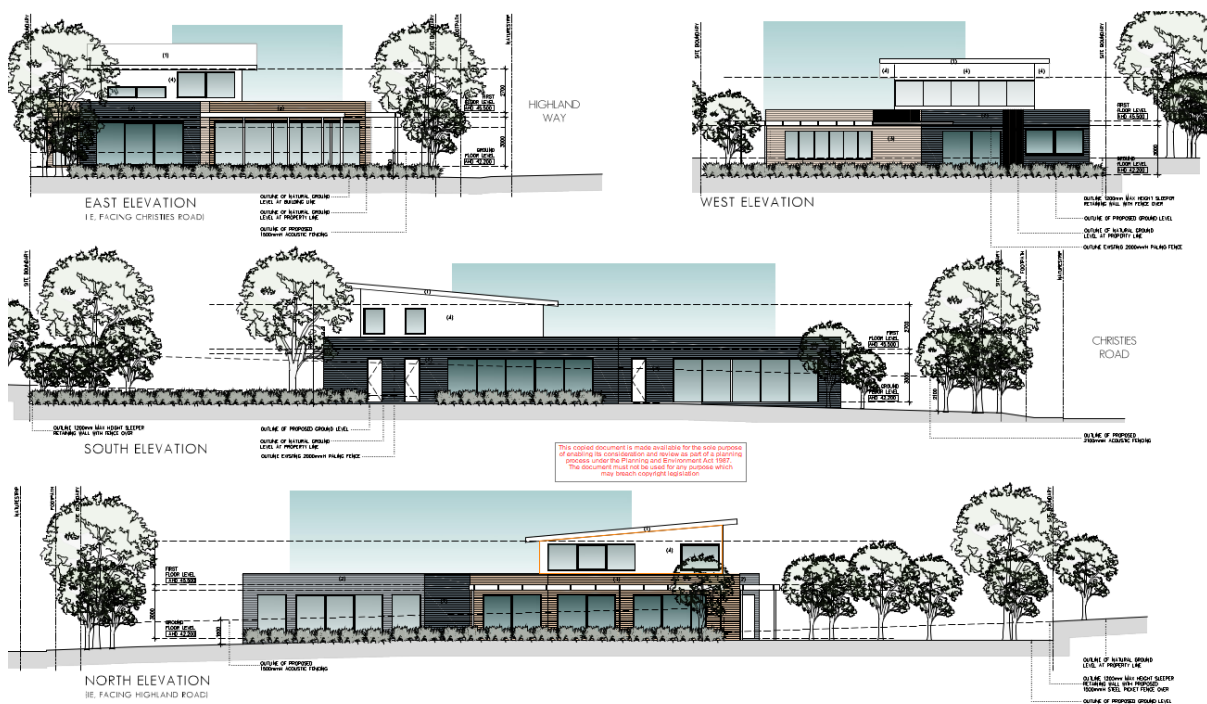


Image: Elevations

PERMIT/SITE HISTORY:

There is no permit/site history relevant to the application.

REFERRALS:

The following referrals were undertaken:

SECTION 55:**DETERMINING AUTHORITY**

Authority:	Department of Transport and Planning (DTP)
Response:	Section 55 – No Objection Thank you for your referral of the above application to the Head, Transport for Victoria under Section 55 of the <i>Planning and Environment Act 1987</i>. The Head, Transport for Victoria has considered this application and does not object to the grant of a permit.
Officer Comment: DTP have not objected to the proposal or required any conditions.	

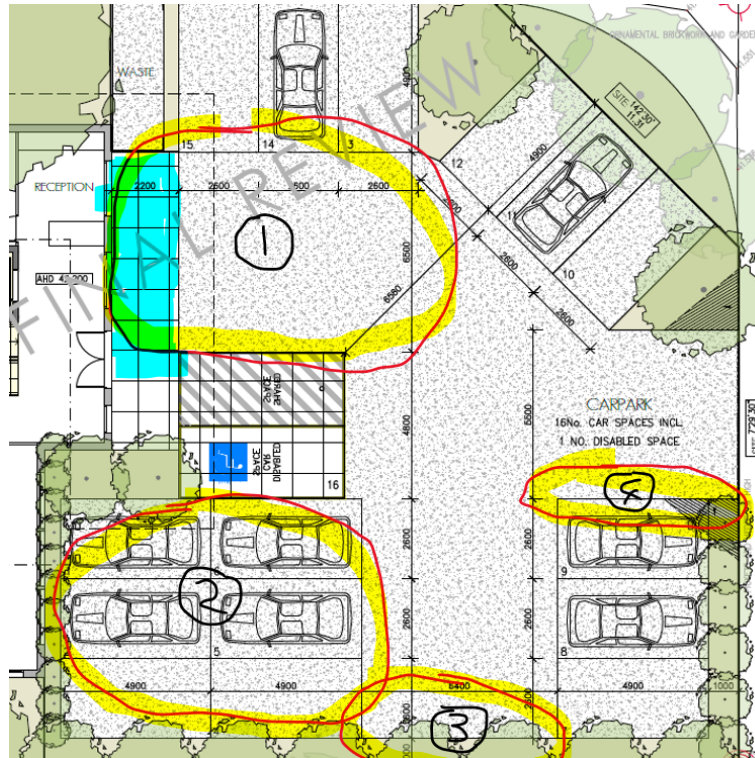
SECTION 52:

Authority:	Barwon Water
Response:	Barwon Water has No Objection to the proposal Thank you for notifying Barwon Water of the proposed development. Based on the information provided, Barwon Water has no objection to the granting of a planning permit, pursuant to Section 52 of the Planning and Environment Act, does not object to the granting of a planning permit. However, the proposed development must conform to Barwon Water's Asset Protection policy. Concrete pavement is not permitted over the sewer connection branch servicing either neighbouring or own property. As Barwon Water is not a formal referral authority for this project; it is requested the following information be provided as a note on the Planning Permit for the information of the applicant:
Officer Comment: It is noted that while Barwon Water mentioned that concrete is not to be paved over the sewer easement, they also do not object to the application. Barwon water indicate that it is acceptable to include a note on the planning permit saying the development must conform to Barwon Water's Asset Protection Policy.	

INTERNAL

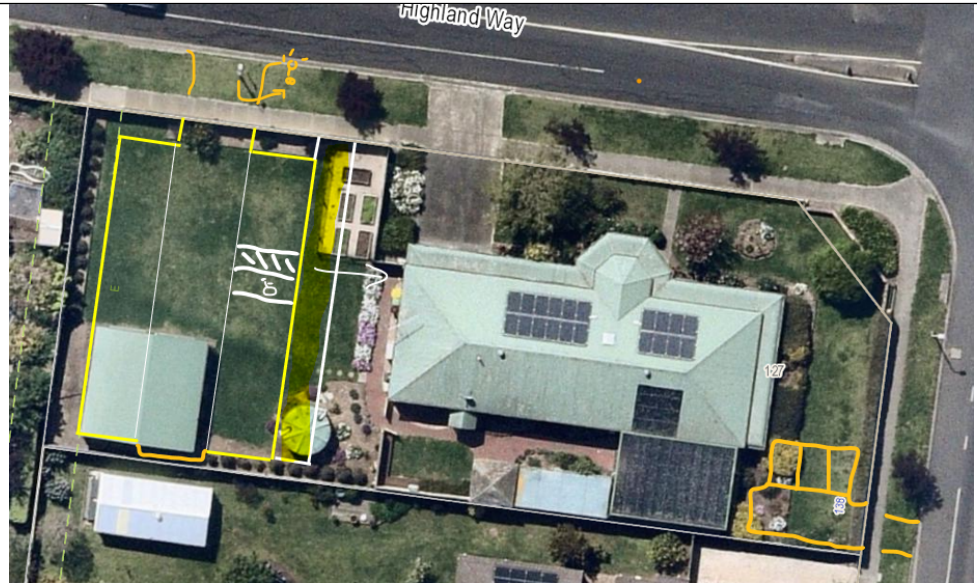
Department:	Civil Infrastructure
Response:	1st Engineering Response Parking Demand & Supply The proposed child care centre is proposed with 78 child places (<i>*it is noted this was later changed to 72 children</i>). (78 children) has a statutory parking demand of 17 spaces. ($78 \times 0.22 = 17.16$). The proposed car park has a supply of 16 car spaces (subject to design issues), which is a shortfall of one car space. Parking waivers for child care centres are not supported, and in this case will not be supported. If 78 child places are proposed, then 17 car spaces must be provided on-site. Car Park Design It is noted that a Traffic Impact Assessment has not been provided with the application to justify the car park design. The design of the car park is of an unacceptable standard for a child care centre, The main issues are: 1. Car spaces 13, 14 & 15 rely on a blind aisle extending into the footpath that is apparent between the building and parking aisle in an area where the main entry to the building is located and where pedestrian movements will be prevalent. 2. For the scale of this development and of the car park, tandem parking is not supported. 3. A blind aisle is not provided for the southern car spaces.

