

---

# Town Planning Report

*Construction of buildings and works and  
use of the land as a childcare centre  
and construct and display of business  
identification signage.*

**66-72 Miller St,  
Preston**



#### Version Control

Version	Date	Details
1	March 2024	Lodgement
2	August 2024	RFI and S50

#### Copyright

Unless otherwise agreed in writing, this report is the intellectual property of ASK Planning. The report is designed to be used exclusively by the person that commissioned it. Permission must be sought prior to the reproduction of any portion of this document and every effort made to ensure proper referencing of this document.

#### Disclaimer

This report may be of assistance to you and has been made with careful consideration and with the best information available to ASK Planning at the time of writing. Before relying on information in this report, users should carefully evaluate the accuracy, completeness and relevance of the information provided for their purposes. ASK Planning Pty Ltd, its director and employees do not guarantee that it is without flaw or omission of any kind or is wholly appropriate for your particular purposes and therefore disclaim all liability for any error, loss or other consequence that may arise from you relying on any information in this report.

# 1. Introduction

The following report sets out the details and relevant planning considerations relating to the construction of a two-storey building and use of the land as a childcare centre.

This report also sets out the relevant State and Local Planning Policies and provides a detailed assessment of the proposal against the objectives of the General Residential Zone, Schedule 2 of the Darebin Planning Scheme.

Having regard to the key features, the report demonstrates that the proposal has an excellent level of compliance with policy expectations for a large site within the GRZ for a non-residential use, neighbourhood character, and external amenity considerations.

<b>Planning Scheme</b>	Darebin
<b>Current Zoning</b>	General Residential Zone – Schedule 2 (GRZ2) Transport 3 Zone
<b>Overlays</b>	Development Contributions Plan Overlay – Schedule 1 Special Building Overlay (SBO)
<b>Planning permit trigger/s</b>	Clause 32.08-9 - A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2. A childcare centre is a Section 2 use. Clause 44.05-2 – A permit is required to construct buildings and works (SBO) Clause 52.05 – Business identification signage
<b>Site Area</b>	1117sqm combined
<b>Garden Area</b>	N/A - not required for a non-residential use
<b>Vegetation</b>	Trees on the site at to be removed. Arborist report submitted.
<b>Parking</b>	Clause 52.06 - 18 on site car parking spaces required and have been provided. No reduction or waiver of carparking is proposed – parking complies with the requirements of Clause 52.06. Access is via Devon St. Referral to the Department of Transport is required. A Traffic report has been submitted.
<b>Key Considerations</b>	Character/streetscape fit Built form and amenity to adjoining properties Landscaping opportunities Extent of signage

## 2. The Subject Sites

The subject site comprise two allotments on the north side of Miller Street, Preston.



The lots are both rectangular in shape and both abut a right of way at the rear. The total site area is 1117sqm.

The lots currently contain 2 single storey brick dwellings each, with pitched tiled roofs. 66 Miller contains separate vehicle access from Miller St while access to the site for 72 Miller St is to the west via Devon St.

At the Devon St side of the site, there is a wide road reserve that contains several trees and informal parking in front of it – image below:



askplanningservices pty ltd

*Town Planning*

66-72 Miller Street, Preston



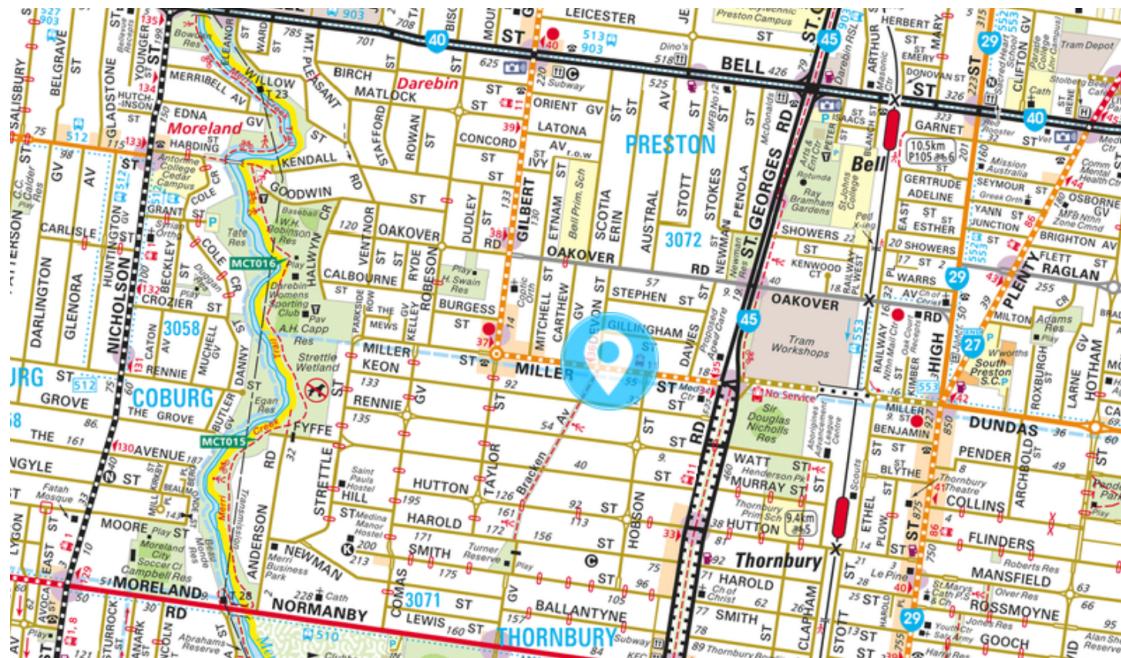
66 Miller St



72 Miller St

# 3. The Neighbourhood

A neighbourhood and site description is enclosed and should be read in conjunction with the following.



The site is situated to the south of Bell St and to north of Normanby Road, Preston. Miller Street is a mix of residential and commercial, with the site being proximate to commercial areas to the east and west within walking distance. There is a tram stop directly across the road from the sites and another one at the corner of Devon St and Miller St. The site has one direct abuttal, described as follows:

**62 Miller St to the east** contains one dwelling of an attached pair. Its crossover and accessway is located to its west side, leading to a garage located along the common boundary with the site. There are 4 windows and two doors that interface with the site. One of these windows is a habitable room window to a kitchen (see image below). The site has a rear yard that is grassed and does not contain any vegetation. There is scattered vegetation at the front setback.





The dwellings to the rear at 27-31 Gillingham St are not direct abutments given the right of way in between them. Number 29 and 31 have rear outbuildings constructed along their rear boundaries.

## 4. The Proposal

The application seeks the construction of a two-storey building to be used as a childcare centre and the display of business identification signage. Features of the proposal include:

### Ground floor

- Two new 3m wide two-way crossovers are proposed on the Devon St side of the site.
- A total of 18 car spaces are proposed, one of which is a DDA accessible space.
- A .9m front setback to the building is proposed, from Miller street and 1.2m from Devon St.
- A 5.7m setback is proposed from the eastern side boundary and 16.4m from the northern boundary.
- The ground floor would consist of 3 children's rooms, two cot rooms, amenity areas, reception and a meeting room, staff room and office.
- A waste area is proposed at the rear of the site in the north-east corner.
- An outdoor play area is proposed on the south and east sides of the building.

### First floor

- The first floor will be setback 3.9m from Miller St, 3.8m from the east boundary and 1.2m-4.7m from Devon St (west) boundary.
- The first floor would consist of two children's room, amenity areas, staff room and a kitchen.

### General

- An acoustic fence is proposed to east.
- 84 children are proposed.
- Hours are from 6:00am to 7:00pm.

### Signage

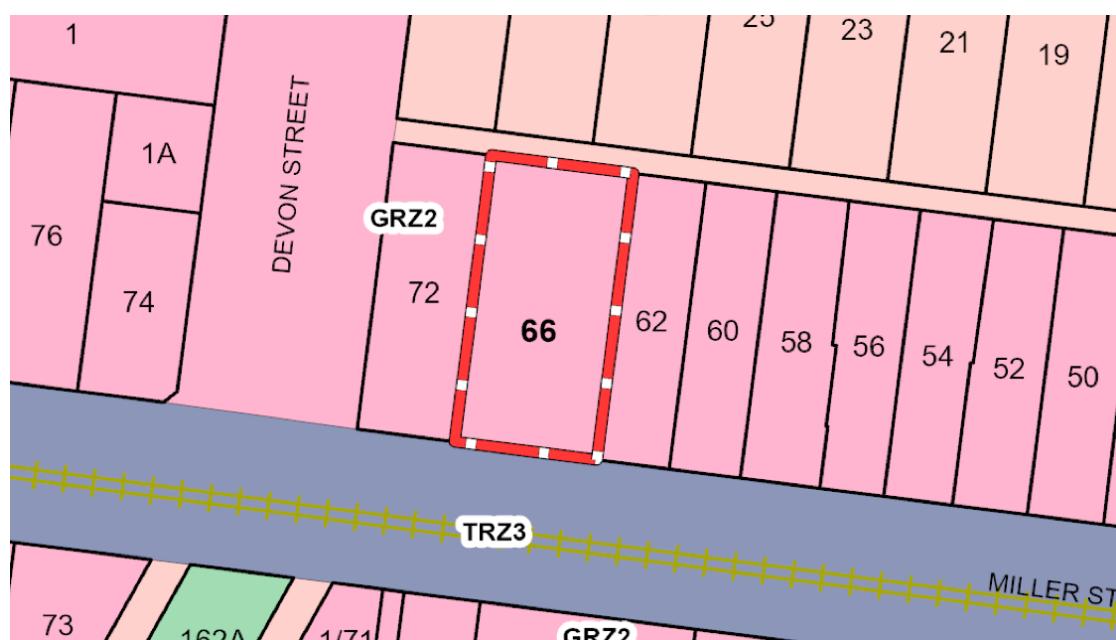
- Business identification signage is proposed on the building facing both street frontages as depicted on Sheet TP310. The signs are not illuminated.

