

Report to the Council

Agenda item 6.3

Planning Application TP-2017-743

12 December 2017

Lady Huntingfield Children's Centre, 89-97 Haines Street, North Melbourne

Presenter: Jane Birmingham, Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Council of a Planning Application TP-2017-43 for the proposed use and development of a childcare centre and maternal health clinic including construction of buildings and works under the Environmental Significance Overlay Schedule 2, and associated reduction in parking requirements. The existing single storey child care centre will be fully demolished to accommodate the proposed double storey development. The report is being referred to Council under the delegations for policy planning applications because the City of Melbourne is the applicant.
2. The City of Melbourne operates the existing childcare centre.
3. The proposed development includes demolition of the existing single storey timber building and the construction of a two storey building comprising a ground floor childcare centre with six playrooms, reception, kitchen, laundry and staff areas and a first floor maternal health clinic with waiting area, play areas, three consulting rooms, meeting rooms, office space and staff areas. The development will incorporate sustainable design features including rainwater tanks (10,000L capacity).
4. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting a notice on the site. At the time of writing this report a total of eight objections were received.
5. The main details of the proposed operation include:
 - 5.1. Increased capacity of the child care centre from 58 to 106 children, resulting in an increase from 18 to 35 staff.
 - 5.2. Addition of new maternal health clinic (medical centre) with ancillary administration facilities and 10 staff including three medical practitioners.
 - 5.3. Operating hours of the childcare centre to continue as Monday to Friday 7.30am to 6pm.
 - 5.4. Operating hours of the maternal health clinic to be Monday to Friday 9am to 5pm (with some work after hours).
 - 5.5. Pedestrian access via Haines Street with emergency access via Plane Tree Way.
 - 5.6. No parking spaces, six bicycle spaces.

Key issues

6. The key issues in the consideration of this application are the new maternal health clinic use, car parking, built form, external amenity impacts, tree protection and stormwater management.
7. Subject to recommended conditions the proposed extension is considered to be a well-integrated modern design that will not have unreasonable amenity impacts on surrounding properties. The proposal is respectful of the surrounding area in terms of scale, bulk, height and materials.
8. The intensified childcare use is considered appropriate given the long-term use of the site for this purpose. The maternal health clinic is considered compatible with the continued use of the childcare centre. The car parking
9. ESG reviewed the car parking assessment provided in the submitted TPA prepared by Movendo and dated 31 July 2017. On the basis of this assessment, ESG raised no objection as they considered that the additional parking demand generated by the proposal could be accommodated on-street.
10. With regard to the issues raised by objectors, these have been explained and discussed in detail within the delegate report (Attachment 4).

Recommendation from management

11. That the Council resolves to issue a Notice of Decision subject to conditions outlined in the delegate report (Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 35)
2. Locality Plan (Page 3 of 35)
3. Plans (Page 4 of 35)
4. Delegate Report (Page 17 of 35)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme. Section 61 of the Act sets out that the Council may decide to grant a permit, grant a permit subject to conditions or refuse to grant a permit on any ground it thinks fit.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. The application was advertised extensively to surrounding properties and resulted in eight objections at the time of writing this report.

Relation to Council policy

6. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

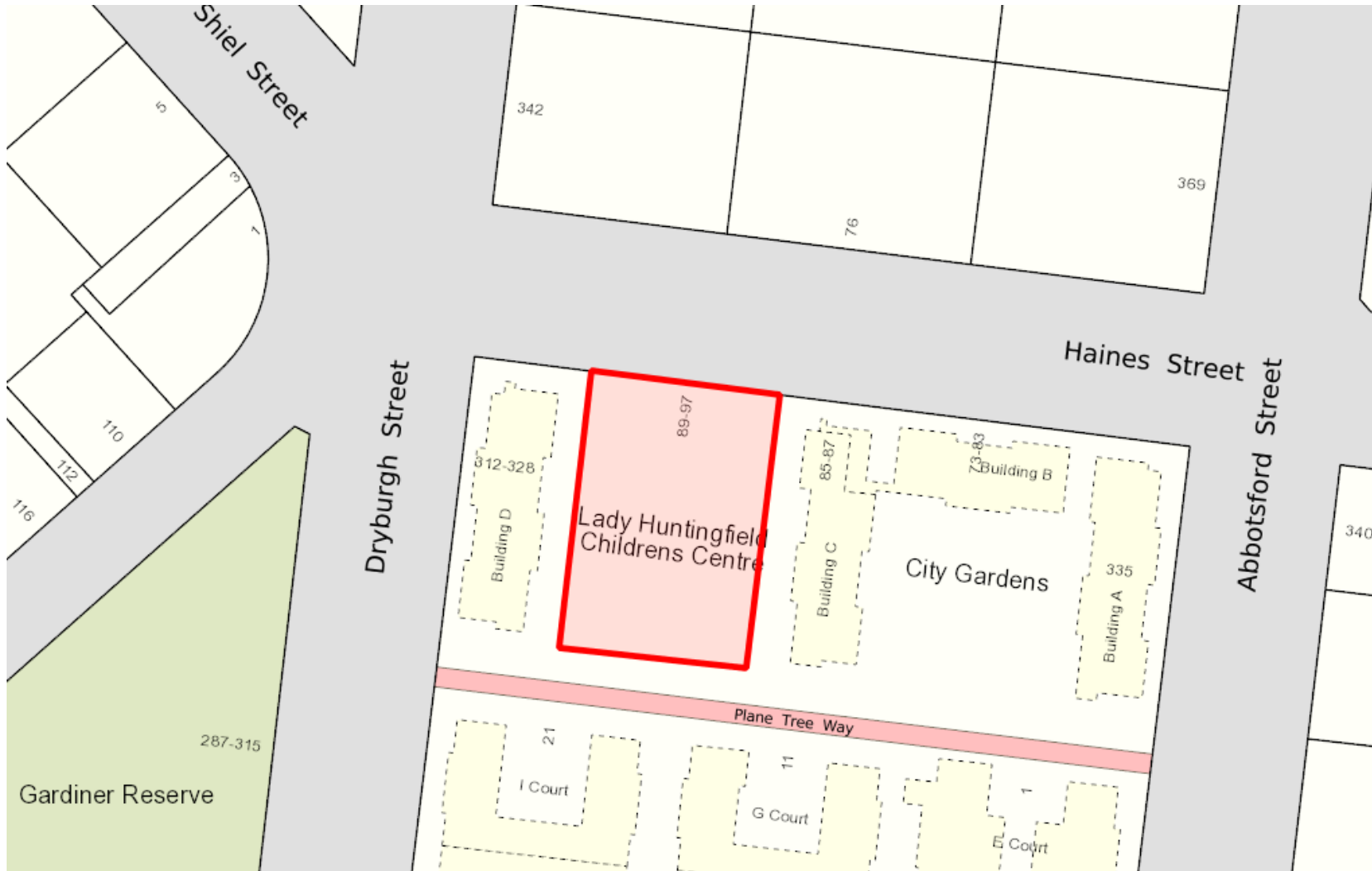
Environmental sustainability

7. While Clause 22.19, Energy, Water and Waste Efficiency, technically does not apply, the application includes an *ESD Concept Design Report* prepared by Piechowski Energy and dated 12 January 2017. This report demonstrates that the facility will include many ESD strategies to minimise its environmental impact during construction and over the life of the building.

Locality Plan

Attachment 2
Agenda item 6.3
Council
12 December 2017

Lady Huntingfield Children's Centre: 89-97 Haines Street, North Melbourne



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Attachment 3
 Agenda item 6.3
 Council
 12 December 2017



DRAWING LIST

SHEET No.	SHEET NAME	REV.
A-0.01	TITLE PAGE	C
A-0.02	EXISTING GROUND FLOOR & DEMOLITION PLAN	C
A-0.03	ELEVATIONS - EXISTING	C
A-1.01	SITE PLAN	C
A-1.02	SITE PLAN & DESIGN REPOSE	C
A-2.01	GROUND FLOOR PLAN	C
A-2.02	FIRST FLOOR PLAN	C
A-2.03	ROOF PLAN	C
A-4.01	ELEVATIONS - PROPOSED	C
A-4.02	ELEVATIONS - PROPOSED	C
A-8.01	SHADOW DIAGRAMS - 22 SEPT 9 AM & 12 PM	C
A-8.02	SHADOW DIAGRAM - 22 SEPTEMBER 3 PM	C
A-8.04	OVERLOOKING DIAGRAM	C

TOWN PLANNING

No.	DATE	AMENDMENTS	AUTH.
C	29.08.2017	TOWN PLANNING	DP
B	22.08.2017	CONSULTANT ISSUE	DP
A	31.07.2017	TOWN PLANNING	DP



CITY DESIGN STUDIO
 LEVEL 6 / 240 LT COLLINS
 STREET MELBOURNE VIC 3000
 TELEPHONE: (03) 9658 8693
 FACSIMILE: (03) 9658 8840

CLIENT
 COMMUNITY SERVICES

PROJECT
 LADY HUNTINGFIELD CHLDRENS CENTRE
 89/97 HAINES STREET
 NORTH MELBOURNE
 VIC 3051

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 TITLE PAGE

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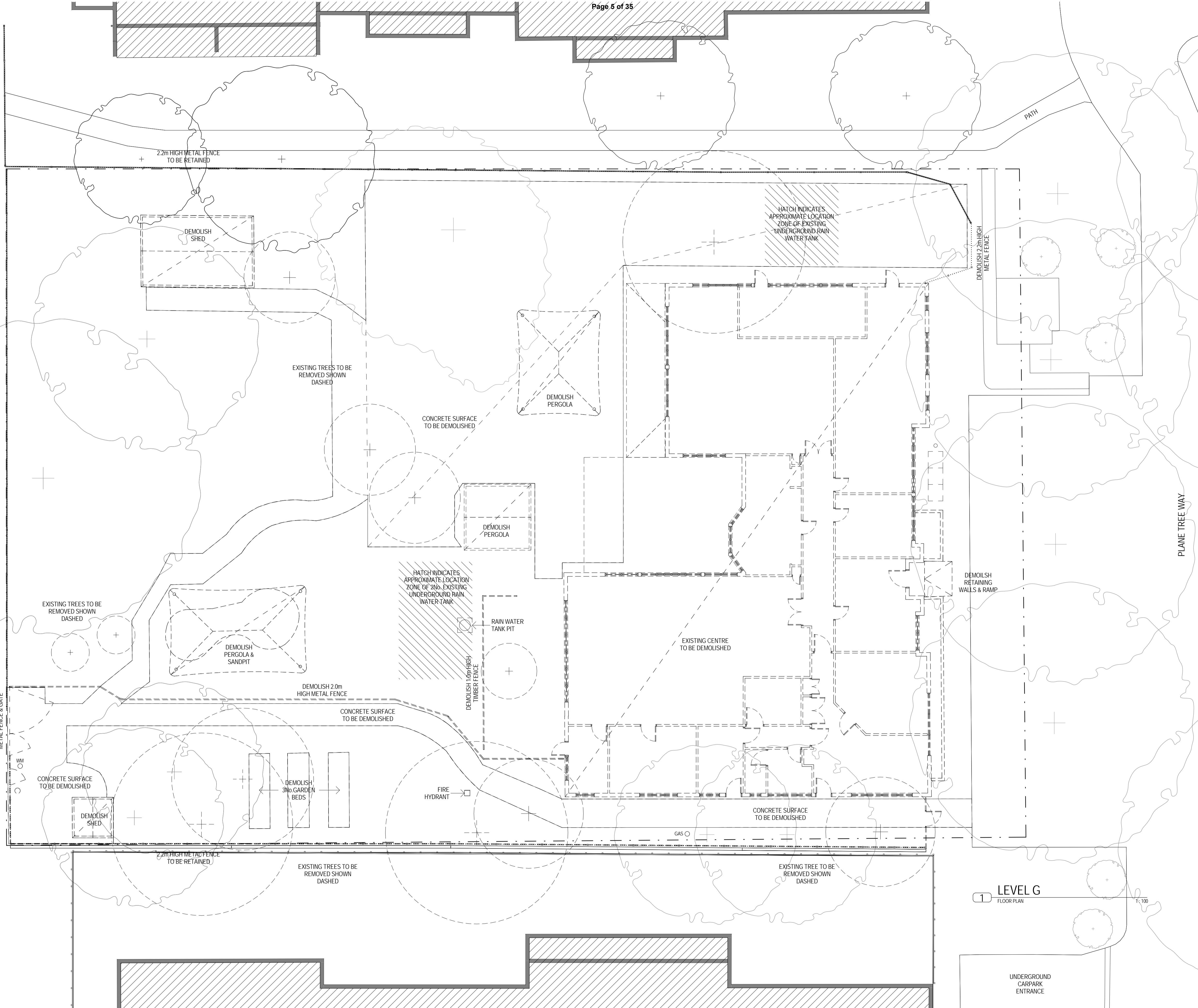
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	A3
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PROJ. NO. 903638	DWG. NO. A-0.01
	REV. C