4. A landscaped island has not been provided to separate the driveway and the adjacent car space.



Design Options

The lot is about 25 m wide and is a corner lot. There should be opportunity to re-design the child care centre so that a conventional car park with two rows of parking on each side of the parking aisle in the western part of the lot with access from Highland Way (see sketch overleaf).



- There is a light pole in Highland Way that will require relocation to allow for the vehicle crossing.
- There must be a footpath between the eastern row of car spaces and the building.
- The disabled space shall be situated in the eastern row and centrally located. The entry to the building must be close to or in line with the shared space adjacent to the disabled car space.
- Wheelstops may be provided in the eastern row of car spaces to prevent overhanging of the footpath.
- Depending on how the building is designed, an additional 'staff only' car park could be provided off Christies Rd or if it is required to make up any shortfall in car parking.
- Car spaces in a tandem arrangement will NOT be permitted.
- Permit conditions may require the developer to fund additional signage linemarking in Highland Way and Christies Rd.
- The redundant vehicle crossing and kerb layback in Highland Way will have to be removed and reinstated back to kerb & channel and a grass nature strip.

2nd Response

Development planning has assessed documents submitted, the traffic concerns have been taking into consideration and the *applicant has amended the design* with the following:

- The carparking layout - has been modified to not have any tandem carparking and the dimensions are following the Clause 52.06 of the planning scheme.
- The number of kids is now 74 (**this was later amended to 72*) and the car parking proposed follows the planning scheme provisions.
- Access - The existing access is to be reinstated, and a new vehicle crossing should be constructed to be 6.4m wide and as per The City and IDM standards. The existing Light pole and sign needs to be reallocated to be at least 1m far from the proposed vehicle crossing. Plan to show this – amended plan conditions prepared.
- Drainage – LPOD into exiting pit in Christies Road.

3rd Response

Engineering has previously reviewed the internal car park layout and parking provision, as outlined in our earlier comments, and the site access arrangements are supported.

However, given the number and nature of traffic-related objections, and the absence of a Traffic Impact Assessment (TIA), Engineering cannot fully assess the impacts on the surrounding road network.

A **TIA is required** to evaluate queuing, access safety, congestion, and sightlines at nearby intersections, consistent with the Infrastructure Design Manual and the Greater Geelong Planning Scheme.

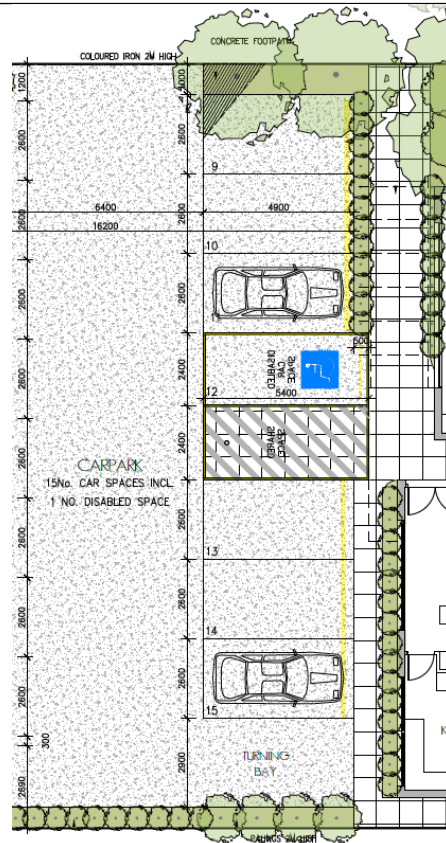
4th Response

Supportive

Engineering has reviewed the submitted Traffic Impact Assessment and site layout plans. The proposed car parking provision and access arrangements are considered acceptable.

The swept path diagrams demonstrate that the B85 design vehicle and waste collection vehicle can manoeuvre within the site and exit in a forward direction.

To prevent vehicle overhang into pedestrian and landscape areas, **wheel stops should be installed at car spaces 9–15.**



Subject to the above, Engineering has no objection to the proposal from a traffic and access perspective.

Officer Comment:

Engineering are supportive, a condition will be included addressing the installation of wheel stops.

Department:	ESD Response
Response:	<u>1st Response</u> Internal Referral Advice <i>The development easily exceeds 300m² of gross floor area and thus requires the applicant to submit an ESD report to address 15.01-2L. I would expect a SDA report inclusive of a stormwater assessment be submitted. All features outlined in the ESD and stormwater assessments will also need to be detailed on the drawings.</i> <i>I don't see any 'red flags' in the design. However, I believe the façade strategy is poor. I think specifically the upstairs floor will be uncomfortable for building occupants, require heavy air conditioning and may even cause excessive solar exposure to building occupants. I</i>

recommend a preliminary NCC section J assessment be conducted to inform the glazing and shading design. I also recommend the applicant avoid dark roof colours and artificial grass where possible to mitigate the urban heat island effect.

Summary

Council's ESD Officer has reviewed the below documents in accordance with Council's Environmentally Sustainable Development (ESD) Local Planning Policy (15.01-2L), this development has not met all the ESD requirements.

Documents reviewed:

- Development plans by Petridis Architects dated 23/10/2024, received by Council on 29/10/2024.

ESD Response

The proposal includes a non-residential building greater with a gross floor areas greater than 300m² which triggers the requirement to address clause 15.01-2L of the Greater Geelong planning scheme.

The Applicant will need to submit the following documentation as required by Greater Geelong planning scheme clause 15.01-2L:

- Published BESS report-Victorian Planning Provision.
- Without Draft mark Sustainable Design Assessment (SDA) report.
- STORM or MUSIC assessment demonstrating the building works satisfies the Urban Stormwater Best Practice Environmental Management Guidelines and the requirements of clause 53.18.
- ESD and WSUD drawings that highlight all initiatives targeted within the ESD report.
- The proposed design appears to be heavily glazed with limited shading which may present thermal comfort issues or excessive solar exposure for occupants.
Council's ESD unit requests for a preliminary national Construction Code Section J assessment to be completed to inform and justify façade design.

Below are some links to useful resources for sustainable development:

- [City of Greater Geelong – Environmentally Sustainable Design \(ESD\) in Planning.](#)

- [City of Greater Geelong – Sustainable Design Assessment Guidelines and Templates.](#)
- [Sustainable Design Fact Sheets \(bess.net.au\)](#)
- [Built Environment Sustainability Scorecard \(BESS\).](#)
- [Sustainability Victoria – Energy Smart Housing Manual.](#)
- [Australian Government – Your Home](#)

Non-residential

Consider as relevant:

A Sustainable Design Assessment (including an assessment using BESS, STORM, MUSIC or other methods) for:

- A non-residential building with a gross floor area between 300 square metres and 1500 square metres.
- An extension to an existing non-residential building creating between 300 square metres and 1500 square metres of additional gross floor area.

Extract from the Greater Geelong planning scheme 15.01-2L.

Any sustainability initiative claimed in the ESD report will need to be represented in the architectural drawings, below are examples of common notations required:

- Mark-up showing the roof catchment area and connection of rainwater tanks for toilet flushing or irrigation.
- Note showing the use of native or drought tolerant plant species for landscaped areas.
- Note showing WELS rating for water fittings/fixtures.
- Note showing the use of energy efficient lighting and detail the target maximum internal illumination power density (W/m²).
- Inclusion of lighting sensors for external lighting (motion detectors, timers etc).
- Inclusion of solar PV systems on roof plan, note system size in kW.
- Provision of secure, accessible, and undercover bike storage spaces and electric car charging stations.
- Markup demonstrating compliance with crossflow/ natural ventilation diagram.
- Notation for double glazing and shading of windows.