# 5. Decision Rules

## Zone and Overlays

The subject sites are located within a **General Residential Zone – Schedule 2 (GRZ2)** under the Darebin Planning Scheme.

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects 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.



Pursuant to the Table at Clause 32.08-2, a childcare centre is a Section 2 use which requires a Planning Permit.

Pursuant to Clause 32.08-9 a Planning Permit is required to construct buildings and works for a Section 2 use.

Decision guidelines for non-residential use and development include:

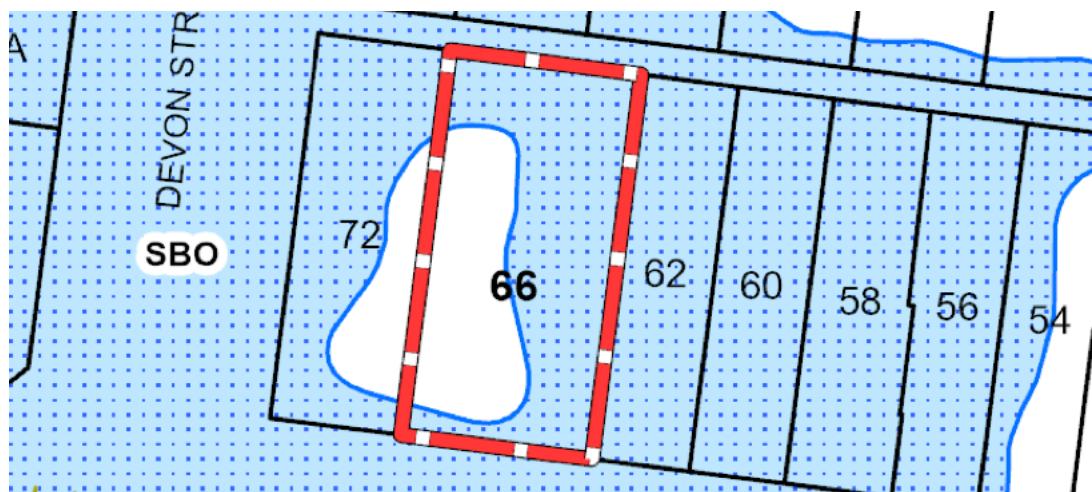
- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.

- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

There are no Clause 54 or 55 modified Standards under the Schedule 2, nor is there a maximum building height or number of storeys permitted. Schedule 2 to the zone sets out subdivision requirements and permit triggers for outbuildings, none of which are relevant to this application.

Business identification signage requires a Planning Permit pursuant to Clause 52.05-13.

Besides the DCPO1, the only other Overlay that affects the subject site is the **Special Building Overlay**. As can be seen below is partially affects the site.



The Purpose of the Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

Pursuant to Clause 44.05-2, a permit is required to construct a building or to construct or carry out works. Referral of the application to Melbourne Water has occurred and changes were required. The S50 plans respond to Melbourne Water's requirements.

### Clause 52.05 – Signage

A permit is not required for business identification signs if the total display area of all signs to each premises does not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.

As the signage does not exceed these requirements, at a total of 7.1sqm a permit wouldn't be required, however one sign on the north elevation is 4m above pavement level or NGL, therefore that sign would require a planning permit.

### Clause 52.06 – Car Parking

Table 1 of this Clause sets out the car parking requirement that applies to a land use listed in the table, as depicted below:

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Child care centre	0.22	0.22	To each child

A traffic report has been submitted with the application which includes swept paths. The traffic report concludes as follows:

- the proposed development has a statutory car parking requirement of 18 car spaces under Clause 52.06-5,
- the provision of 18 car spaces accords with the statutory requirements of Clause 52.06 and a car parking reduction is not required,
- bicycle parking is not required under Clause 52.34 for the proposed childcare; however 4 bicycle spaces are provided,
- the layout of the on-site parking areas is acceptable and accords with the relevant requirements of Clause 52.06-9, AS2890.1-2004 (where relevant) and AS2890.6-2022 (where relevant),
- traffic associated with the development will be moderate, spread across the peak periods, dispersed via Devon Street to intersections to the south (Miller Street) and north (Oakover Road) and wider road network (Gilbert Road, St Georges Road and Bell Street),
- waste collection will occur on-site, outside of peak operating hours and does not pose any significant traffic engineering issues, and
- there are no traffic engineering reasons why a planning permit for the proposed
- childcare development at 66 & 72 Miller Street, Preston, should be refused.