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DEMOLITION NOTES

- EXISTING CENTRE TO BE COMPLETELY DEMOLISHED INCLUDING ALL FOOTINGS / FLOORS / WALLS / ROOFS AND REMOVAL OF WINDOWS / DOORS / FITTINGS & FIXTURES / PLANT ITEMS
- ALL ITEMS TO BE SALVAGED PRIOR TO DEMOLITION TO BE AGREED TO BEFORE ANY ON SITE WORKS COMMENCE, INCLUDING BUT NOT LIMITED TO: DOORS & WINDOWS / EXISTING FIXED FURNITURE / EXISTING LOOSE FURNITURE / FIXTURES & FITTINGS INCLUDING LIGHTING / PLANT ITEMS
- ASBESTOS MAY BE PRESENT IN THE EXISTING BUILDINGS ON SITE WHICH WILL REQUIRE PROPER MITIGATION INCLUDING: REMOVAL, ENCAPSULATION, CLEAN UP AND DISPOSAL. CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS FOR SUCH PROCEDURES



TOWN PLANNING

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CLIENT: COMMUNITY SERVICES

PROJECT: LADY HUNTINGFIELD CHILDRENS CENTRE
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DRAWING: EXISTING GROUND FLOOR & DEMOLITION PLAN

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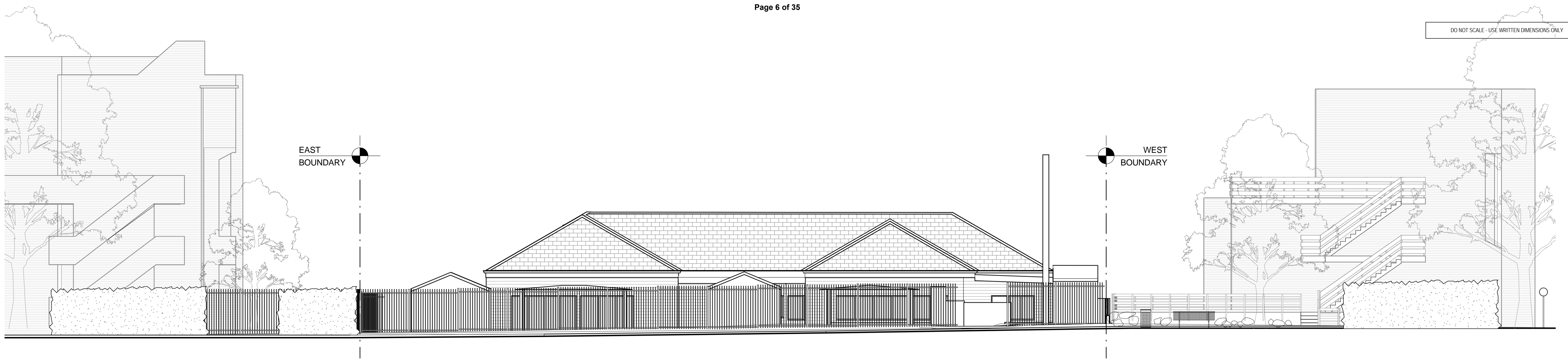
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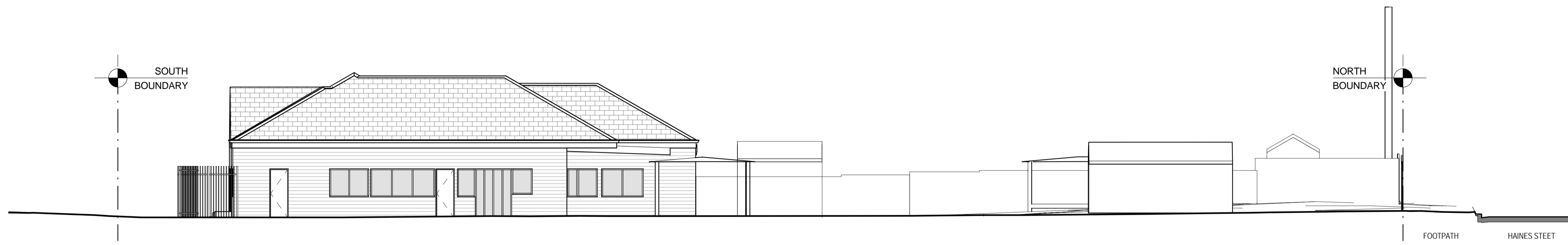
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1 EXST ELEVATION - NORTH
FLOOR PLAN 1:100



2 EXST ELEVATION - EAST
FLOOR PLAN 1:100



3 EXST ELEVATION - SOUTH
FLOOR PLAN 1:100



4 EXST ELEVATION - WEST
FLOOR PLAN 1:100

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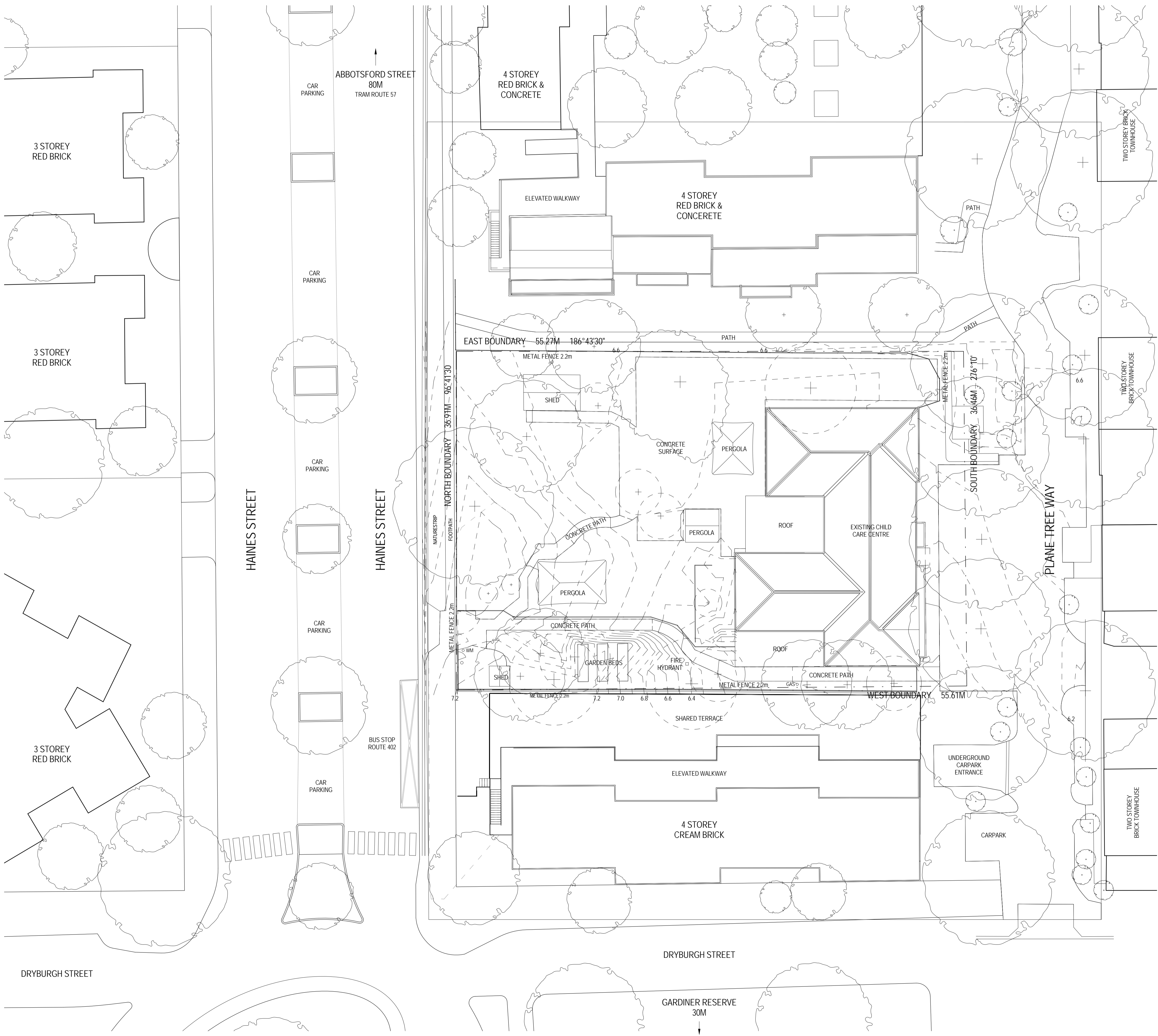
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DRAWING
 SITE PLAN