Summary

Council's ESD Officer has reviewed the below documents in accordance with Council's ESD Local Planning Policy (15.01), this development has not reached an acceptable level of ESD for a permit to be issued.

However, permit can be issued with permit conditions. The summary of the conditions or

concerns are at the end of the report.

Documents reviewed:

- Development plans by Petridis Architects, dated on 11/4/2025 received on 20/5/2025
- SDA report by ARCHI SUSTAINABILITY consulting, dated on 21/4/2025 and received on 20/5/2025
- BESS report (project identifier: (400E2BD0-R1 Version-BESS-9), received on 20/5/2025

The Applicant may need to remodel this development in BESS, whilst taking into consideration the notes/comments from Council's ESD Officer which are detailed under *ESD Response*.

There are 9 items in total and all of them need be responded to. The ESD Resolutions Table should be completed and sent.

Environment (ESD) Response

- a. **BESS Water 1.1 Potable Water Use Reduction:** The submitted report shows that Dishwasher have been selected 4-star. It is however more likely that the future occupiers will be using their own dishwasher, and therefore the developer has no influence on the water efficiency of the appliances in use. As per the BESS help notes, in this case 'default or unrated' must be selected from the drop-down list.

Fixtures, fittings & connections profile

Building:	Building 1
Showerhead:	4 Star WELS (≥ 6.0 but ≤ 7.5)
Bath:	Scope out
Kitchen Taps:	≥ 5 Star WELS rating
Bathroom Taps:	≥ 5 Star WELS rating
Dishwashers:	≥ 4 Star WELS rating
WC:	Default or unrated
Urinals:	Scope out
Washing Machine Water Efficiency:	Default or unrated
Which non-potable water source is the dwelling/space	Rainwater Tank 1

Excerpt from the submitted BESS report

- b. BESS Energy 1.1 Thermal Performance Rating – Non-Residential:** National Construction Code 2022 façade calculator was not included in the submitted ESD (SDA) report, although the energy section was completed on the basis that the buildings comply with the wall-glazing requirement of the National Construction Code 2022 Section J.

Therefore, preliminary the facade calculator must be completed and included in the amended ESD (SDA) report showing that compliance must be achieved using NCC 2022.

Non-residential Deemed-to-Satisfy profile

Do all exposed floors and ceilings (forming part of the envelope) demonstrate meeting the required NCC2022 insulation levels (total R-value upwards and downwards)?:	Yes
Does all wall and glazing demonstrate meeting the required NCC2022 facade calculator (or better than the total allowance)?:	Yes
Are heating and cooling systems within one Star of the most efficient equivalent capacity unit available, or Coefficient of Performance (CoP) & Energy Efficiency Ratios (EER) not less than 85% of the CoP & EER of the most efficient equivalent capacity unit available?:	Yes
Are water heating systems within one star of the best available, or 85% or better than the most efficient equivalent capacity unit?:	Yes

Excerpt from the submitted BESS report

Detailed NCC section J report should be provided prior construction.

- c. The Water 3.1 – Water Efficient Landscaping:** Credit has been claimed in BESS. Information regarding xeriscaping and/or the use of drought tolerant species will need to be added to the landscape plan and architectural plan, otherwise the Water 3.1 – Water Efficient Landscaping credit should not be claimed.

3.1 Water Efficient Landscaping		100%
Score Contribution	This credit contributes 6.2% towards the category score.	
Criteria	Will water efficient landscaping be installed?	
Question	Criteria Achieved ?	
Project	Yes	

Excerpt from the submitted BESS report

- d. **The Energy 3.6 and 3.7 Internal Lighting –Non-Residential** credit has been claimed in BESS. The Applicant needs to clearly annotate on the plans with a note to say what is the maximum illumination power density.

3.7 Internal Lighting - Non-Residential			100%
Score Contribution	This credit contributes 9.1% towards the category score.		
Criteria	Does the maximum illumination power density (W/m2) in at least 90% of the area of the relevant building class meet the requirements in Table J7D3a of the NCC 2022 Vol 1?		
Question	Criteria Achieved ?		
Other building	Yes		

Excerpt from the submitted BESS report

- e. **Daylight Access - Non-Residential:** It has been modelled in BESS that 60% of the building areas of the development will achieve a 2.0% daylight factor (DF), which has earned the development credits in IEQ - Daylight Access – Non-Residential.

1.4 Daylight Access - Non-Residential			60%	✓ Achieved
Score Contribution	This credit contributes 35.3% towards the category score.			
Criteria	What % of the nominated floor area has at least 2% daylight factor?			
Question	Percentage Achieved?			
Other building	60 %			

Excerpt from the submitted BESS report

A daylight map based on Green Star hand calculation method or daylight modelling report must be submitted.

- f. **BESS IEQ 2.3 Ventilation:** it has been claimed in the submitted BESS report that 60% of the regularly occupied spaces of the building are naturally ventilated. No further details or evidence has been given towards which areas and how it is achieving the ventilation. Elevation drawings do not show that any of the windows are operable and therefore, this credit cannot be claimed unless supported by detailed evidence.

2.3 Ventilation - Non-Residential		66%	✓ Achieved
Score Contribution		This credit contributes 35.3% towards the category score.	
Criteria	What % of the regular use areas are effectively naturally ventilated?		
Question	Percentage Achieved?		
Other building	60 %		
Criteria	What increase in outdoor air is available to regular use areas compared to the minimum required by AS 1668.2:2012?		
Question	Percentage Achieved?		
Other building	0 %		
Criteria	What CO2 concentrations are the ventilation systems designed to achieve, to monitor and to maintain?		
Question	Value		
Other building	800 ppm		

Excerpt from the submitted BESS report

BESS credits have been claimed for CO₂ concentration management. Preliminary details of desired ventilation/monitoring system should be provided. Alternatively, a commitment to achieving these initiatives should be included on the plans.

- g. **Renewable Energy:** The aggregate capacity of 5kw solar PV is encouraging for this type of development to reduce peak energy demand.

The panels and systems capacity should be designed and shown on plans.

- h. **Indoor Environment Quality:** Credits have been claimed in BESS for **IEQ 3.5 – Thermal Comfort –Ceiling Fans - Non-Residential**, but this is not visible in the plans. It needs to be clearly stated and showed areas on the plans serviced by ceiling fans.

3.5 Thermal Comfort - Ceiling Fans - Non-Residential		70%
Score Contribution		This credit contributes 5.9% towards the category score.
Criteria	What percentage of regular use areas in tenancies have ceiling fans?	
Question	Percentage Achieved?	
Other building	70 %	

Excerpt from the submitted BESS report

- i. **BESS tool - Urban Ecology 2.1 Vegetation:** The BESS report claims that 24% of the site area is covered with vegetation. This is not evident on plans and therefore such a claim must be supported by evidence showing the extent of the vegetation and how the 24% was obtained, otherwise, the corrected percentage vegetated area may be claimed.

		
	Score Contribution	This credit contributes 50% towards the category score.
	Criteria	How much of the site is covered with vegetation, expressed as a percentage of the total site area?
	Question	Percentage Achieved ?
	Project	24 %
<i>Excerpt from the submitted BESS report</i>		
Officer Comment: The applicant is open to having suggested ESD conditions being included on any permit granted. The recommended conditions have been tweaked in conversation with the ESD team.		

Department :	Waste
Response:	<u>1st Response</u> Waste storage area is shown on Plans, need more detail. Collection area is tight, swept paths a must. A Waste Management Plan is required. 1. A Waste Management Plan that is to the approval of the Responsible Authority must be provided prior to certification of the subdivision for this Development. The Approved Waste Management Plan must be incorporated into the Planning Permit. 2. The waste and recycling collection vehicles must enter and exit the development in a forward motion. 3. The Waste Plan must include • land use type • waste generation for commercial uses • The bin storage area for the commercial uses on a scaled plan • waste systems and how the waste and recycling is separated and transported to the bin storage area meeting all access mobility requirements. • bin quantity, size and colour • collection frequency • collection location

	• scaled waste management drawings of bin room or bin storage area showing all of the bins required to service the development • collection contractors to be used • additional waste requirements • signage • Area for parking of waste and recycling collection vehicles when bins are being emptied and the direction of travel of the vehicles, including swept paths for collection trucks. • How the bins are transported from the bin storage room to the collection area • Location of where the bins will be presented for collection and the type of vehicles that are able to collect the bins from this nominated area 2nd Response The applicant must ensure that waste collection is occurring prior to peak times. A runner must be available while truck reverse into the site for collection.
Officer Comment: A waste management plan has been provided. As specified by the waste management plan, waste collection will be conditioned to occur outside the childcare centre's operation hours.	