### **Clause 52.29 – Land Adjacent to a Transport Zone**

Miller St is a Transport 3 Zone, therefore referral for access is not required. However, child care application require referral to the Department of Transport.

The application has been referred to the Department and a response received on 16/5/2024 where the Department advised that there were no objections to the application.

### **Clause 15.01-2L-01 - Environmentally sustainable development**

This policy applies to residential and non-residential development, excluding subdivision, in accordance with the thresholds detailed in this policy, except where an ESD plan or framework has previously been approved by the responsible authority.

#### Objective

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

#### Strategies include:

- *Facilitate development that minimises environmental impacts.*
- *Encourage environmentally sustainable development that:*
  - *Is consistent with the type and scale of the development.*
  - *Responds to site opportunities and constraints.*
  - *Adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimises environmental impacts.*

An SMP has been submitted with the application.

# 6. Assessment

## Planning Policy Framework

The subject site is affected by numerous strategies in the Planning Policy Framework, the most relevant being:

### 6.1 Plan Melbourne

Plan Melbourne is guided by the principle of **20-minute neighbourhoods**. The concept is all about living locally and giving people the ability to meet most of their daily needs within a 20-minute walk from home, with safe walking, cycling and local transport options. Practical delivery is clearly achievable in this precinct, with a range of services, facilities and public transport options nearby. The State Government suggests that an 800m walkable catchment is the measure of 20-minute neighbourhood based on research of the maximum distance people are willing to walk from home to a destination and back again. This neighbourhood is a perfect fit with all the hallmarks.

Emphasis is placed on **Clause 15 (Built Environment and Heritage)** which notes:

- Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.
- **Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.**
- Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.
- Planning should incorporate measures to protect culturally significant heritage places in locations exposed to climate related hazards.
- Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.
- Planning should promote excellence in the built environment and create places that:
  - Are enjoyable, engaging, and comfortable to be in.
  - Support human health and community wellbeing.
  - Accommodate people of all abilities, ages and cultures.
  - Contribute positively to local character and sense of place.
  - Reflect the particular characteristics and cultural identity of the community.
  - Enhance the function, amenity and safety of the public realm.
  - Planning should promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment

Further, at Clause 15.01-2S, the objective is to:

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

It is Strategy to (selected as relevant):

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- **Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.**

#### 6.2 At Clause 15.01-5S – Neighbourhood Character the objective is:

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

Strategies include

- **Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.**
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- **Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:**
  - Pattern of local urban structure and subdivision.
  - Underlying natural landscape character and significant vegetation.
  - **Neighbourhood character values and built form that reflect community identity.**

In response:

As described above, the built form on nearby land provides a mixed and varied character in the streetscape. The proposed design response is respectful of this character as its scale and siting are similar and complementary to the surrounding built forms. As such, the development will not have an overbearing impact on the surrounding properties or general area.

While there are elements of the proposal that are different to the traditional housing stock in the area, such as the play areas and the at-grade car park, the development as a whole is respectful. Uses other than dwellings can be appropriately located in residential areas and the proposal is a good example of how this can be achieved.

The site's context supports a medium-scale child care centre of the nature proposed. Specifically:

- The site abuts a Transport Zone with tram services. This road corridor provides convenient vehicular, tram, bicycle and pedestrian access to the site.
- The site is within excellent proximity to shops and services, within walking distance and would be conveniently located for employees at the centre.
- The site is proximate to a number of community facilities and education centres including childcare centres, learning centres, kindergarten, primary and secondary schools, nature reserves, playgrounds, sporting facilities and community centres.

Reasonable synergies could be established with the above educational facilities, and other commercial and community uses. The co-location of a childcare centre in close proximity to such uses/facilities results in benefits to service users, staff and the general operation of these facilities, including opportunities for multiple purpose trips by households and the supply of facilities that cater for the diverse needs of the community.

The subject site also demonstrates no constraints that would prevent its redevelopment as proposed. It is generally flat and does not accommodate significant vegetation, or restrictive covenants. This is also reflected by the lack of planning overlays aside from the SBO. Further:

- The combined sites have an area of 1117sqm which is sufficient to provide a medium scale childcare centre including play areas, while ensuring generous setbacks to all site boundaries and sufficient space for car parking areas and vehicle and pedestrian access.
- It is proposed to demolish the existing buildings, which have no particular significance, and construct a new site responsive/purpose-built design.
- Adjoining/nearby development has driveway and right of way buffers from the site and outbuildings built on boundaries (for those sites that face Gillingham St). This allows for greater separation between the proposed childcare centre and sensitive uses.
- The size and dimensions of the lot and adjoining lots will enable suitable separation from neighbouring properties, and opportunities for landscaping.