STATUS
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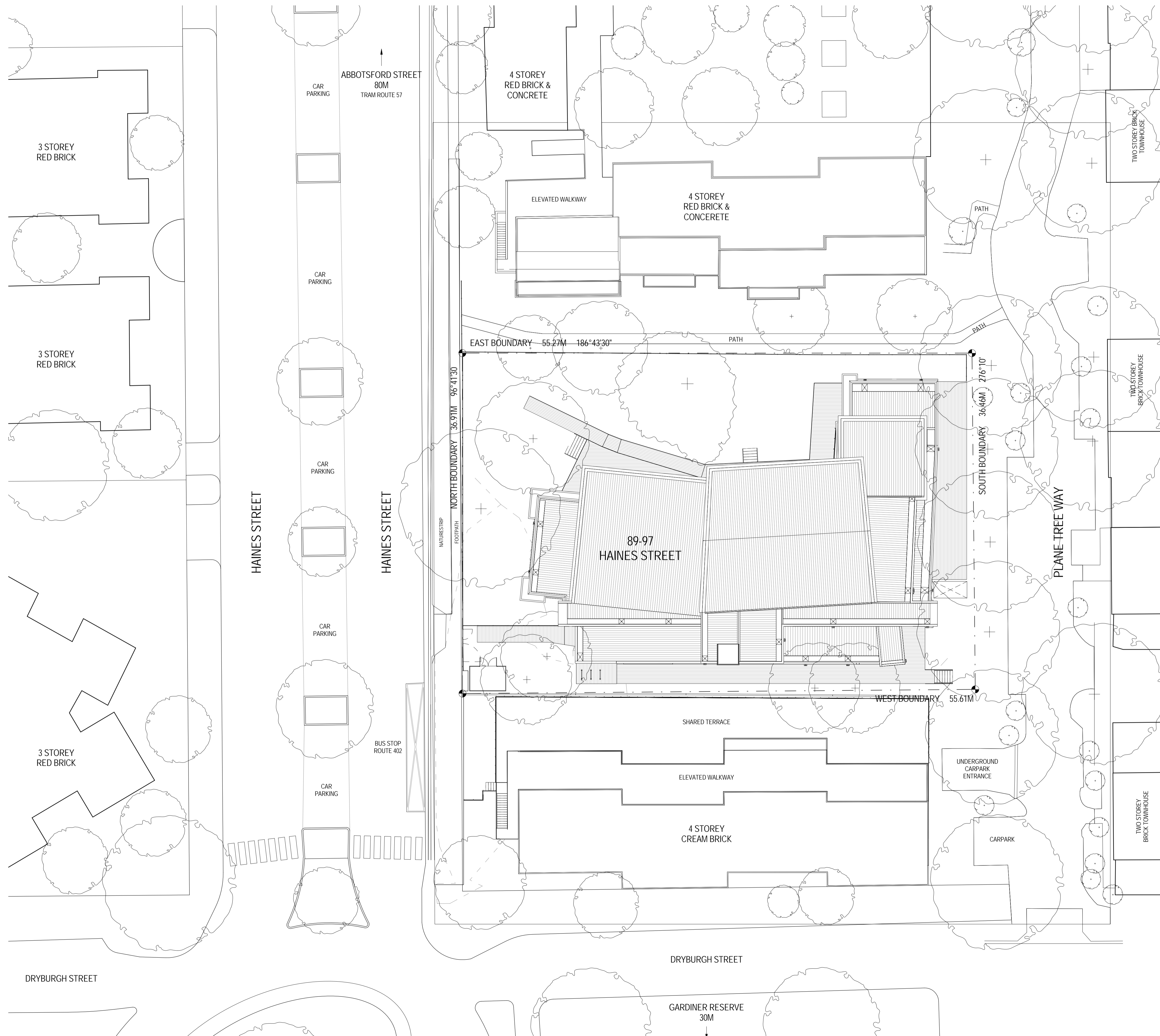
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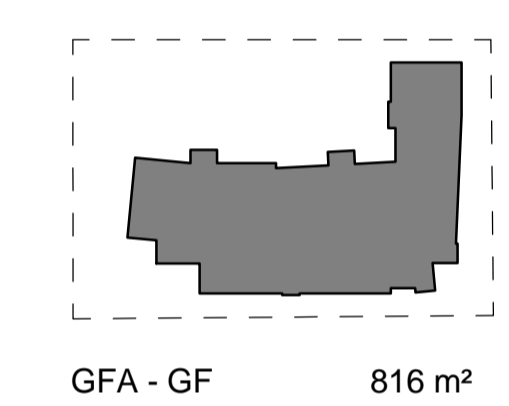
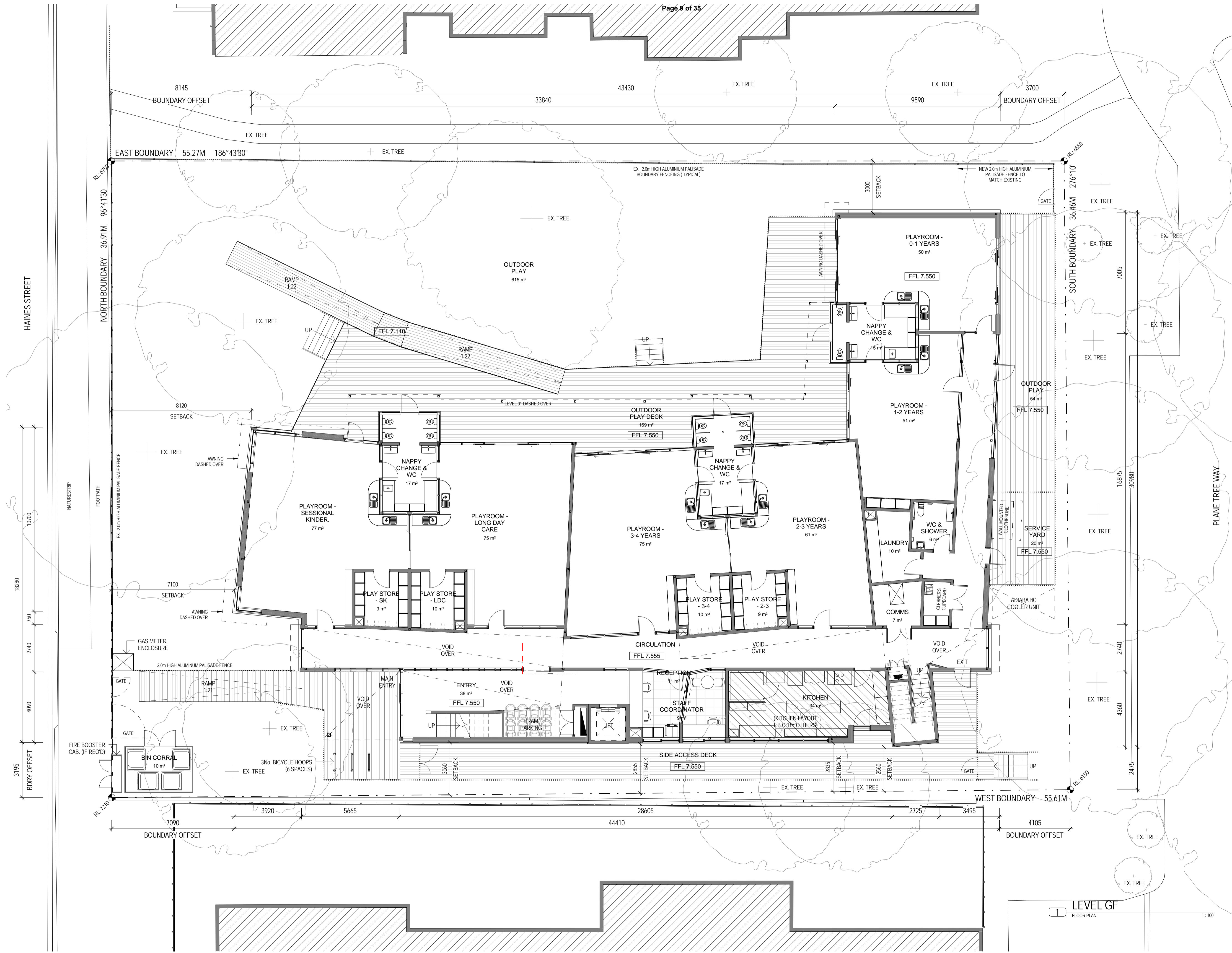
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GROUND FLOOR PLAN

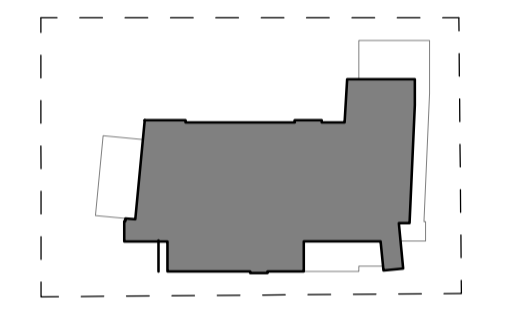
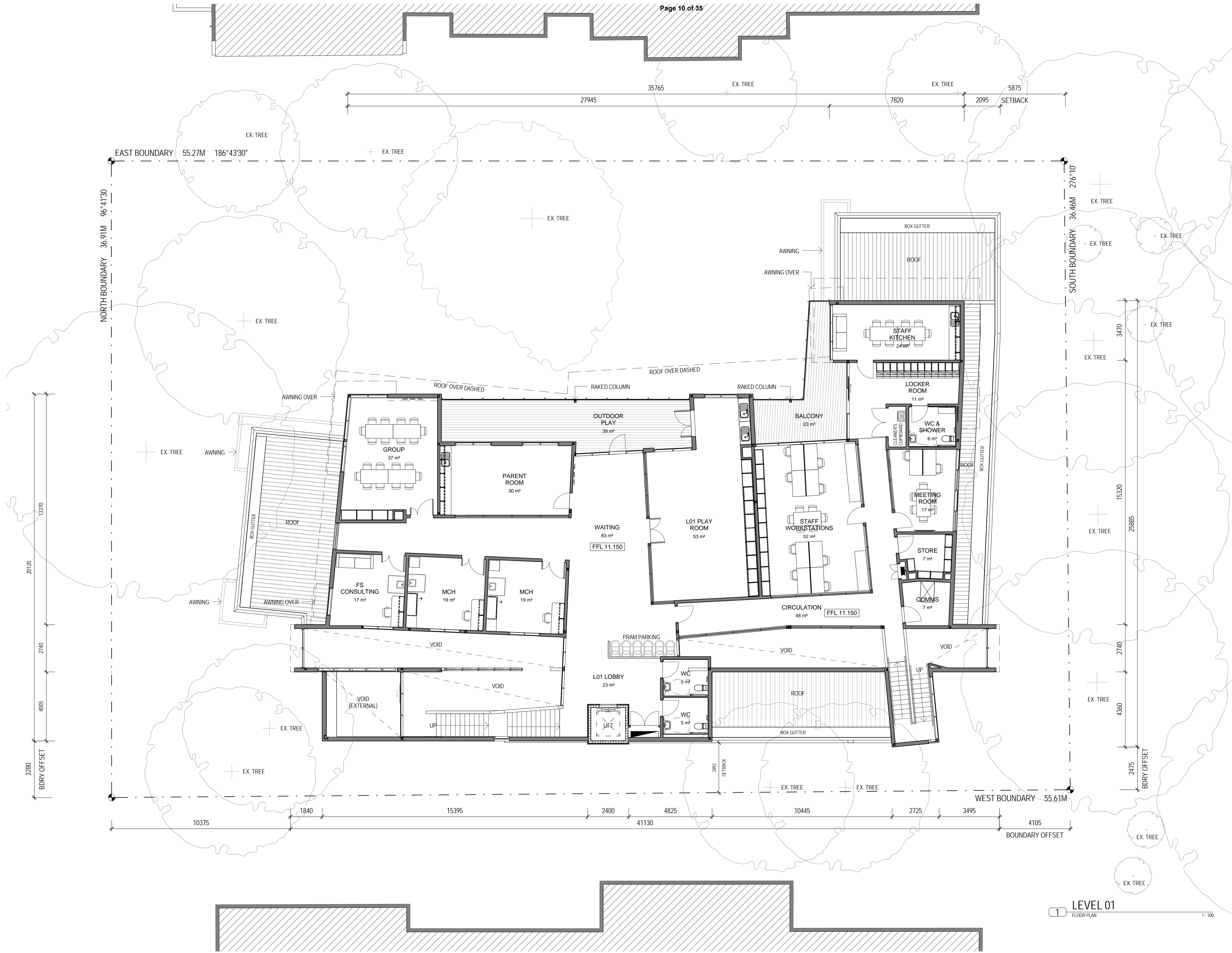
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1 LEVEL GF
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GFA - L01 705 m²