Department :	Parks
Response:	1st Response Crossover – • The proposed crossover is not expected to affect the existing Council nature strip tree. RFI – • The assessment of the site has found that there are trees within several of the neighbouring properties, that are within 4 meters of the boundary that will be impacted by the works. Parks requires further information in the form of an Arborist Impact Assessment

Report, which provides information regarding the type of incursion into Tree Protection Zones, how much of an incursion will occur and what the affect upon the trees will be. In accordance with AS4970-2009 a non-destructive root exploration will be required where a major incursion of the Tree Protection Zone (TPZ) and findings must be included within the AIA unless an architectural design change can be made that reduces the impact on the trees.



I intend to condition that a Tree Protection Management Plan be produced regarding these trees. The Tree Protection Management Plan must include an indicative fencing plan and a table that schedules the tree protection process (an example may be found with AS4970-2009).

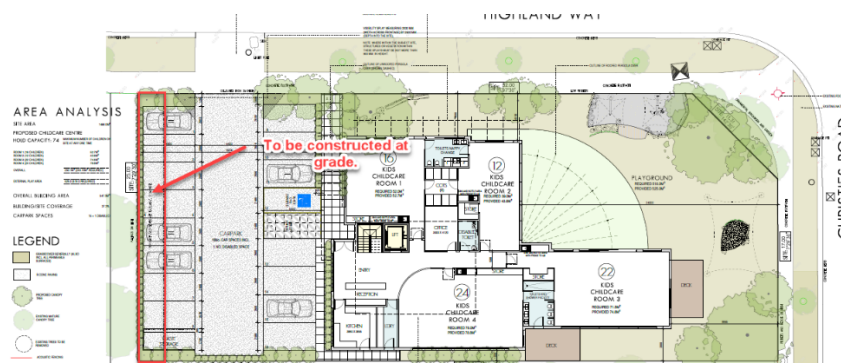
The table must include a sign-off column to be completed by the project Arborist and other relevant person/s.

2nd Response (Via Email)

The google street view of the site shows trees growing at the rear of the property which are to be protected.



If the plans show that the section on car park at the rear of the property is constructed at grade, then I will be satisfied that these trees will be protected.



Officer Comment:

Generally the suggested conditions have been included in the permit. Car Park is to be constructed at grade.

Department :	Environmental Health
Response:	1st Response No information has been provided about this proposal except concept plans. A lot of information is required from Environmental Health to start considering the proposal. The childcare centre is surrounded by residential properties, so we are requesting the further information to gain an idea of what they are proposing and how to address the amenity issues that will arise. Once this information has been received, likely there will be follow up requested. 2nd Response Supportive of the application.
Officer Comment:	Environmental Health are supportive of the application, a selection of conditions have been included in the permit.

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:

The application was not amended prior to public notification.

PUBLIC NOTIFICATION:

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land (**including** opposite)
- A2 signs were placed on the land

Sixty-one (61) Objections have been lodged with Council. One objector has withdrawn following the circulation of amended plans. A map of the objectors' locations has been provided below.

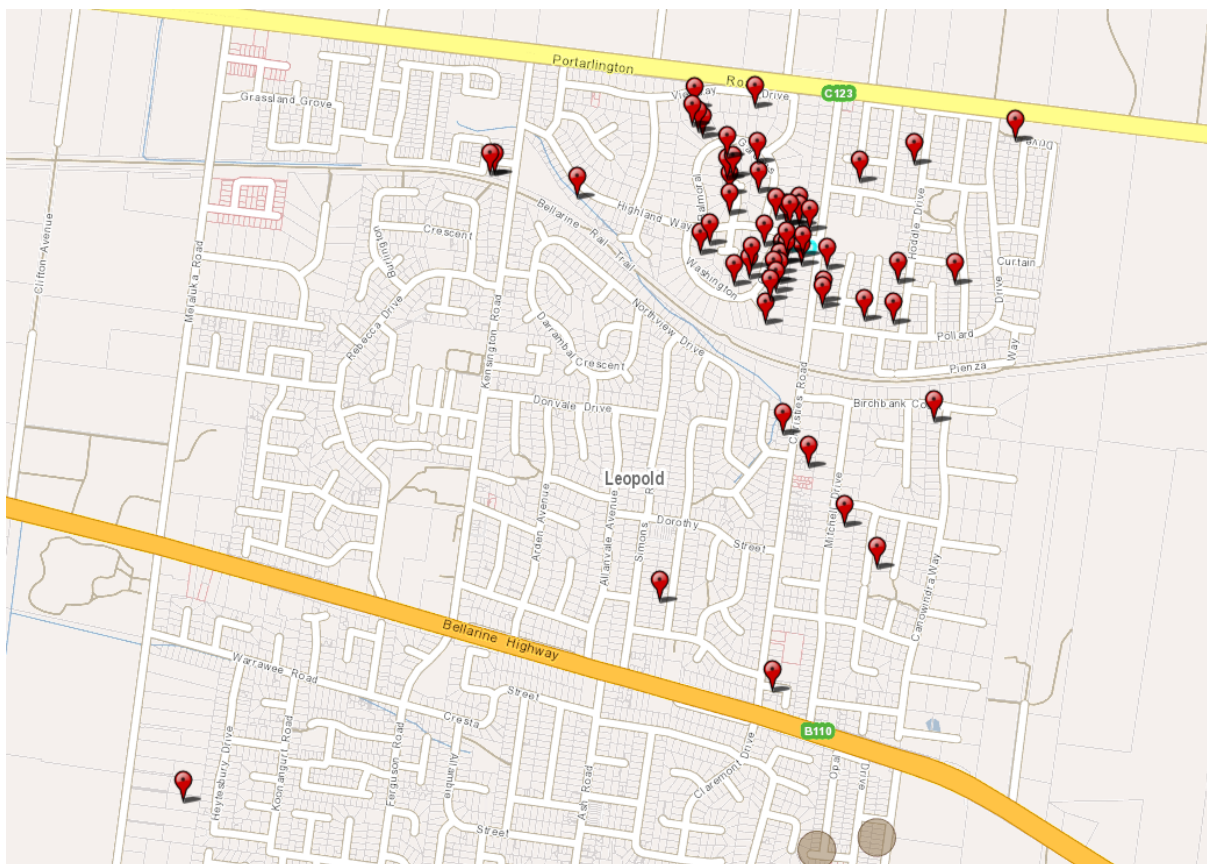


Image: Objector Map (including withdrawn application).

CONSULTATION:

A consultation meeting was not held, as the applicant provided a written response for their view, this included an amended application information and a traffic report in response to the objections.

This information was circulated to objectors for further consideration.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

The applicant made a request to amend the application following public notification pursuant to Section 57A of the Planning and Environment Act 1987 on 19/03/26. Council has accepted the amendment. The amendment made the following changes to the application:

- Changes made in response to the letter of advice sent (i.e. updated plans, traffic impact assessment, acoustics report, waste management plans, objector response)

These are the plans that have been assessed.

It was not considered necessary to readvertise the proposal based on the amendment, as the amendment would not result in any additional material detriment compared with the advertised application, for the following reasons:

- The application information and updated plans were circulated to all objectors

One objector has withdrawn their objection on the basis of these amended plans being lodged with Council, with the rest of the objectors retaining their objections.