**6.3 Clause 19.02 - Community Infrastructure**, and specifically, Clause 19.02-2S – Education Facilities, states as follows:

### **Objective**

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

## Strategies

- Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
- **Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.**
- Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.
- Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.
- Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).
- Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.
- Locate tertiary education facilities within or adjacent to activity centres.
- Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- Consider the existing and future transport network and transport connectivity.
- Develop libraries as community based learning centres.
- Co-locate a kindergarten facility with all new Victorian Government primary schools.

### 6.4 Clause 02.03-6 - Economic development

#### This Clause states (inter alia as relevant)

Darebin's economy is transitioning from a 'traditional' labour intensive manufacturing industrial base to a more mixed economy, with growth in modern retail and services sectors.

Consistent with structural changes in the national economy, local employment in manufacturing and other traditional industries is being replaced by jobs in retail and services, while the public sector continues to be a major employer in education and health.

The services sector, particularly in government, health, education and community services, provides significant local employment and often occupy large land holdings that have potential to be more efficiently used.

Strategic directions include:

- Encourage use and development that facilitates investment in retail, institutional and hospitality sectors.
- Encourage use and development to support the knowledge economy

through investment in the education, health, biomedical and research sectors.

- *Intensify development in the Northland East Preston Activity Centre.*
- *Encourage mixed uses including commercial offices to support economic investment and growth in the La Trobe Economic Employment Cluster.*
- *Facilitate business start-ups and home-based businesses.*

Also relevant is **Clause 17.01-1L - Diverse economy**

Strategies include:

- *Support the development of businesses in knowledge and advanced manufacturing.*
- *Support land use and development that maximises employment opportunities around La Trobe University.*
- *Encourage use and development that will contribute to the growth of a digital economy.*
- *Support the establishment of business incubators and hubs.*
- *Encourage the re-use of land in underperforming local centres as incubators and locations for small business.*

In response:

A childcare centre is an important community need and like other non-residential uses, such as a Place of Worship for example or medical centres, they are very commonly found in residential areas. With careful siting and design, they can, and have easily integrated within residential areas. The proposal provides this. It will also create employment opportunities at the time of construction and also once the centre is open. Creating such opportunities is integral in maintaining a liveable city, and the provision of childcare centres in established residential areas is an important part of this.

Childcare centres are a community facility that, although operated on a commercial basis, provide an important service for the community. Childcare centres can be favourably considered within the GRZ where they cater for parents and carers of non-school aged children, noting that a purpose to the Zone includes to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The availability of the large, combined lot provides scope for siting and design (via larger setbacks) that can better respect local amenity again via greater setbacks and landscaping opportunities.

Overall, the proposal is consistent with aspirations and strategic directives for the following reasons:

- The childcare centre will contribute to the choice of facilities to serve the diverse needs of the community.

- It will contribute to the development of a network of community-based education and community centres.
- It will facilitate the establishment of a new learning centre on, and with good accessibility to major public transport routes.
- It will create local employment opportunities to help secure the sustainable future of the local community.

## 6.5 Need and Community Benefit

Clause 71.02-3 – *Integrated Decision Making* - is also relevant.

The Planning Policy Framework operates together with the remainder of the Planning Scheme to deliver integrated decision making. It says that:

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.*

While demonstrating a need is not the same as the balancing of matters in terms of net community benefit, demonstrating a need for a facility or use is a relevant factor in decision making. This is part of the overall balance that must be considered when making a decision on an application.

While the absence of “need” is not a consideration against the granting of a permit, the converse of this is that the demonstration of a community need can be a factor weighing in favour of the granting of a permit.

Local need can also mean different things to different groups in the community and does not just have a narrow geographic focus or meaning.

Economic considerations, which includes employment, is relevant when balancing sometimes conflicting policy objectives in favour of net community benefit. In this case, there are no conflicting policy objectives. In addition to the jobs created by the construction of the facility, the proposed childcare centre will also employ staff. The proposal will also likely have other indirect and down-stream economic benefits to the community.

The provision of childcare services is increasingly being met by the private sector, likely due to demand. The proposal is low in intensity given it is medium scale at 84 childcare places and as such, is suitable.

There are numerous other non-residential uses along Miller St and therefore there is little risk of diminishing the area of its primary function as a residential area as a result of this proposal.