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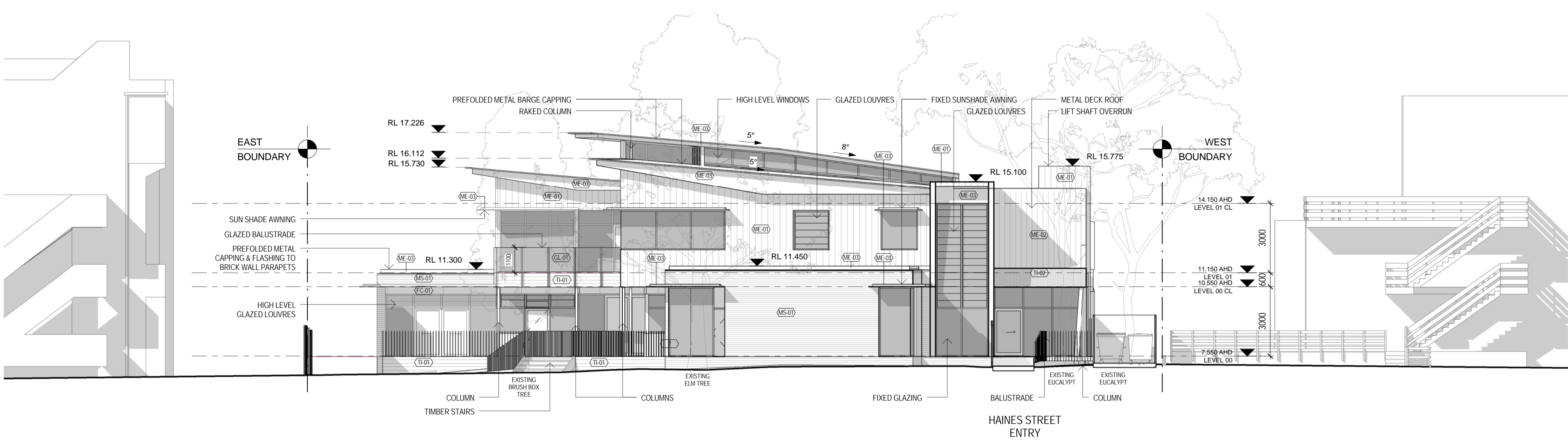
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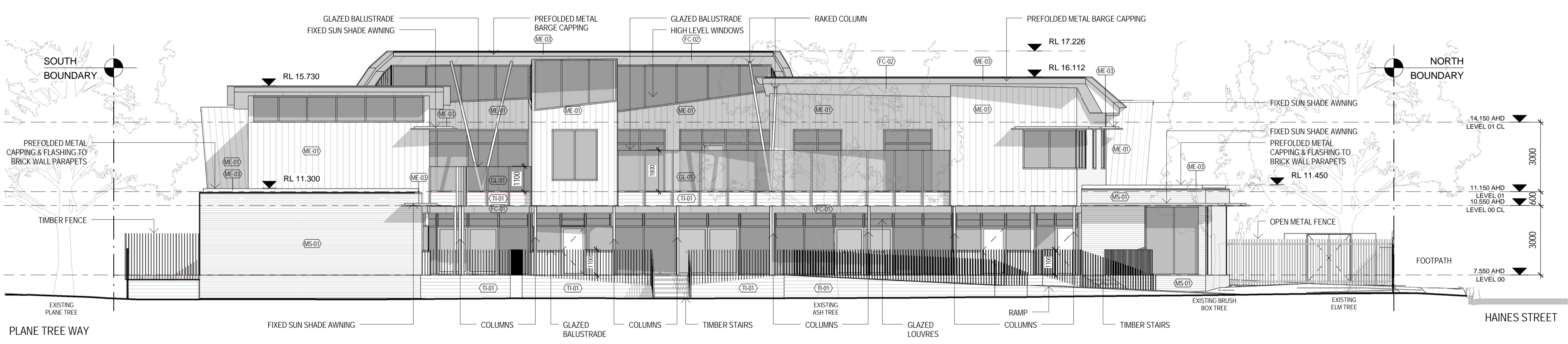
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SCHEDULE OF MATERIALS - TP				
CODE	DESCRIPTION	MANUFAC-TURER	PRODUCT	SWATCH
FC-01	Compressed Fibre Cement Sheet	Cemintel	Barestone	
FC-02	Compressed Fibre Cement Soffit Lining - Paint Finish	(James Hardie etc.)	Villaboard 9mm Painted finish - Dulux 'Silkwort'	
ME-01	Metal Cladding	Fielders	Nailstrip 265 - Colorbond 'Shale Grey'	
ME-02	Metal Roof Decking	Lysaght	Klip-Lok 700 Hi-Strength - Zincalume	
ME-03	Metal		Colorbond 'Shale Grey'	
MS-01	Face Brick Stretcher Bond	Daniel Robertson	London	
TI-01	Timber Decking and Base Boards			




1 ELEVATION - NORTH
FLOOR PLAN 1:100



2 ELEVATION - EAST
FLOOR PLAN 1:100

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ELEVATIONS - PROPOSED

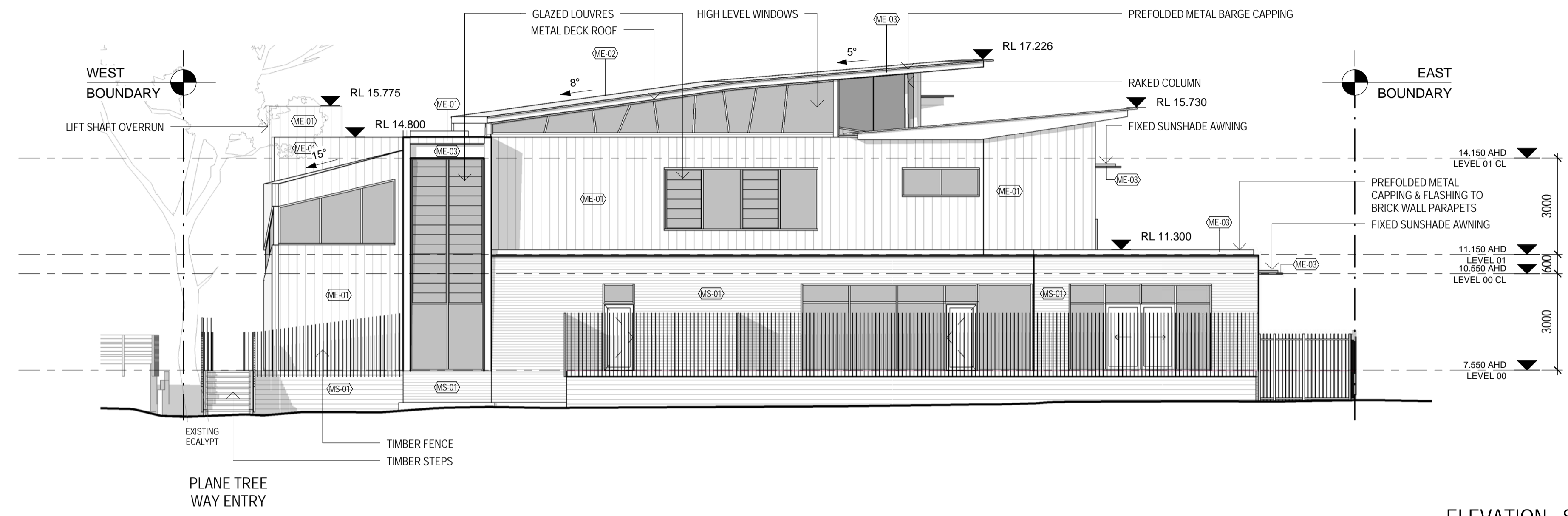
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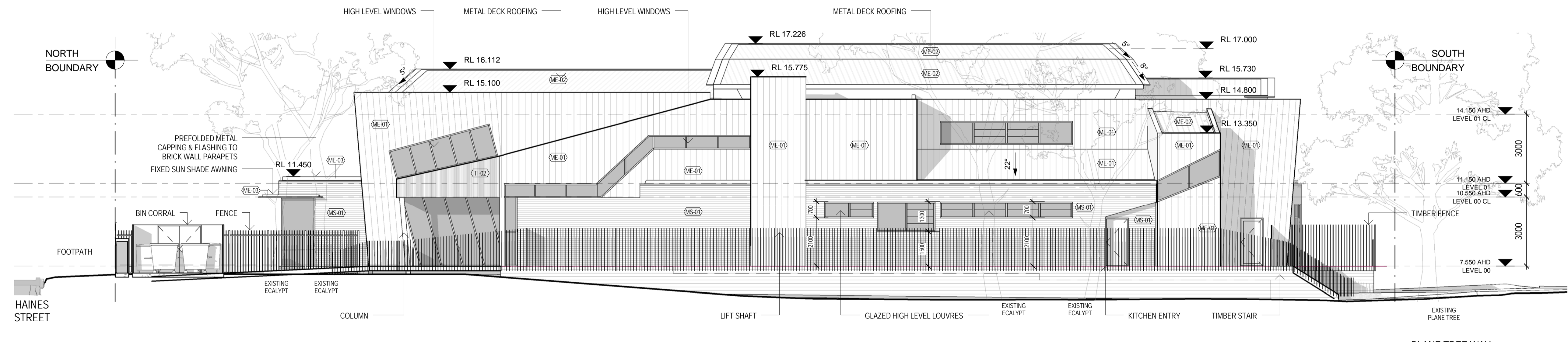
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ME-03	Metal	-	Colorbond 'Shale Grey'	
MS-01	Face Brick Stretcher Bond	Daniel Robertson	London	
TI-01	Timber Decking and Base Boards	-	-	



1 ELEVATION - SOUTH
FLOOR PLAN 1:100



2 ELEVATION - WEST
FLOOR PLAN 1:100

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DRAWING
 ELEVATIONS - PROPOSED