OBJECTIONS:

The concerns of objectors are summarised and commented on below:

1. Objection - Concerns regarding a Child Care Centre in a Residential Zone

Response

The childcare centre is located in a residential area and is within a zone that encourages development responsive to neighbourhood character. The General Residential Zone also includes a purpose:

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

This purpose indicates that while no residential use is being proposed, a childcare centre is recognised as a community use serving a local need, and the proposal should not be dismissed as an ineligible use in the General Residential Zone. While located within the General Residential Zone, the site is located on a corner site which has limited direct residential interfaces.

2. Objection - Not all of these families who come to the Long Day Care Centres are from Leopold and therefore are not local to the area

Response

The issue of local need is a principle that has been contested at VCAT and the principles are that the use of the proposed childcare centre will/can likely serve a wider catchment than the immediate neighbourhood. It is considered that not all users of the childcare centre necessarily need to reside within Leopold.

While not exclusively serving local residents, it is considered that the childcare centre within a residential area of Leopold provides a local opportunity for early education.

3. Objection - Creation of a de-facto commercial area

Response

Noted. However, the area is zoned residential and a land use, such as a shop, is prohibited in the residential zone.

The review site is located on a corner and is a consolidated allotment that is relatively unconstrained. Based on this there is no direct evidence that it will result in commercial creep or the isolation of residential properties.

4. Objection - Staff Members would not be able to manage a child care centre of this size and capacity.

Response

It is noted that 13 Staff Members are proposed for the childcare centre.

Premises requirements for Long Day Care administered by the Victorian Department of Education, which look at the detailed configuration of the size and adequacy of rooms within the childcare centre and its relation to the number of staff, are not being examined as part of this planning process. This task is undertaken by the Department of Education if the grant of a planning permit is issued.

- 5. Objection - The submission of a noise report is equivalent to an admission of non-compliance and that the childcare centre will result in an unreasonable level of noise. No mention of the sound of car doors slamming. The acoustic report does not account for noise generated from cars parking in the street. 2.4 metres fence would be an “eyesore”. Further reports regarding noise from mechanical plants and air conditioning units is requested. Objection to after hours collection of garbage truck.**

Response

It is not considered that the inclusion of an acoustic report necessarily attempts to justify an application, rather it's a document of expertise (requested by Council) to demonstrate that the proposal either is or is not able to achieve compliance with relevant noise policy and legislation.

Sound was measured assuming 72 children playing in the outdoor area simultaneously. This is a somewhat conservative measure since the likelihood of all 72 children playing outside altogether is small and it assumes all 72 children will be in attendance at one time.

With this in mind, the acoustic report demonstrates the adoption of acoustic fencing to the perimeter of outdoor play areas which is to assist the noise from children does not exceed the required triggered (noise) levels. A permit will condition to this effect is included.

Calculation of internal noise has also been considered to be negligible due to the splitting of children in different rooms, the location of the childcare centre within the building envelope and its distance from neighbouring dwellings. With recommended boundary fencing, noise generated from the car park is compliant with EPR (Environment Protection Regulations) 2021 guidelines and transient noises (e.g. car door slams) are below the sleep disturbance trigger range. This was measured at the nearest habitable windows of adjoining residential dwellings.

A condition on the permit will be added which stipulates adherence to noise requirements within EPR 2021.

- 6. Objection - Reference to *ARR Property Ltd v Greater Geelong CC* [2018] VCAT 162**

Response

One objection has referred to the above-mentioned VCAT case. This is where Council's decision to refuse the application was set aside by the Tribunal and a permit was granted.

This child care centre accommodated for more children (90 children). While the officer supported the application, Planning Committee, overturned this decision, saying that traffic generation was not acceptable. It was found that while in a General Residential Zone – Schedule 1, the corner site location was appropriate. VCAT agreed with a previous finding at

the Tribunal which stated a lack of a need is *“rarely, if ever, be a ground for refusing to grant a permit.”*

In this example a single storey child care centre was proposed. It is therefore difficult to argue how a double storey childcare centre would be interpreted within circumstances of this particular individual case, however a double storey child care centre was not discouraged.

7. Objection - Traffic

Response

A car parking impact assessment has been provided as part of the application. The report identifies that 15 car parks have been provided for the childcare centre, which meets the statutory car parking requirements for a child care centre (the rate is 1 car space x 13 Staff Members = 13 Spaces).

Swept Path Diagrams have been provided which demonstrate the cars can exit the site in a forward direction in accordance with the design standards of Clause 52.06-9 and can accommodate two-way traffic movement.

While there will be peak hours, drop-offs and pick-ups are generally dispersed throughout the day (when compared to school pick-ups and drop offs).

It is also noted rooms are to be staggered throughout the childcare centre's operating hours rather than a surge of 72 children/families coming in and out of the site at one time.

The child care centre meets the statutory car parking requirements, however it is acknowledged that attendees have the right to park in appropriate on-street car spaces to drop-off and pick-up their children.

Based on the informing through our Civil Infrastructure unit (and the traffic report) the surrounding road network is considered readily able to absorb the 58 traffic movements expected during each of the AM and PM peak hours. We accept objectors commented that the report does not consider worst case scenarios, as the report adopts the higher range of 0.8 movements per child for the 72 children child care centre.

The site's proximity to bus stops does increase the accessibility of the site and can encourage more sustainable modes of transport to the site. No evidence has been provided to link safety concerns with buses entering and exiting the surrounding area. The proposal's location within a residential area is also anticipated to generate some foot traffic, and this will lessening overall vehicle traffic.

Overall, it is acknowledged that the locality will potentially experience higher levels of traffic and parking congestion, but this will only be for confined periods of the day.

Access is not immediately gained from Christies Road, as encouraged by local policy, however, the site still abuts the Transport Road Zone (Christies Road) and Highland Way - a secondary distributor road in the Municipal Public Road Register. Highland Way is a higher access road than that of the local street network. Based on the the site's abuttal to a secondary distributor road with a bus route this is considered an appropriate location for a child care centre.

8. Objection - The childcare centre on Kensington Road and Portarlington Road is a similar example of traffic congestion and hazard and should not be approved on this basis

Response

At 149 Kensington Road, a childcare centre was approved in 2022.

While the Development Plan detailed that the childcare centre was initially to be residential lots, VCAT accepted Section 2 (permit required) Uses in residential zones, including a childcare centres, as a use that is meeting the purpose of the zone and is *generally in accordance with approved development plans*.

The child care centre is on a corner, has access to the transport road zone and is acoustically treated. It is only accessible by (one) vehicular access from Kensington Road.

The centre has a car park area which provides for all required car parking. The Department of Transport did not object to this application.

It is subjective although it is not considered that this approved childcare centre reflects a poor representation on future childcare centres. Nor is it considered that a childcare centre that is perceived as having inappropriate traffic generation in this location, translates to a fair reason to refuse a childcare centre in a different location.

9. Objection - Safety concerns regarding the location of the play area from Christies Rd

Response

Issues were voiced regarding potential collisions occurring from Christies Rd into the child care centre. It is noted that the Citys Traffic Engineer did not object to the proposal.

This is a planning application and the proposal makes no comment on how to govern driver behaviour along Christies Rd. It is considered that cars will be required to slow down to turn into Highland Way and the presence of speed humps within Highland Way also serve to calm the speed of traffic.

10. Objection - Overlooking Concerns (123 Christies Rd)Response

Local Policy details Clause 54 Objectives and Standards to consider in assessing the design and siting of a non-residential building. It is noted that the Overlooking Standard is not included within the standards to consider.

11. Objection - Side Setback and Overshadowing (125 Christies Rd)Response

Local policy does detail that the Side and Rear Setback Standard is a standard which should be considered for non-residential uses in residential zones. While a minuscule portion of the wall would require variation to the Side and Rear setback standard, it is considered that this is acceptable given the sunlight and daylight that will still be afforded to the property.

12. Objection - Devaluing propertyResponse

Under the provisions of the Planning and Environment Act 1987, property devaluation is not a relevant matter arising for consideration in determining material detriment.

13. Objection - Anomalies in plans such as the planning report mention a capacity for 94 children when the plans suggest 74 children, the acoustic report mentions 70 children and the traffic report mentions 75 children. The plans do not include the fencing specified in the acoustics reportResponse

The amended reports provided 72 children are to be located on the site.