---

**6.6 Noise at Clause 13.05-1S** of the Darebin Planning Scheme requires:

Objective

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

Strategies include:

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

In response

Miller St being a Transport Zone with a tram spine, is a busy road which comes with elevated background noise, in particular from the trams. Given the limited hours of the child care centre and closed on weekends, it is not considered that noise will be unreasonable.

**6.7 Clause 15.01-5L - Neighbourhood character in Darebin**

This policy applies to the consideration of applications for development and works on land in the Neighbourhood Residential Zone and the General Residential Zone.

Strategy:

Retain and enhance the identified elements that contribute to the character of a precinct.

Policy guideline includes:

Consider as relevant:

- Supporting development that is consistent with the preferred character statement and design guidelines identified in the *Darebin Neighbourhood Character Study Precinct Guidelines*(Planisphere, 2007).

According to the Darebin Neighbourhood Character Study and Precinct Guidelines, the review site is located in **Precinct D3** as shown in the excerpt below:



The Description of the existing character includes:

Streets in this precinct have an open, suburban atmosphere that is characterised by a mix of housing styles, larger lot sizes and established low-level front gardens. Many streets contain consistent rows of Californian bungalows or other interwar styles, a large proportion of which have been extended or restored, adding to the quality of housing stock in the area. Limited infill has occurred in the form of 1960s-70s brick dwellings as well as some more

recent contemporary single dwellings and units. Lots that front onto Goodwin Street and Halwyn Crescent in the southwest of the precinct overlook A.H. Capp Reserve which is part of the Merri Creek environs.

The preferred character statement is:

*This precinct will retain its spacious, suburban atmosphere, with older buildings sitting comfortably alongside new development. Californian bungalows and other Interwar style dwellings will be retained and enhanced through maintenance and restoration and set within established garden settings. New dwellings and extensions will acknowledge the form, scale, siting and materials of Interwar dwellings and retain the same generous front and side setbacks evident in the street. Front fences will remain low, allowing views to front gardens which will become a more prominent feature of streetscapes through increased planting. Increased street landscaping will also combine with front gardens to create leafier streetscapes.*

This will be achieved by:

- Retaining Californian bungalows and Interwar dwellings, where located within the Heritage Overlay or where these dwellings contribute to the valued character of the area.
- Designing new dwellings that interpret elements of the Interwar era in a contemporary manner, while respecting existing period architecture.
- Encouraging more contemporary architectural styles in streets that have few period dwellings. These buildings must adopt the predominant scale, form and setbacks of their streetscape context, while showing design innovation.
- Maintaining the predominant single storey scale of the area.
- Respecting the predominant front and side setbacks of nearby buildings.
- Encouraging additional planting in all gardens across the precinct.
- Ensuring that front gardens are not dominated by car parking spaces or structures.
- Increasing street tree planting in parts of the area lacking street trees.
- Keeping front fences low, and in a style consistent with the Californian bungalow era.

The Guidelines also suggest matters that development should avoid. A response to each matter is as follows:

#### Existing Buildings

Avoid:

- Loss of intact streetscapes and new development that is out of scale and character with the existing Interwar dwellings.

#### In response:

The Miller St streetscape is not intact. It displays a mix of new and older development, single dwelling and unit development and commercial buildings. As such, the new building will fit the character of the area/Miller St.

#### Vegetation

Avoid:

- Lack of landscaping and substantial vegetation.
- Large areas of impervious surfaces.
- Removal of large, established, healthy trees and the location of buildings on top of the root zone of trees.
- Dwellings that do not provide sufficient setbacks to accommodate trees.

#### In response:

It is considered that the proposed landscaping will be an improvement to what currently exists at the site. The sites are mainly grassed with scattered non-significant vegetation/trees.

Siting

Avoid:

- *Loss of front garden space.*
- *Lack of rear garden space for landscaping.*
- *No setbacks from the rear or side boundaries.*
- *Boundary to boundary development in a streetscape where detached style predominates.*
- *Car parking structures that dominate the façade or view of the dwelling.*
- *Creation of new crossovers.*
- *Creation of wide driveways or crossovers.*
- *Front setbacks dominated by impervious surfaces.*
- *Buildings that are out of scale with adjoining buildings*

In response:

Front garden space will be provided and will be suitable landscaped as per the landscape plan. The rear setback will accommodate trees as shown on the landscape plan.

The development provides large side setbacks.

While car parking is visible from Devon Street, the large road reserve in front of it and the large trees will assist in screening it. There are no parking structures given the parking is at grade. The crossovers are not wide and therefore do not dominate the Devon St frontage, rather they meander through the trees located on the reserve.