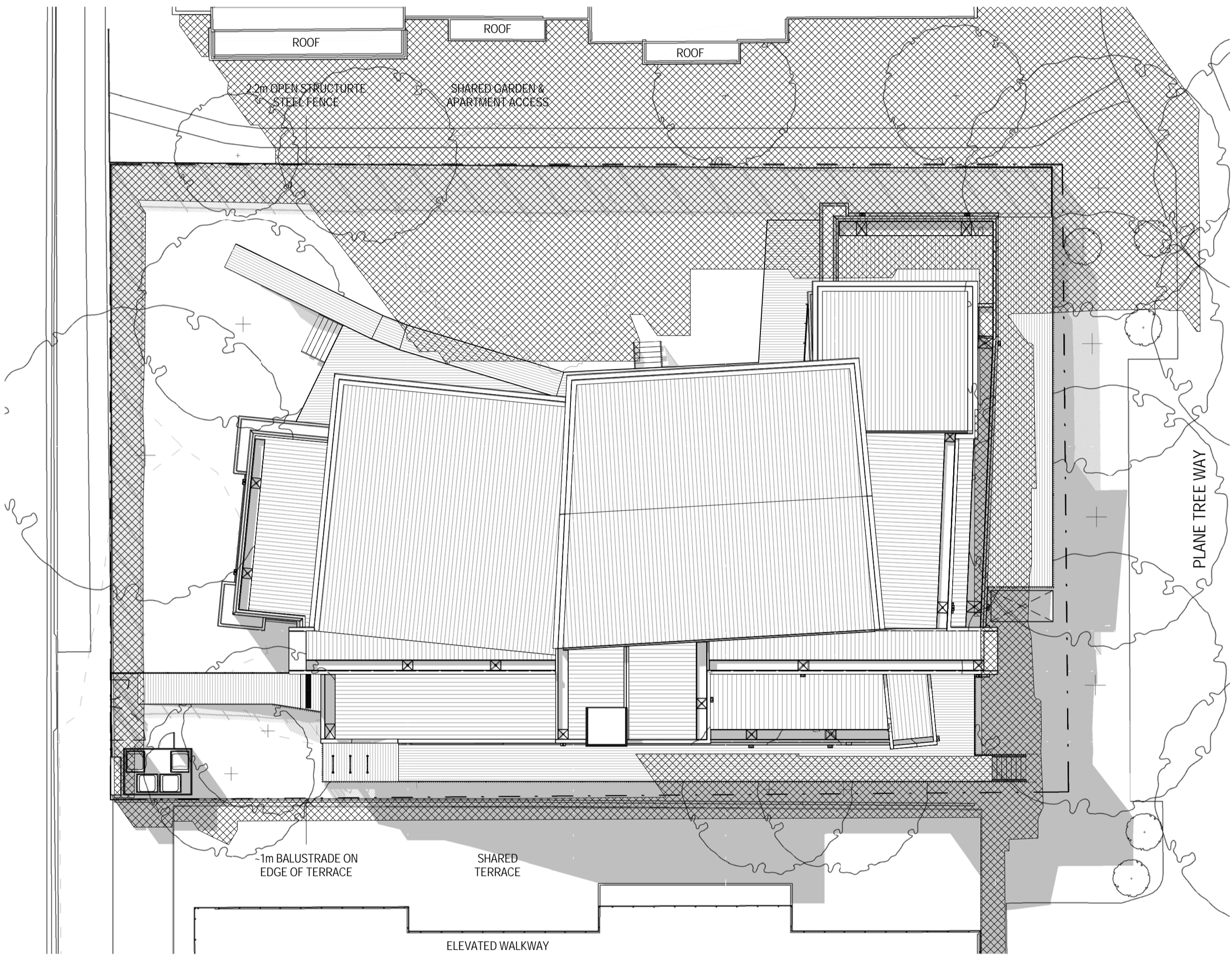
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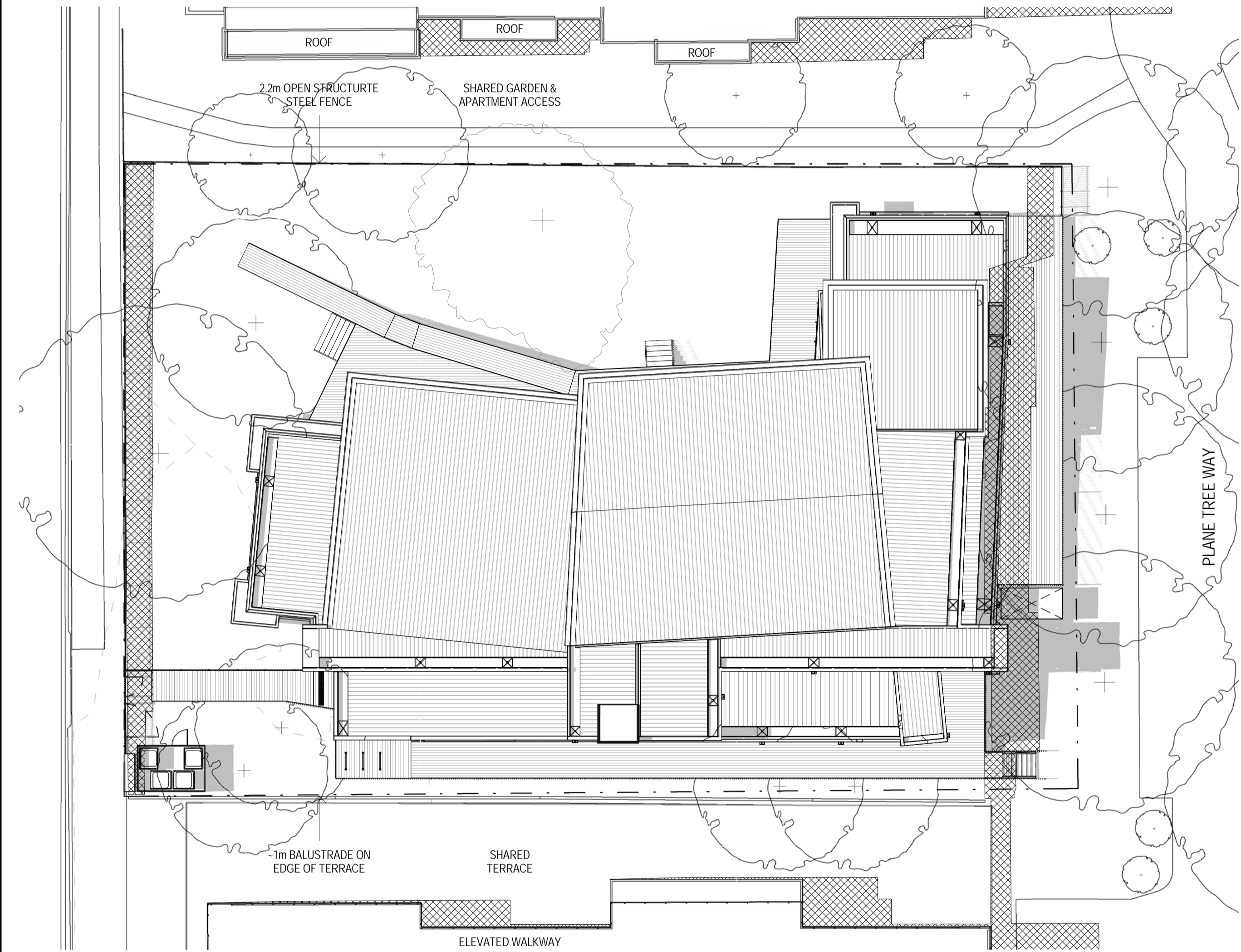


SHADOW SUMMARY - 9AM

- NO PRIVATE OPEN SPACE OR NORTH FACING WINDOWS OVERSHADOWED

1 SHADOW DIAGRAM - 9AM

FLOOR PLAN 1:200



SHADOW SUMMARY - 12PM

- NO PRIVATE OPEN SPACE OR NORTH FACING WINDOWS OVERSHADOWED

2 SHADOW DIAGRAM - 12PM

FLOOR PLAN 1:200

LEGEND

- EXISTING SHADOWS
- PROPOSED SHADOWS

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DRAWING
 SHADOW DIAGRAMS - 22 SEPT 9 AM & 12 PM

STATUS
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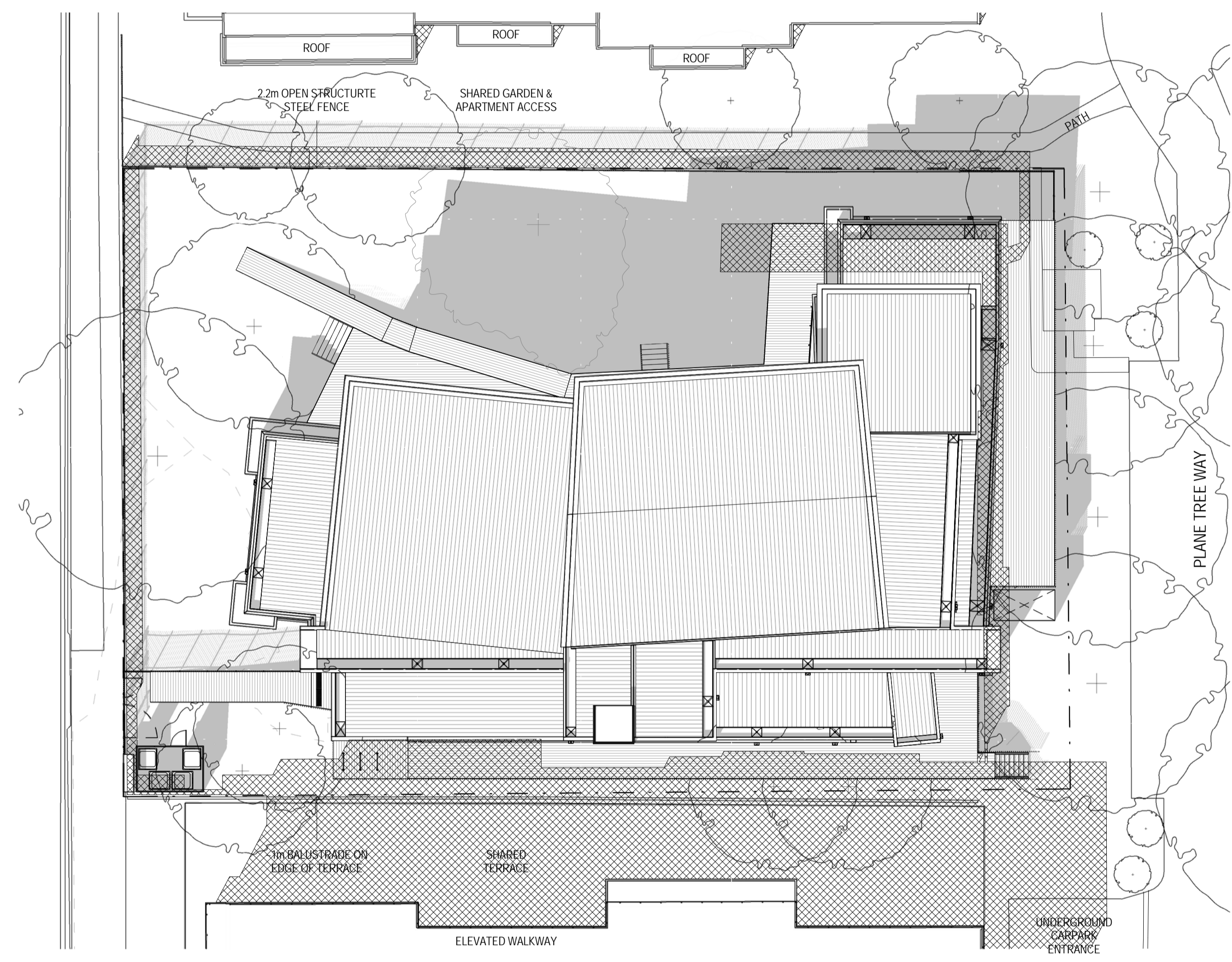
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LEGEND

- EXISTING SHADOWS
- PROPOSED SHADOWS

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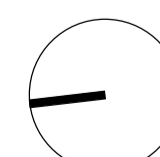
PROJECT
 LADY HUNTINGFIELD CHLDRENS CENTRE
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DRAWING
 SHADOW DIAGRAM - 22 SEPTEMBER 3 PM