The plans show fencing recommended by acoustics report, which is an acoustic fence constructed using (either) using a lapped timber paling, fibre cement sheeting, lightweight aerated concrete, transparent acrylic panels, glass or profiled sheet cladding, *as long as the selected material/s have a surface density of at least 12 kg/m².*

A permit condition to specify the type of acoustic fence has been included at Condition 1(a).

14. Objection - The report indicates that there are existing businesses in the Surrounding area – This is untrue. ‘Deb Dress Dream no longer operates from this address and hasn’t been operating for the last 3-4 years. Similarly, ‘Start-Smart Driving School’ no longer operate from this address, and haven’t been operating for the last 3-4 years.

Response

It is acknowledged that the planning report references businesses that no longer operate in the area. The presence of these businesses is therefore not being considered as part of this assessment.

15. Objection - Waste Management – How is the truck to manoeuvre within a full car park, the WMP shows bins located at the front and then the plans show the bins are to be located at the rear, how is the smell from the bin to be managed? Waste collection truck alarms will add to the noise levels.

Response

Swept path diagrams demonstrate that waste collection trucks can appropriately move within the site in the event that car spaces 14 and 15 are empty. No objection was provided by Council’s Traffic Engineer to this. Also to ensure that this movement occurs effectively, conditions will be placed on permit to assist the waste collection vehicles manoeuvrability.

(See Condition 1 and 22).

The location of the bin storage, while in the corner of the site, will be setback appropriately from nearby dwellings and bound by its own enclosure, limiting the smells generated.

The acoustics report details waste collection trucks to be in accordance with the Association of Australasian Acoustical Consultants’ *Guideline for Child Care Centre Acoustic Assessment, September 2020* and were found to comply provided the recommended acoustic treatments had been applied.

16. Objection - ASIC searches in relation to Permits Hub Pty Ltd

Response

ASIC searches made by objectors allege that the business Permits Hub (the permit applicant/consultant) was recorded as having a “strike-off action in progress”. The business’ legitimacy and its reputation as considered by ASIC is separate to the considerations of this planning assessment.

17. Objection - No correspondence with the Wadawurrung Traditional OwnersResponse

The subject site is not within an Aboriginal Cultural Heritage Area therefore a Cultural Heritage Management Plan is not required.

ASSESSMENT:ZONE:**Clause 32.08 - General Residential Zone**Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that is responsive to the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

OVERLAY:**Clause 43.02 – Design and Development Overlay (Schedule 14)**Response to zone and overlay(s)

The application does not trigger a permit under the Design and Development Overlay, as the building for the childcare centre is below 7.5 metres in height, and does not relate to the dwelling.

An application is required under the General Residential Zone to use and develop the land for a child care centre.

The starting point for the assessment of the site's suitability in accordance with the purpose of the General Residential Zone which contemplates allowing

- *“educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.”*

The site is adjacent to a main road, which in turn allows the child care centre to act as a buffer for many of the surrounding residential properties. The use of the childcare centre is intended to serve the local (and wider) community need.

The scale of the development is considered relatively modest with the childcare centre being predominantly single storey with a small, recessed upper storey providing articulation and subservience to its single storey form. It is noted that this upper storey will be used exclusively by staff, limiting the noise distribution of children to the ground floor.

Acoustic treatments will be provided in line with the acoustic assessment provided, limiting noise impacts to a reasonable amount. Also, the childcare centre is not to operate on weekends.

In terms of operating, Traffic concerns have been largely elaborated on in the response to the objection section, demonstrating that the traffic generated by the use is safe, efficient and acceptable in this location. A surplus of two car spaces has been provided, meeting the car parking provisions.

From a waste perspective, it is noted waste has an area on the plan nominated and is confined within the corner of the site and a Waste Management Plan has been provided, with the permit conditioning that waste collection occurs within hours limiting impacts to traffic congestion and amenity. A condition is also included on site to protect the surrounding properties from amenity issues such as odour.

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP):

The Aboriginal Heritage Regulations 2018 specify the circumstances in which a cultural heritage management plan is required for an activity or class of activity. Division 2 of the Aboriginal Heritage Regulations 2018 specifies exempt activities which do not require a cultural heritage management plan. The proposal **is not** listed as an exempt activity.

Areas of cultural heritage sensitivity are defined within Divisions 3 and 4 of the Aboriginal Heritage Regulations 2018. Division 3 **does not identify** the site or part of the site as within an area of cultural heritage sensitivity. High impact activities are defined within Division 5 of the Aboriginal Heritage Regulations 2018. Division 5 **lists** the proposal as a high impact activity.

In accordance with the above assessment, a cultural heritage management plan **is not** required.

LANDFILL GAS RISK ASSESSMENT

The subject site **is not** located within 500 metres of an identified former landfill site, a risk assessment is not required.

DEVELOPMENTS IN BUSHFIRE PRONE AREAS

The site **is not** located within a designated bushfire prone area.

MUNICIPAL PLANNING STRATEGY

The following policies of the Municipal Strategic Statement are applicable to this application:

02.03-3 Environmental Risks and Amenity

Amenity

PLANNING POLICY FRAMEWORK

The following Planning Policies are applicable to this application:

11.03-5S Distinctive Areas and Landscapes

Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

11.03-6I-01 Bellarine Peninsula

Objective

To ensure development responds to the identity and preferred character of the individual township in which it is located.

To provide attractive and sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.

Relevant Leopold Strategies include:

Support Leopold as a Sub-Regional Retail Activity Centre for the Bellarine Peninsula, that also provides local community, recreational and employment facilities to Leopold's residents.

13.05.1S Noise Management***Objective***

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

13.07-1S Land Use Compatibility***Objective***

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies include:

Ensure that use or development of land is compatible with adjoining and nearby land uses

Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.

Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.

Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

13.07-1L-01 Non-Residential Uses in Residential Zones***Objective***

To provide for non-residential uses that serve the needs of the local community.

To support non-residential uses that are compatible with the residential character, scale and amenity of neighbourhoods.

Location strategies

Locate non-residential uses on sites that have access to a road in a Transport Zone.

Discourage non-residential uses from locating on sites in a local access street or lane.

Locate non-residential uses where they will benefit and be convenient to local residents.

Avoid a concentration of non-residential uses where it would:

- *Create a de-facto commercial area.*
- *Isolate residential properties.*
- *Contribute to unplanned expansion of commercial or mixed use zones into surrounding residential land.*

Amenity strategies

Protect the amenity of the surrounding area from:

- *Noise, light and odours emitted from the site.*
- *Disturbance associated with the hours of operation.*
- *Manage the loading and unloading of vehicles to minimise detrimental impacts on residential amenity.*

Design and siting strategies

Facilitate the re-use of buildings originally built for non-residential purposes.

Site and design buildings to respect the siting and layout of adjacent buildings.

Design development to respect the existing neighbourhood character and reflect a residential scale and appearance, particularly with regard to:

- *Building and roof form.*
- *Building height and setback.*
- *Design detail (including façade articulation, verandahs, window and door style and placement).*
- *Building materials.*
- *Colours and finishes.*

Locate air-conditioning, heating and plant equipment to avoid being visible from the public realm and adjoining properties.

Landscaping strategies

Provide planting on site that maintains the landscape character of the area.

Retain significant trees where practicable.

Set aside the front setback of sites for landscaping.

Provide landscape buffers between adjoining properties and areas used for access and parking on the site.

Car parking and traffic strategies

Locate car parking areas so they do not dominate the streetscape by locating them at the side or rear of the site.

Support uses where the traffic generated by the use can be accommodated within the surrounding street network.

Support uses that can accommodate parking on site and do not create significant increases in on-street parking demand.

15.01-1S Urban Design***Objective***

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

15.01-2S Building Design***Objective***

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

15.01-2L Environmentally Sustainable Design***Objective***

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

15.01-4S Healthy Neighbourhoods

Objective

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

15.01-5S Neighbourhood Character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

17.01-1S Diversified Economy

Objective

To strengthen and diversify the economy.

18.02-1S Walking

Objective

To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

18.02-4S Roads

Objective

To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

19.02-2S Education Facilities

Objective

To assist the integration of education and early childhood facilities with local and regional communities.

Response

The subject site is within the Leopold Structure Plan's settlement boundary and is within an area that has not been categorised. The proposal is considered to largely accord with the "Leopold Strategies".