Height and Building Form/frontage width

Avoid:

- *Buildings that are out of scale with adjoining buildings or that appear to dominate the streetscape.*
- *Buildings that do not reflect the pitched roof forms evident in the street.*

In response:

The building proposed is only two storeys in height, not dissimilar to other two storey development in Miller St. As such, it will certainly not be dominant to those buildings, nor to the streetscape. A maximum height of 11m is allowed in the zone, and despite this, the building will reach a maximum height of 9.4m.

While a pitched roof is not proposed, the flat roof is not out of character as there are several flat roof forms in Miller St.

### Materials and Design Detail

Avoid:

- Brightly coloured or highly reflective materials or finishes.

In response:

The materials that have been chosen are attractive and respond well to the area. They include grey brick, white painted finish and timber cladding/accents – excerpt below:



1. FACE BRICKWORK - GREY TONES.  
AUSTRAL BRICKS OR SIMILAR. COLOUR: 'INDUSTRIAL STEEL'.



2. FEATURE WEATHERTEX OR SIMILAR WEATHERBOARD LOOK WALL CLADDING (NON-COMBUSTIBLE) - LAID VERTICAL.  
COLOUR: DULUX 'SHALE GREY'.



3. FEATURE WEATHERTEX OR SIMILAR WEATHERBOARD LOOK WALL CLADDING (NON-COMBUSTIBLE) - LAID HORIZONTALLY.  
COLOUR: TIMBER.



4. FEATURE TIMBER LOOK BATTENS (NON-COMBUSTIBLE) - LAID VERTICALLY.  
COLOUR: TIMBER.

### Front boundary treatment

Avoid:

- High, solid front fencing.

In response:

A 1.8m high, childproof powder coated flat bar type fencing with gates that match the fence is proposed – excerpt below:



While this is higher than suggested by the guidelines, a higher fence is a necessity to ensure safety by virtue of the proposed use. Further, as the site is located along a Transport Zone a higher front fence is permissible.

### 6.9 Darebin Early Years Strategy

While not a Planning related document, Council has prepared this Strategy and it articulates Darebin's planning and key priorities for children and families in Darebin with a 10 year outlook, for the period 2011-2021. While technically expired, it is only referred to here for completeness. The Strategy acknowledges that childcare is required and states:

There are a broad mix of early years services in Darebin provided by a mix of community based and private providers. Services such as childcare and kindergarten indicate a clear preference by families for community based services of **which there is significant unmet demand**.

Darebin, as an inner urban area has not seen the impact of broader service trends such as the development of large scale children's service hubs. There is grouping of services on many sites. Generally, family and children services sites remain local neighbourhood based services.

The rising infant and child population will create demand that will be difficult to achieve targets such as universal access (15 hours of kindergarten per child). **The demand for childcare, particularly for younger children already far outweighs demand in central and southern Darebin.**

Council provided early years buildings are mostly single purpose facilities, several of which are aging infrastructure. Council dedicates considerable capital resources to buildings. **The increasing demand is placing increased pressure on such infrastructure.**

Early years services and opportunities are distributed unevenly with an inequitable number of services in the southern part of Darebin.

As such, the proposal for a childcare centre at the subject site will assist in meeting some of the recognised demand.

### Further Assessment

#### Appropriateness of the Childcare Centre Use

Simply because a permit is required to use the land for a childcare centre does not mean that the use is not appropriate. A discretion exists to allow for a childcare centre use under the GRZ and on this site. When one considers the locational attributes of this site and the relevant policy guidance provided in the Planning Scheme, it is evident that a childcare centre use on this site is an appropriate one and will result in an acceptable planning outcome.

A residential area without non-residential uses, including childcare centres would be regarded as failing to provide for the needs of its community and that it is expected that childcare centres will be found within residential areas.

The usual concerns with childcare centres include issues such as traffic management, noise and car parking and whether a childcare centre is appropriate in the area. Specifically, the proposal:

- Responds to the settlement policy in the Planning Scheme in that it is well located in an area that takes advantage of existing settlement patterns and infrastructure.
- Serves local needs in an area with convenient access to existing residences, educational facilities and employment areas.
- Achieves a high-quality design outcome that will respond positively to its surrounding context.
- Will sit comfortably within the character of the surrounding area.

In detail to the above, built form as shown on the plans is sympathetic to the built form displayed in the area given its double storey nature, roof style and materials proposed, and coupled with the landscape response as shown on the landscape plan, are all reflective of the character of the area.

The prevailing character in this location is one of a main road type character along with a tram line, which does not display a typical "low-density" residential feel.

**Acoustic fences** are proposed along the boundaries to minimise noise impacts on adjoining residential properties. An acoustic report has been submitted with the application.

The **landscaping** along the frontage allows for a non-residential use and development without significantly disrupting the appeal and character of the neighbourhood. There are increased opportunities for high canopy tree planting along the frontage, to complement the development from the street.