STATUS
 TOWN PLANNING

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NORTH POINT



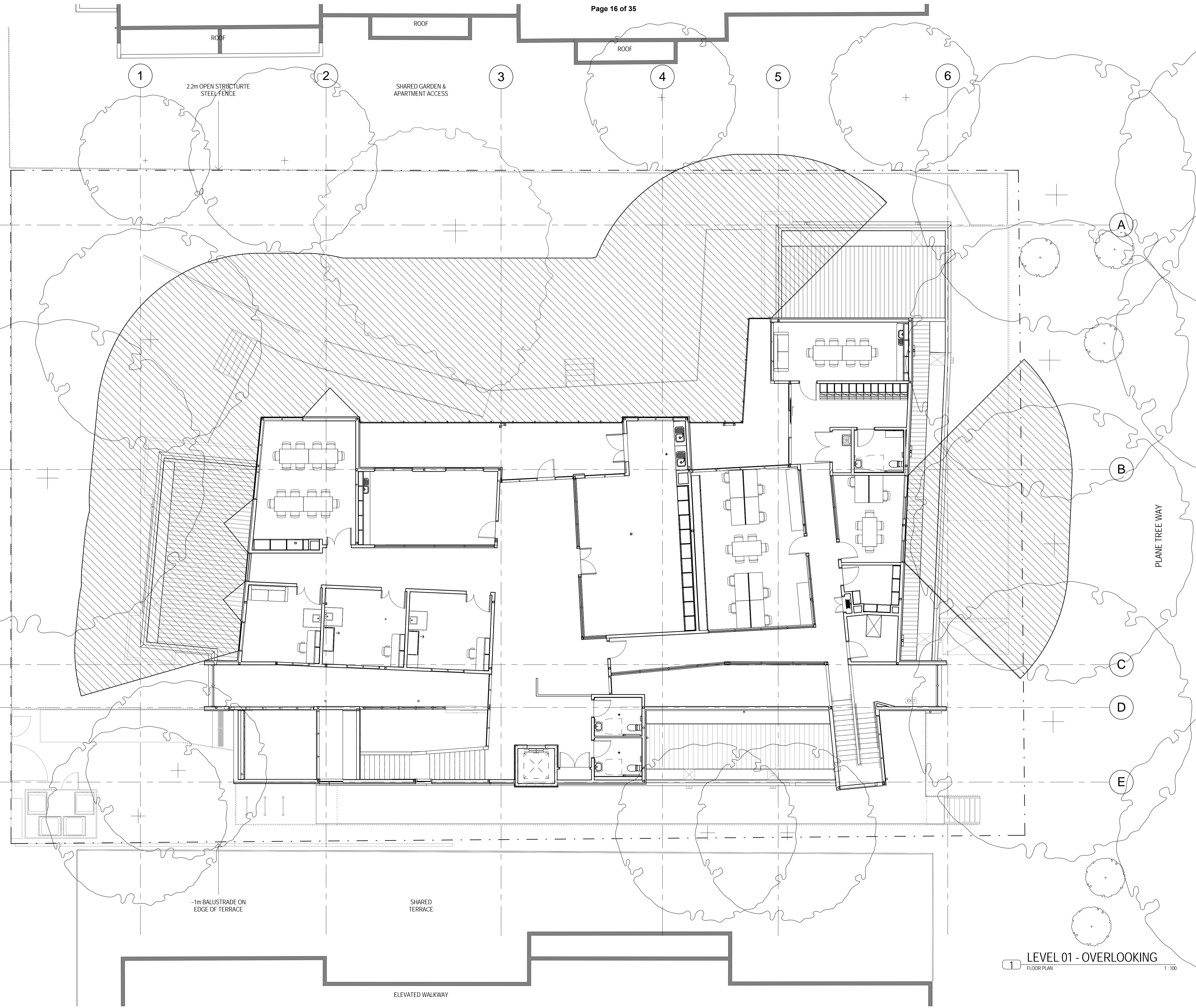
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DATE PLOTTED 29.08.2017	

PROJ. NO. 903638	DWG. NO. A-8.02	REV. C
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1 SHADOW DIAGRAM - 3PM
 FLOOR PLAN 1:200

SHADOW SUMMARY - 3PM
 - NO PRIVATE OPEN SPACE OR NORTH FACING WINDOWS OVERSHADOWED

DO NOT SCALE - USE WRITTEN DIMENSIONS ONLY



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DRAWING
OVERLOOKING DIAGRAM

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TOWN PLANNING

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DATE PLOTTED 29.08.2017		

PROJ. NO. 903638	DWG. NO. A-8.04	REV. C
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DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2017-743
Applicant:	City Of Melbourne
Address:	89-97 Haines Street, NORTH MELBOURNE VIC 3051
Proposal:	Proposed use and development for a childcare centre and maternal health clinic including construction of buildings and works under the Environmental Significance Overlay Schedule 2, and associated reduction in parking requirements
Date of application:	4 September 2017
Responsible officer:	Julian Larkins

1 SUBJECT SITE AND SURROUNDS

The subject site is located on the south side of Haines Street between Abbotsford Street and Dryburgh Street. It is rectangular in shape with a frontage to Haines Street of approximately 27 metres and total site area of approximately 2034 square metres.

The subject site is developed with a single-storey timber childcare centre built in 1940 and known as the Lady Huntingfield Children's Centre. The building is ungraded in the *City of Melbourne's Heritage Places Inventory* June 2016.



The neighbourhood is characterised by predominantly residential accommodation including the City Gardens development to the east, west and south at 92-132 O'Shanassy Street, which comprises 10 two to four storey buildings constructed in

1987. The immediately adjoining buildings to the east and west of the subject site are four-storeys. To the south is a common property driveway within the City Gardens development known as Plane Tree Way with car parking. To the north over Haines Street is residential accommodation in three storey buildings also built in the 1970s.

Haines Street has car parking parallel to the kerb and within the median. In addition, bus route 402 from Footscray to East Melbourne travels along Haines Street and there is a bus stop at the east end near the intersection with Abbotsford Street.

The applicant has declared that there are no encumbrances such as easements or restrictive covenants on the subject site.

2 BACKGROUND AND HISTORY

2.1 Planning Application History

There is no directly relevant history or background for this application.

3 PROPOSAL

The application seeks the use and development for a childcare centre and maternal health clinic including construction of buildings and works under the Environmental Significance Overlay Schedule 2, and associated reduction in parking requirements. The plans which has been considered in this assessment are the plans prepared by the City of Melbourne City Design Studio and dated 29 August 2017.

The details of the proposed use are summarised as follows:

- Increased capacity of the childcare centre by 48 children from 58 to 106, which results in increased staff numbers from 18 to 35 staff
- Addition of a new maternal health clinic (equivalent to medical centre) with ancillary administration facilities and 10 staff including three medical practitioners
- Operating hours of the childcare centre to continue as Monday to Friday 7.30am to 6pm
- Operating hours of the maternal health clinic to be Monday to Friday 9am to 5pm (with some work after hours)

The details of the proposed development are summarised as follows:

- Demolition of the existing single-storey timber building
- Construction of a two-storey building comprising the following:
 - Ground floor - childcare centre with six playrooms, reception, kitchen, laundry and staff areas
 - First floor – maternal health clinic with waiting area, play areas, three consulting rooms, meeting rooms, office space and staff areas
 - Maximum building height of RL 17.226 metres or approximately 10 metres
 - Minimum front setback of approximately 7.1 metres
 - Minimum side setbacks of approximately 2.5 metres from the east boundary and 3 metres from the west boundary
 - Minimum rear setback of approximately 3.7 metres
 - Materials and finishes including face brickwork, metal cladding and glazing

- Pedestrian access via Haines Street with emergency access via Plane Tree Way
- No car parking spaces
- Six bicycle parking spaces
- Removal of 12 existing trees
- Environmentally sustainable design (ESD) features including rainwater tanks (10,000L capacity)

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
<p>Clause 32.08 General Residential Zone, Schedule 1 (GRZ1)</p>	<p>Pursuant to Clause 32.08-6, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1. Decision guidelines are listed at Clause 32.08-10.</p> <p>A childcare centre is a Section 2 use pursuant to Clause 32.08-2. However, the use of the subject site as a childcare centre has existing use rights pursuant to Clause 63.01. Pursuant to Clause 63.05, a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided ‘any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use’. The existing capacity of 58 children is an implied restriction. Therefore, a permit is required for the use and development of the childcare centre pursuant to GRZ1.</p> <p>A medical centre is a Section 1 use pursuant to Clause 32.08-2 subject to the following conditions:</p> <ul style="list-style-type: none"> • ‘The gross floor area of all buildings must not exceed 250 square metres. • Must not require a permit under clause 52.06-3. • The site must adjoin, or have access to, a road in a Road Zone.’ <p>Therefore, a permit is required for the proposed use and development of the maternal health clinic pursuant to GRZ1. The ancillary administration use does not require a planning permit.</p>
<p>Clause 42.01 Environmental Significance Overlay, Schedule 2 (ESO2) (Exceptional Trees)</p>	<p>Pursuant to Clause 42.01-2 a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Clause 3.0 of ESO2 states that a permit is not required to ‘construct a building or construct or carry out works outside the Tree Protection Zone of any exceptional tree listed in the table to this schedule’. The subject site is within the Tree Protection Zone for Exceptional Tree 121 (19 Platanus Xacerifolia or Plane Trees located along Plane Tree Way). As such, a permit is required pursuant to ESO2. Decision guidelines are at Clause 4.0 of ESO2.</p>

<p>Clause 43.02 Design and Development Overlay, Schedule 66 (DDO66) (Hospital Emergency Medical Services Helicopter Flight Path Protection (Outer Area))</p>	<p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Clause 2.0 of Schedule 66 states that a permit 'is not required to construct a building or to construct or carry out works, including for any construction equipment associated with the buildings and works with a height less than the referral height of the Hospital helicopter landing site as specified in Table 1'.</p> <p>Table 1 specifies a referral height for the Royal Children's Hospital of 72.4 metres. Therefore, as the proposal seeks a maximum building height of less than this referral height, no permit is required pursuant to DDO66.</p>
<p>Clause 44.05 Special Building Overlay (SBO)</p>	<p>Pursuant to Clause 44.05-1, a permit is required to construct a building or to construct or carry out works.</p> <p>In addition, Clause 44.05-5 states that an 'application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority'. Decision guidelines are at Clause 44.05-6.</p>
<p>Clause 52.06 Car parking</p>	<p>Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.</p> <p>Table 1 to Clause 52.06-5 specifies the following relevant rate:</p> <ul style="list-style-type: none"> • Childcare centre – 0.22 spaces per child • Medical centre – 5 spaces the first person providing health services plus 3 spaces to every other person providing health services <p>Based on an increased capacity of 48 children, 11 car spaces are required for the childcare centre. In addition, based on three medical practitioners, 11 car spaces are required for the maternal health clinic.</p> <p>Given the proposal does not include any car parking, a permit is required to waive 22 spaces pursuant to Clause 52.06-3.</p>
<p>Clause 52.34 Bicycle facilities</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>Table 1 of Clause 52.34-3 specifies the following relevant rates:</p> <ul style="list-style-type: none"> • Medical centre - 1 employee space to each 8 practitioners and 1 visitor space to each 4 practitioners <p>There is no relevant rate for a childcare centre. Based on three practitioners, the proposed maternal health clinic requires 1 visitor spaces. The proposal includes six spaces so no permit is required pursuant to Clause 52.34-2.</p>

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 15.01-2, Urban design principles, which seeks to 'achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'.
- Clause 19.02-1, Health facilities, which seeks to 'assist the integration of health facilities with local and regional communities'.
- Clause 19.02-2, Education facilities, which seeks to 'assist the integration of education facilities with local and regional communities'.

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

Council's Municipal Strategic Statement (MSS) is contained at Clause 21.

The subject site is located within the North and West Melbourne local area.

Clause 21.16-5, North and West Melbourne, includes the following statement:

'North and West Melbourne should provide a balance of residential and commercial uses that maintains an emphasis on local community and liveability. There should be a clear distinction in scale from the Central City with higher scales of development expected located at the Central City fringe, around the North Melbourne railway station and along Flemington Road. In all other areas, a lower scale of development should be maintained.'

The following statements are relevant in terms of built environment and heritage:

- 'Maintain lower scale streetscapes in other parts of West Melbourne and North Melbourne. Ensure that development is sympathetic to the architecture, scale and heritage character of the lower scale areas.
- Ensure infill redevelopment and extensions complement the architecture, scale and heritage values of the residential area, especially where it is in a Heritage Overlay.'

5.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 22.02, Sunlight to Public Spaces, states that developments 'not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September'.
- Clause 22.14, Discretionary Uses in the Neighbourhood and General Residential Zones, seeks to 'facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs of the local community'.
- Clause 22.17, Urban Design outside the Capital City Zone, which includes objectives and policy relating to pedestrian interest and engagement at street level frontages and quality landscape setting.