The child care centre supports Leopold in providing local community facilities. The structure plan provides insight into the area's community needs, indicating that Council had identified a shortfall in both kinder and childcare placement. At the time there were only 2 Kindergartens and 1 Child Care facility serving an estimated population of around 9,500 with the 0-4 age group accounting for approximately 7% of that population (665 children).

The structure plan comments further on the increasing rate of new births and families with young children, stating "Based on these figures Leopold will require additional kindergarten capacity including additional supports for families with children in the 0-4 age group (i.e. MCH, Long Day Care, health and family support)."

The Bellarine Peninsula Statement of Planning Policy makes reference to Leopold and provides a Leopold Settlement plan, indicating the area as one for incremental change. Incremental change is described as areas, *"...where some housing diversity and change may occur in keeping with the existing or preferred neighbourhood character. Development may include medium-density housing and buildings may be up to two storeys."* It is considered that the childcare centre allows incremental change and is of a two-storey design which is not foreseen to drastically depart from the surrounding built form and scale and is of a height allowable within the Zone. In describing incremental change areas, the Bellarine Peninsula Statement of Planning Policy makes reference to PPN 90 Planning for Housing, which comments:

- *"Neighbourhood character is not a static concept, it is dynamic and evolves over time to meet contemporary housing needs. For example, respecting character does not mean protecting character in an incremental change area."*

It is noted that no neighbourhood character objectives exist in the schedule to the site's zone, and that the Bellarine Peninsula Statement of Planning Policy only generally specifies that "the town's low scale built form that consists of mainly detached dwellings of one-to-two storeys with established gardens." It is considered that the proposal represents an acceptable change to the site and neighbourhood.

The Bellarine Peninsula Statement of Policy also highlights Leopold as part of the declared Distinctive Areas and Landscapes.

Section 5.8.1 of this Statement describes Leopold as "providing diverse housing, retail and community services for the declared area's residents and visitors." In providing expectations for the district town's built form, the policy states:

- *“Development within the remainder of the established residential areas will be more incremental. It will respond to the town’s low- scale built form that consists of mainly detached dwellings of one-to-two storeys with established gardens.” It is considered that the development is an appropriate and similar response to the surrounding area’s scale.*

To support the development acoustic fencing has been proposed in line with a submitted acoustic report, which manages the sounds emitted from the car park and children within the proposed child care centre. There are multiple rooms dividing the total amount of children, so noise will not be amplified and concentrated in one location. External plant equipment will be conditioned to be located on the roof of the child care centre.

As the application does not relate to a multi-dwelling application, the application has not been required to be fully assessed against the objectives and standards of Clause 54 of the Planning Scheme.

However, **Clause 13.07-1L-01** (Non-residential uses in residential zones) asks the responsible authority to consider the following Clause 55 provision in determining that design and siting is appropriate:

Clause 54.02-1 (Formerly Clause 54.03-1 - Street setback)	There are no abutting development’s facing Highland Way (front street), so it has been appropriately distanced 4 metres away.
Clause 54.02-3 (Formerly Clause 54.04-1 - Side and rear setbacks)	When overlaying the side and rear setback tool over the eastern elevation, a miniscule portion of the southern wall does not meet the standard. In examining the impact this has on the amenity of habitable room windows, this variation is also looked at in conjunction with the overshadowing diagrams. An area of at least 25 sqm of SPOS remains unimpacted for 5 hours between 9am and 3pm on 22nd September. The diagrams also demonstrate that the extent of shadows do not block the sunlight

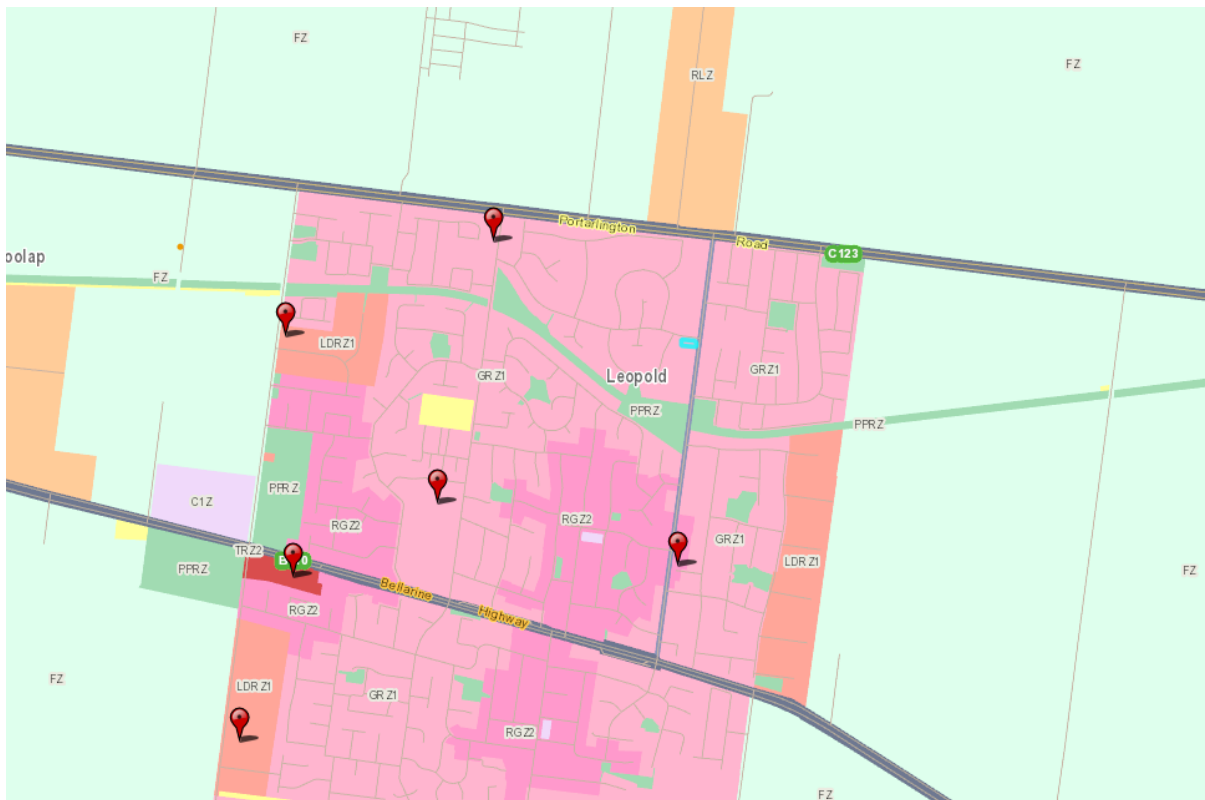
	received by the southern dwelling's windows. It is also noted that the southern dwelling is located 6.1 metres away. This distance is more than 50% of the proposed wall, meeting the Daylight to Existing Windows standard.
Clause 54.02-4 (Formerly Clause 54.04-2 - Walls on boundaries)	No walls on boundaries.
Clause 54.04-1 (Formerly Clause 54.04-3 - Daylight to existing windows)	The southern dwelling is located 6.1 metres away. This distance is more than 50% of the proposed wall, meeting the Daylight to Existing Windows standard.
Clause 54.04-2 (Formerly Clause 54.04-4 North facing windows)	There southern dwelling's north facing windows are located further than 3 metres from the boundary.
(Formerly Clause 54.04-5 Overshadowing open space)	An area of at least 25 sqm of SPOS remains unimpacted for 5 hours between 9am and 3pm on 22 nd September for adjoining dwellings.

Clause 13.07-1L-01 (Non-Residential Uses in Residential Zones) has two objectives:

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

Clause 13.07-1L-01 also provide some strategies and guidelines relating to location, amenity, design and siting, landscaping and car parking and traffic to meet the objective to ensure the use serves the “local needs” of the community.

It is respected that objections have raised the lack of demand for the proposed child care centre, given the pre-existing child care centres in Leopold (as indicated below).