A high-quality childcare centre in a location such as this delivers benefits in terms of access to services, support for parents and carers and employment. Set against those benefits is the loss of two dwellings and the potential amenity impacts associated with introducing a non-residential use to the site each of which are minimal.

While the immediately abutting property to the east will have a changed amenity, this change will largely be limited to noise from the car park and the noise of children playing outdoors, however this is limited to day time hours and not the weekend and the noise will not be unreasonable. It is therefore considered that this effect will not be sufficiently adverse to outweigh the benefit arising from the childcare centre which serves a residential community. Given the setbacks, modest overall height and recession of the built form, the proposal will not result in any unreasonable visual bulk or amenity outcomes.

The hours of operation are proposed to be confined to weekdays only from 6.00am to 7:00pm further minimising the potential for offsite amenity impacts from noise and traffic given there will be no use in the late evening period or on the weekends.

There is 1.8m high fixed, obscure, acoustic balustrading around the entire play space of the first floor which provides privacy to the centre while also preventing unreasonable overlooking to the adjoining properties.

Finally, the proposal is wholly compliant in respect to provision of parking required for a childcare centre.

In summary, the proposal represents an acceptable built form and character response due to its:

- Double storey form reaching a maximum height of 9.4m.
- Flat roof form consistent with that of the neighbourhood.
- Setbacks from both Miller St and Devon St and side boundaries.
- Generous landscaping including proposed mature trees to be planted post construction.
- Modest site coverage.
- Overshadowing that complies at the Equinox, using the requirements of Clause 55 as a guide.
- Use of appropriate materials and tones which assist to integrate the proposal into its setting; and
- Contemporary built form.

### **Clause 15.01-1L-03 - Signs**

#### Objective

- To ensure signs are integrated into development and streetscapes.

#### Strategies include:

- Design signs to be integrated and visually cohesive elements of the building design.
- Discourage visual clutter and prevent the proliferation of signs along major gateways, road reservations, commercial/retail areas and industrial estates.
- Ensure outdoor signage is located on the land to which it relates.
- Encourage simple, clear, consistent and non-repetitive advertising.
- Ensure signs are designed and located to respect the architectural design of the building on which they are displayed.

#### In response:

While the proposed signage exceeds the height limit be by virtue of the sites location on a Transport 3 Zone and not sited to face any residential properties, thereby no light spill to sensitive spaces as the signs are not illuminated, it is considered that the proposed signage is acceptable.

Further:

- The proposed sign is of the logo of the child care centre.
- The wider area displays a high amount of signage already, in various styles, colors and levels of illumination that is expected in a commercial area of this size and scale.
- The signs will not cause a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device and will not dazzle drivers as no flashing lights are being proposed nor is the sign onerously large.
- The scale and form of the signs are relative to the scale, proportion of the building in that they are not large, for example, they are not akin to a major promotion sign.

### Street tree – Devon St

A non-destructive root investigation was undertaken to the street tree in Devon St. The conclusion was as follows:

- *Impact of the significant roots observed within the trench will have a deleterious impact on the subject tree. Retention of the recorded roots will be necessary for the viable retention of the subject tree. Several recommendations have been made for the retention of the significant roots. If the recommended constraints can be successfully implemented, the subject tree will remain viable within the scope of the proposed development.*

The recommendations are:

- The existing bitumen within the location of the proposed crossover must be demolished by hand only.
- The proposed crossover must retain or add to the existing road base only. No excavation of the road base material must occur within the footprint of the proposed crossover.
- Tree roots 7 and 8 must be bridged and left intact.
- During demolition of the bitumen areas, demolition must be supervised by a
- 5. Prior to any excavation occurring for the crossover, a trench must be dug by hand or by other non-destructive means (pneumatic, or hydro-excavation) along the north edge of the south crossover within the bitumen section to the same depth as the crossover excavation (Bitumen only) and supervised.
- The proposed crossover within the TPZ of Tree 14 must be constructed with a permeable material

As such, the above should be included as conditions of permit to ensure the safe retention of this tree.

## 7. Conclusion

From a policy perspective, the proposed childcare centre is an appropriate use and development of the site.

The above assessment concludes that the proposal is an entirely acceptable use in the zone and will provide for a use that will benefit the community and which will result in employment opportunities on the site.

The proposal will also respond to local community needs and will not result in any unreasonable off-site amenity impacts. It will integrate comfortably into its surrounds.

The proposal does not result in any reduction in car parking requirements and all the operational needs of the proposal are provided within the site.

The proposal will also provide a high-quality contribution to the site and the built form that is respectful of the existing and emerging character of the neighbourhood and its good landscaping outcomes.

In this respect, we submit that the proposal results in an achievement of a high quality outcome for both the site and the adjoining properties and will provide a needed service to the community.

askplanningservices

*Town Planning*