- Clause 22.23, Stormwater Management (Water Sensitive Urban Design), seeks to promote the use of water sensitive urban design and includes an application requirement for a Water Sensitive Urban Design Response.

6 ZONE

The subject site is located within the General Residential Zone, Schedule 1 (GRZ1), which seeks:

- 'To encourage development that respects the neighbourhood character of the area.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.'

As set out above at Section 4, a permit is required for the proposal pursuant to GRZ1.

Decision guidelines are set out at 32.08-12 including:

- '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.'

7 OVERLAY(S)

The subject site is affected by the Environmental Significance Overlay Schedule 2 (ESO2), Design and Development Overlay, Schedule 66 (DDO66) and the Special Building Overlay (SBO). As outlined at Section 4, a permit is required for the proposal pursuant to ESO2 and SBO but not DDO66.

Clause 1.0 of ESO2, includes the following Statement of Significance:

'The City of Melbourne's Exceptional Tree Register 2012(as amended in 2014) identifies trees that are of exceptional significance. The trees have been identified for a variety of reasons, including their horticultural, aesthetic or historical value, because they are rare, old, or in a particular location or context; because they are an outstanding size or are a curious growth form, because they have outstanding habitat value or micro-climate services or because of their Aboriginal association or social, cultural or spiritual value. Many of these trees are also included in the National Trust of Australia (Victoria) Register of Significant Trees.

These trees contribute to the character and culture of local areas and collectively, to the valuable ecosystems of the City of Melbourne's Urban Forest.'

Decision guidelines are at Clause 4.0 of ESO2.

Clause 44.05 of SBO seeks the following:

- '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 in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).'

8 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.06, Car Parking
- Clause 52.34, Bicycle Facilities

9 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 66, Referral and Notice Provisions

10 PUBLIC NOTIFICATION

Pursuant to Clauses 32.08, 42.01 and 52.06 the application is not exempt from third party notice and appeal rights and it was determined that the proposal may result in material detriment.

Pursuant to Clause 67.02, in accordance with Section 52(1)(c) of the Act, notice must be given to the owners and occupiers of adjoining land.

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting a notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

11 OBJECTIONS

At the time of writing this report a total of eight objections were received (including one on behalf of a number of residents), and raised the following concerns with the proposal:

- Excessive building height and limited setbacks resulting in visual bulk
- Loss of natural daylight and overshadowing of adjoining apartments
- Overlooking
- Loss of existing views
- Inconsistency of design and details with neighbourhood character of City Gardens
- Removal of trees and impact of construction on retained trees

- Lack of car parking on the subject site and resulting impact on surrounding streets including Plane Tree Way
- Traffic on surrounding streets including Plane Tree Way due to pick up and drop off of children
- Proposed use incompatible with the residential area
- Disruption during construction
- Loss of the significant Lady Huntingfield Children's Centre built in 1940 and the first kindergarten built by a municipal council
- Lack of DDA access from Plane Tree Way

12 CONSULTATION

Given the receipt of the above objections, there were numerous phone conversations with objectors. Community Services with input from Corporate Affairs and Strategic Marketing (CASM) undertook an extensive process of community consultation prior to the planning permit application being lodged.

13 REFERRALS

13.1 Internal

The application was referred internally to Urban Sustainability, Engineering Services Group (ESG) and Land Survey.

13.1.1 Urban Sustainability

The application was referred to Council's Urban Sustainability Team, which requested the following additional information in an email dated 6 October 2017:

- 'To provide an arboricultural assessment & report for trees located within & adjacent to the Lady Huntingfield Children's Centre to assist design process related to proposed site development.
- To offer applicable recommendations regarding tree protection requirements according to AS4970 Protection of Trees on Development Sites.'

The applicant submitted an *Arboricultural Impact Assessment and Report* prepared by Tree Logic and dated 3 November 2017. In response to this report, Council's Urban Sustainability Team provided comments on 15 November 2017 that they satisfied with conditions of permit requiring the recommendations of the report be carried out to their satisfaction.

13.1.2 Engineering

Traffic

ESG reviewed the submitted *Traffic & Parking Assessment* (TPA) prepared by Movendo and dated 31 July 2017 and provided the following key traffic comments dated 26 October 2017:

- Given the car parking assessment in the TPA, ESG has no objection as they considered that the additional parking demand generated by the proposal can be accommodated on-street.
- ESG also noted that the provision of short-term parking spaces adjacent to the frontage would require formal approval of Manager – ESG. In addition, any further changes to the existing parking restrictions would require consultation with the property occupiers in the street, as well as formal

approval of M-ESG. As such, ESG requested that a note be placed on any permit to issue that:

‘Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. As per Council’s policy, non-residential developments are not entitled to resident parking permits. Therefore, the staff/occupants/visitors of this development will not be eligible to receive parking permits & will not be exempt from any on-street parking restrictions.’

Civil

ESG reviewed the application and provided the following key civil comments dated 4 October 2017:

- ESG commented that they object to the outward opening doors projecting into the footpath of Haines Street and that they should be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.
- In addition, ESG stated that the existing concrete vehicle crossing must be reconstructed to Council standards in asphalt.
- Finally, the comments included standard permit conditions relating to drainage, access and the road and footpath.

These comments can be addressed via permit conditions.

Waste

The submitted waste management plan has been assessed and deemed to be satisfactory.

13.1.3 Land Survey

The application was referred to Council’s Land Survey Team, which provided the following comments dated 30 October 2017:

‘The subject site does not benefit from a legal right of access over the abutting property to the south. All proposed access points into the abutting property along the southern boundary must be deleted or the following condition must be placed on the permit:

- Prior to the commencement of works including demolition, legal access (registered on title) must be provided to the rear of the subject site.’

This comment can be addressed via the recommended permit condition (refer Condition 4).

13.2 External

The application was referred externally to Melbourne Water pursuant to Clause 44.05-5 of the SBO. In a letter dated 24 November 2017 Melbourne Water did not object and provided standard conditions which will be included if a permit is to issue.

14 ASSESSMENT

The application seeks approval for the use and development for a childcare centre and maternal health clinic including construction of buildings and works under the Environmental Significance Overlay Schedule 2, and associated reduction in parking

requirements. The key issues for consideration in the assessment of this application are:

- Use
- Car parking
- Built form
- External amenity
- Tree protection
- Stormwater management

14.1 Use

As outlined at Section 4, a planning permit is required for the use as a childcare centre and maternal health clinic (medical centre) pursuant to Clause 32.08-2 and Clause 63 in terms of the childcare centre.

The proposed use is consistent with the purpose of the General Residential Zone to, 'allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations'. The use as a childcare centre has been in place since 1940 but a permit is triggered for continued use due to the proposed increased capacity from 58 to 106 children. In addition, it is considered that the proposed maternal health clinic is compatible with the continued use of the childcare centre.

Clause 22.14, Discretionary uses in the Neighbourhood and General Residential Zones, is relevant to the proposal and seeks:

- 'To retain existing residential uses.
- To facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs of the local community.
- To discourage new non-residential uses that have a negative impact on residential amenity or would be more appropriately located within Mixed Use or Commercial Zones.'

These considerations are reflected in the decision guidelines of the General Residential Zone at Clause 32.08-12.

The proposal is consistent with the objectives at Clause 22.14 and the decision guidelines at Clause 32.08-12 as the existing use is a childcare centre and so not currently residential. In addition, the proposed uses are both common inclusions within residential areas both within North and West Melbourne and beyond and both will serve the needs of families within the local community. Finally, the proposed hours of operation of 7.30am to 6pm weekdays for the childcare centre and 9am to 5pm weekdays for the maternal health clinic are consistent with the current operating hours of the childcare centre and other medical centres with North and West Melbourne. These hours are considered to be reasonable in terms of protecting residential amenity as they are no greater than the existing operating hours.

Furthermore, the proposed childcare centre and maternal health clinic are also considered to be consistent with relevant policy at Clause 22.14 as follows:

- The proposed uses will be located on a site which is already used for non-residential purposes and, as noted above, the proposal will serve the needs of families within the local community.

- The subject site is within a GRZ1 but located in close proximity to a Public Park and Recreational Zone, Mixed Use Zone and Road Zone Category 1 to the west over Dryburgh Street.
- The effects of the proposed uses on residential amenity can be minimised via permit conditions that restrict the staff to 45 (35 for the childcare centre and 10 for the maternal health clinic including three medical practitioners) and hours of operation to 7.30am to 6pm weekdays for the childcare centre and 9am to 5pm weekdays for the maternal health clinic.

To ensure limited impact, the submission of an Operational Management Plan, detailing matters such as the entry and exit arrangements and noise management, can be required via a permit condition. The matter of external amenity impacts created by the proposed building are addressed in Section 14.4.

- In terms of operational impacts, as outlined at Section 13.1, a standard condition ensuring Council's Waste Engineers are satisfied with the submitted WMP will be included if a permit is to issue. The issue of car parking is addressed below at Section 14.2. In addition, ESG raised no concerns regarding the traffic impacts of the proposed use.

14.2 Car parking

Based on an increased capacity of 48 children, 11 car spaces are required for the childcare centre. In addition, based on three medical practitioners, 11 car spaces are required for the maternal health clinic. Given the proposal does not include any car parking, a permit is required to waive 22 spaces pursuant to Clause 52.06-3.

The relevant decision guidelines for a reduction of car parking at Clause 52.06-7 include:

- 'The availability of alternative car parking in the locality of the land [..]
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Access to or provision of alternative transport modes to and from the land.'

ESG reviewed the car parking assessment provided in the submitted TPA prepared by Movendo and dated 31 July 2017. On the basis of this assessment, ESG raised no objection as they considered that the additional parking demand generated by the proposal could be accommodated on-street. In addition, it is noted that the subject site is well-located in terms of public transport with bus routes on Haines Street and trams along Abbotsford Street. Finally, the proposal includes provision for six bicycle parking spaces.

14.3 Built form

With regard to built form, Clause 22.17, Urban Design outside the Capital City Zone, is relevant to the proposal and includes policy relating to scale, context, bulk, height and street level frontages. The relevant objectives of Clause 22.17 include:

- 'To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.
- To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.

- To reduce unacceptable bulk in new development.
- To ensure that building design including the use of materials and activities at the ground floor frontages of buildings creates and improves pedestrian interest and engagement.'

Also of relevance, the decision guidelines at Clause 32.08-12 include:

- 'The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works
- The proposed landscaping.'

As identified at Section 1, the adjoining buildings within the City Gardens development to the east and west are four storeys. In addition, the residential buildings to the north over Haines Street are three storeys.

The proposed two storey building with an angled roof has a maximum height of RL 17.226 metres or approximately 10 metres (if a permit were to issue the exact heights will be required to be clearly dimensioned). It is considered that this proposed height is consistent with the prevailing patterns of height in the surrounding area. In addition, the proposed minimum setbacks from the east and west boundary of approximately 2.5 metres and 3 metres maintain adequate separation to ensure the minimisation of unacceptable visual bulk. The related external amenity issues of loss of daylight, overshadowing and overlooking are addressed below in Section 14.4.

The proposed minimum front setback of approximately 7.1 metres allows for a sizeable front garden including the retention of existing trees to maintain a landscaped presentation to Haines Street. This front setback together with the proposed materials and finishes, including face brickwork and metal cladding, will ensure that the building maintains pedestrian interest and engagement. These materials and finishes can be confirmed via a permit condition. The issue of the rear setback with regard to the Tree Protection Zone for Exceptional Tree 121 (19 *Platanus Xacerifolia* or Plane Trees located along Plane Tree Way) is addressed below in Section 14.5.