- Leopold World of Learning - 1.5 km away
- Guardians Childcare and Education MUZ (PP-739-2017) – 1.7 km away
- Magic Minds Early Learning Centre LDRZ (PP-1336-2018 / Appealed) – 2.3 km
- Southern Cross Montessori Leopold RGZ2 (PP-577-2019) – 850 metres away
- Leopold Community Hub – 1 km away

In terms of assessment VCAT have made quite a few decisions on child care centres that explore the concept of need. It is often contended that there is a commonly held view that a general community need exists for the provision of child care centres and that lack of a need will rarely, if ever, be a ground for refusing to grant a planning permit.

It is also worth reaffirming that The *Planning and Environment Act* does not regulate competition between existing and proposed land users.

In terms of its location, the site is relatively isolated from other nearby commercial enterprises, therefore ensuring that a de facto commercial area is not being created.

It is acknowledged that the proposal does not repurpose any existing infrastructure as strategised and that the proposal is introducing a new use and development to the previously residential site. However, the childcare centre is to be conveniently located on a corner lot abutting a Transport 3 Zone (Christies Road), indicating that the site is accessible to the community it will serve.

The corner location of the site minimises the extent of amenity impacts as the site only has two residential interfaces. Being located on a corner site, it is not anticipated to isolate residential properties.

Also, there are appropriate areas on site for landscaping including the front setback, with an appropriate landscape plan needing to be submitted (as included as condition of permit). Landscaping will provide a degree of softening for the car park when viewed from Highland Way and will largely be obscured by the building when viewed from Christies Road. Landscaping buffer strips have also been provided along the western and southern boundaries.

A surplus of two (2) statutory car spaces has been provided, as the requirement is for 13 spaces and 15 space are provided with Highland Way on-street parking considered to be an alternate option as on-street car parking, if required.

The childcare centre, while a different use to its residential surrounds, is of a proportion that is considered modern but respectful to the surrounding character in terms of built form noting the area has been nominated as an incremental change area.

Overall, the assessment of the proposal is that the scale, setbacks, design, acoustic treatments and the proposed hours are considered to be a compatible land use outcome with surrounding properties. The design includes a well-articulated façade that has been thoughtfully designed in a manner that is responsive to planning policy noting the glazing activates each frontage at a pedestrian level.

The site is adjacent to a Transport Zone (Christies Road). While access is gained from Highland Way, Highland Way appropriately captures the expected traffic from Christies Road.

In terms of traffic, sightlines have been reviewed and are achieved by the development, with cars being able to enter and exit in a forward direction. Visual sight splays have been demonstrated on the plans allowing vehicles exiting the site to look out for pedestrians in line with the Design Standards for Clause 52.06.

The child care centre represents an opportunity of local convenience for Leopold residents, and can serve the needs of the community. It also provides an appropriate working environment for employees which can be accessed by an acceptably safe and efficient car park. The site is located in an area which encourages the use of walking networks and nearby public transport stops, promoting a healthy and active neighbourhood.

The child care centre also facilitates employment growth in the education sector and provides an opportunity for people to have access to jobs close to where they live.

RELEVANT PARTICULAR PROVISIONS:

The following Particular Provisions are applicable to this application:

CLAUSE 52.06 – CAR PARKING

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and the Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promotes the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity off the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Response

As a maximum of 13 staff members will operate the childcare centre, Clause 52.06 requires the provision of 13 car spaces to be located on the land. A total of 15 car spaces are provided.

Response on design standards for car parking – 52.06-9:

Design standard 1 – Accessways	
Accessways must: Be at least 3 metres wide.	Complies
Accessways must: Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.	Complies
Accessways must:	Complies

Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	Swept Path diagrams demonstrate how the turning bay can be used for cars to exit in a forward direction.
Accessways must: If the accessway serves four or more car spaces or connects to a road in a Transport Zone, the accessway must be designed so that cars can exit the site in a forward direction.	Complies The car park contains a turning bay and has an accessway width of 6.4 metres to allow for two-way traffic.
Accessways must: Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.	N/A
Accessways must: Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.	Complies Visual sight splays have been demonstrated on the plans allowing vehicles exiting the site to look out for pedestrians
If an accessway to four or more car parking spaces is from land in a Transport Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	N/A

Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways

Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
Parallel	3.6 m	2.3 m	6.7 m
45°	3.5 m	2.6 m	4.9 m

Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
60°	4.9 m	2.6 m	4.9 m
90°	6.4 m	2.6 m	4.9 m
	5.8 m	2.8 m	4.9 m
	5.2 m	3.0 m	4.9 m
	4.8 m	3.2 m	4.9 m

Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

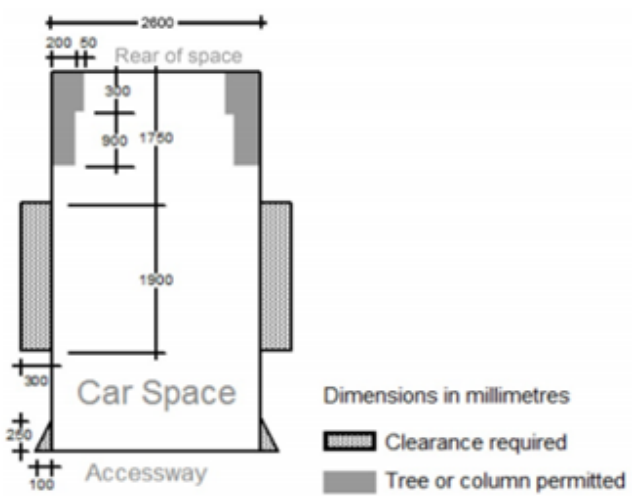
Complies

Parking spaces are 2.6 x 4.9 metres, with a 6.4 m accessway width provided.

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Complies

Diagram 1 Clearance to car parking spaces  Dimensions in millimetres Clearance required Tree or column permitted	
Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.	N/A
Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.	N/A
Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.	N/A
Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.	Complies

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space.	Complies The car park is subservient to the Child care centre when viewed from Christies Road, and
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	landscaping is indicated in the car park's frontage along Highland Way.
Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	N/A
Design of car parks must take into account their use as entry points to the site.	Complies
Design of new internal streets in developments must maximise on street parking opportunities.	N/A

Design standard 6: Safety	
Car parking must be well lit and clearly signed.	Complies
The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.	Complies
Pedestrian access to car parking areas from the street must be convenient.	Complies
Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.	Complies Pedestrian pathways are adequately separated from the parking area via

	vegetation and wheel stoppers to be conditioned on the planning permit.
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Design standard 7: Landscaping	
The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.	Complies
Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.	Complies

DECISION GUIDELINES OF CLAUSE 65:

CLAUSE 65.01 – APPROVAL OF AN APPLICATION OR PLAN

Clause 65.01 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. These decision guidelines include:

- *The matters set out in Section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Response

The proposal is considered to be consistent with these guidelines, as it acceptably responds to local and state policy as well as the zone and particular provisions.

CONCLUSION:

That the Responsible Authority having considered all matters which the *Planning and Environment Act 1987*, requires it to consider decides to **issue a Notice of Decision to Grant a Planning Permit** for Use and Development of a Childcare Centre at 127 Christies Road, LEOPOLD, generally in accordance with the plans and documentation submitted with the application subject to conditions.

Attachment 3 – Grounds of Refusal

1. The proposal fails to meet with the objectives of Clause 13.07-1L-01 (Non-Residential Uses in Residential Zones) as the proposal does not appropriately demonstrate it serve the needs of the local community and is not compatible with the residential character and amenity of the surrounding neighbourhood.
2. The proposal fails to meet the purpose of Clause 32.08 (General Residential Zone) as the proposed child care centre is not considered to appropriately serve a local community need in an appropriate location.
3. The proposal fails to appropriately meet with the Decision guidelines of Clause 32.08-14 for non-residential use and development as it is considered that:
 - The scale and intensity of the use and development is not suitable for the site's surrounding residential context.
 - The design, setback and appearance of the proposed childcare centre is not responsive to the surrounding area
 - The safety, efficiency and amenity impacts of traffic generated to this location will create off site impacts that will adversely affect the amenity of residential properties in the immediate area.
4. The proposal fails to produce acceptable outcomes under the decision guidelines of Clause 65 given:
 - a) The orderly planning of the area
 - b) The impact the use or development will have on the current and future operation of the transport system

3. CLOSE OF MEETING

As there was no further business the meeting closed at 7:06pm on Thursday 23 July 2026

Signed: _____

Cr Andrew Katos (Chair)

Date: _____