Finally, while Clause 22.19, Energy, Water and Waste Efficiency, technically does not apply, the application includes an *ESD Concept Design Report* prepared by Piechowski Energy and dated 12 January 2017. This report demonstrates that 'the facility will include ESD strategies to minimise its environmental impact during construction and over the life of the building'. It identifies the following key design initiatives:

- 'Building form to promote access to views, daylight and natural ventilation
- Thermally activated building core to promote building thermal stability
- Light weight, highly insulated building envelope combined with natural ventilation enabling measures
- Extensive use of renewable energy sources through the use of ground heat exchanger, rock pile thermal energy storage, solar PV, solar domestic hot water and natural ventilation
- Rain water storage and water conservation measures'.

14.4 External amenity

With regard to external amenity impacts, Clause 22.02, Sunlight to Public Spaces, is relevant to the proposal and includes policy relating to sunlight to public spaces. In addition, as noted above, the decision guidelines at Clause 32.08-12 include:

- 'The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works
- The proposed landscaping.'

Clause 22.02 states that developments should 'not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September'.

The surrounding public spaces are pedestrian routes including Haines Street and the private Plane Tree Way with Gardiner Reserve to the west over Dryburgh Street. The submitted shadow diagrams indicate that the proposed building will not impact Haines Street or Gardiner Reserve but will create some additional overshadowing of Plane Tree Way. However, the extent of overshadowing mostly impacts car parking areas and the buildings within the Central Gardens development also overshadow Plane Tree Way. On this basis, the proposal is considered to be acceptable with regard to sunlight to public space. The issue of the Tree Protection Zone for Exceptional Tree 121 (19 *Platanus Xacerifolia* or Plane Trees located along Plane Tree Way) is addressed below in Section 14.5.

In terms of external private amenity impact, the key interfaces are the residential buildings of the Central Gardens development to the east and west. As noted in Section 1, both buildings are four storeys but both have habitable room windows and terraces facing the subject site. While a number of objections have raised concerns regarding loss of daylight, overshadowing and overlooking, the external private amenity provisions found at Clause 54, Clause 55, Clause 58 and the *Design Guidelines for Higher Density Residential Development* are not relevant to this application for a childcare centre and maternal health clinic. Therefore, this assessment of private amenity impacts is based on the abovementioned decision guidelines at Clause 32.08-11.

Notwithstanding the above, the proposed building is considered to be acceptable with regard to private external amenity as follows:

- With regards to the impact on the existing habitable room windows and terraces, the proposed building is a maximum of approximately 10 metres with minimum setbacks from the east and west boundary of 3 metres and 2.5 metres. On this basis, it is considered that the proposal is acceptable with regard to access to daylight and outlook as the proposed building is lower than the adjoining buildings and the setbacks allow for adequate separation.
- Given the orientation of the subject site, the submitted shadow diagrams indicate that the proposal will create additional shadow to the Central Gardens development. However, the extent is relatively minor and restricted to the morning for the building to the west and the afternoon for the building to the east. In addition, the overshadowing will predominantly impact communal areas rather than secluded private open space as defined at Clause 72.
- The proposal includes windows facing east and west and a balcony facing west. However, these windows cannot be defined as habitable room windows

(refer Clause 72) and the balcony is secluded private open space, and so provisions relating to overlooking are not relevant.

14.5 Tree protection

A permit is required pursuant to ESO2 for building and works within the Tree Protection Zone for Exceptional Tree 121 (19 *Platanus Xacerifolia* or Plane Trees located along Plane Tree Way). The table to ESO2 includes the following statement of significance:

‘These 19 trees form an avenue of large plane trees that are from an original planting of planes along the historic extension of Harris Street with photographic evidence suggesting planting prior to 1910.’

The relevant decision guidelines set out at Clause 4.0 of ESO2 include:

- ‘The impact of the proposal on the environmental, ecological, habitat, historical, cultural, landscape, aesthetic or scientific significance of the identified exceptional tree.
- The impact of the proposal on the health, appearance and stability of the tree.
- The impact of the proposal within the tree protection zone of any identified exceptional tree including whether the tree protection zone (as assessed by a qualified arborist) is different in size or shape to the tree protection zone for that tree as defined in clause 3.0.
- Any relevant report provided by a suitably qualified arborist.
- The relevant identified values and statement of significance as in the Table to this schedule.
- The desirability of requiring fencing or any other protective barrier.’

As outlined in Section 13.1, the application was referred to Council’s Urban Sustainability Team, which requested an arboricultural report and recommendations regarding tree protection requirements according to AS4970 Protection of Trees on Development Sites.

The submitted *Arboricultural Impact Assessment and Report* prepared by Tree Logic and dated 3 November 2017 includes recommendations for tree protection for all retained trees including those identified under ESO2. It was referred to Council’s Urban Sustainability Team which commented they were satisfied with the findings subject to appropriate conditions to ensure they were carried out appropriately. On the basis of these comments and given the encroachment of the existing building, it is considered that the proposal is acceptable with regard to buildings and works within the TPZ of the Plane Trees identified in ESO2 including the relevant decision guidelines. The recommended tree protection measures can be ensured via permit conditions.

In relation to the proposed removal of 12 existing trees, it is considered that this removal is acceptable given that the subject trees are not identified under the ESO2.

14.6 Stormwater management

Clause 22.23, Stormwater Management (Water Sensitive Urban Design), is relevant to the application and requires that applications include a Water Sensitive Urban Design (WSUD) Response addressing the details set out in Clause 22.23-4.

The submission does not include a WSUD Response addressing the details set out at 22.23-4. This matter could be addressed via a permit condition.

14.7 Issues raised by the objectors

The majority of the issues raised by the objectors have been addressed in the above sections or the comments from ESG. The following responses are provided in terms of the remaining issues:

- Loss of existing views – The loss of views is not a relevant planning consideration.
- Traffic on surrounding streets including Plane Tree Way due to pick up and drop up of children – ESG reviewed the application and raised no concerns regarding traffic generated by the proposed used as a childcare centre or maternal health clinic.
- Disruption during construction – The matter of disruption during construction can be managed via a permit condition for a construction management plan.
- Loss of the significant Lady Huntingfield Children's Centre built in 1940 and the first kindergarten built by a municipal council – The existing building is not included in a Heritage Overlay. As such, no planning permit is required for its demolition.
- Lack of DDA access from Plane Tree Way – As identified in Clause 13.1, the issue of access to Plane Tree Way will be the subject of a permit condition recommended by Council's Land Survey Team. In addition, the proposal includes DDA access via Haines Street.

14.8 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions.

15 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Prior to the commencement of the development and use, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans prepared by City of Melbourne City Design Studio dated 29 August 2017 but amended to show:
 - a) Design measures that incorporate the recommendations identified in the *Arboricultural Impact Assessment and Report* prepared by Tree Logic and dated 3 November 2017, as far as they relate to the trees identified in the Exceptional Tree Register.
 - b) Deletion of access points to the south or the provision of legal access as required by condition 4.
 - c) A landscape plan, which incorporates water sensitive urban design features, showing the planting proposed to be undertaken, any existing vegetation to be retained, the materials to be used for surfaces and the finished levels in relation to existing site levels
 - d) Any changes as required by the amended WMP required by condition 5.
 - e) Redesign of outward opening doors projecting into the footpath of Haines Street such that they do not project beyond the street alignment when open, when closed or when being opened or closed.

- f) More dimensions demonstrating exact height above natural ground level at various points along each elevation.

These amended plans must be to the satisfaction of the Responsible Authority when approved shall be the endorsed plans of this permit.

2. The development and use as shown on the endorsed plans must not be altered or modified without the prior consent of the Responsible Authority.
3. A schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority in conjunction with the City of Melbourne prior to the commencement of the development, excluding demolition. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades and paving. When approved, the schedule will be endorsed and will then form part of the permit. All finishes and surfaces of all external buildings and works, including materials and colours, must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.
4. Prior to the commencement of the development including demolition, legal access (registered on title) must be provided to the rear of the subject site.
5. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP), dated 31 July 2017. The submitted WMP must not be altered without the prior consent of the City of Melbourne – Engineering Services.
6. Prior to the occupation of the development, a statement confirming that a suitably qualified Project Arborist (as defined by AS 4970-2009 Protection of trees on development sites), has been engaged to implement the recommendations of the *Arboricultural Impact Assessment and Report* prepared by Tree Logic and dated 3 November 2017, as well as the plans referred to in condition 1, as far as they relate to the trees identified in the Exceptional Tree Register.
7. Prior to the occupation of the development, a statement from the arborist confirming all tree protection measures and recommendations of the *Arboricultural Impact Assessment and Report* prepared by Tree Logic and dated 3 November 2017 have been carried out appropriately, as far as they relate to the trees identified in the Exceptional Tree Register.
8. There must be no more than 106 children in the childcare centre at any one time unless with the prior written consent of the Responsible Authority.
9. The maximum number of staff for the childcare centre must be no more than 35 at any one time unless with the prior written consent of the Responsible Authority.

10. The maximum number of staff for the maternal health clinic must be no more than 10 including three medical practitioners at any one time unless with the prior written consent of the Responsible Authority.
11. The childcare centre is only permitted to operate between Monday to Friday 7.30am to 6pm unless with the prior written consent of the Responsible Authority.
12. The maternal health clinic is only permitted to operate between Monday to Friday 9am to 5pm unless with the prior written consent of the Responsible Authority.
13. Prior to the commencement of the use the applicant must submit an operational management plan describing:
 - a) The ways in which staff are to be made aware of the conditions attached to this permit.
 - b) Details of the proposed hours of operation of the premises.
 - c) Details of the maximum number of people to be permitted on the premises.
 - d) Exit and entry arrangements for staff and clients.
 - e) Noise management including background music only and a suitable floor covering.
 - f) Waste storage and collection arrangements.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed operational management plan unless with the prior written consent of the Responsible Authority.

14. Prior to the demolition hereby permitted, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.
15. All building plant and equipment on the roofs, balcony areas and common areas are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, must be to the satisfaction of the Responsible Authority.
16. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.
17. Prior to the commencement of the development, including demolition or bulk excavation, a detailed Construction and Demolition Management Plan must

be submitted to and be approved by the City of Melbourne. This construction management plan is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

- a) public safety, amenity and site security
 - b) operating hours, noise and vibration control
 - c) air and dust management
 - d) stormwater and sediment control
 - e) waste and materials reuse
 - f) traffic management
 - g) tree protection measures as recommended in the Arboricultural Impact Assessment and Report prepared by Tree Logic and dated 3 November 2017, as far as they relate to the trees identified in the Exceptional Tree Register or any other public tree.
18. Prior to the commencement of the development, excluding demolition, an amended Water Sensitive Urban Design (WSUD) Response shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The WSUD Response must address, as appropriate, the requirements set out in Clause 22.23-4 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.
19. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.
20. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
21. All portions of road / footpath affected by the construction activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Melbourne Water

22. The building must be constructed with Finished Floor Levels set no lower than 7.55 metres to Australian Height Datum (AHD), which is 300mm above the adopted flood level of 7.25 metres to AHD
23. Front and rear fences or gates must be 50% open style of construction to allow for the passage of floodwaters/overland flow.

24. A three metre flow path either side of the proposed building must be kept at natural surface levels and kept clear of any obstructions.

25. This permit will expire if one or more of the following circumstances apply:

- a) The development is not started within two years of the date of this permit
- b) The development is not completed within four years of the date of this permit

The Responsible Authority may extend the date upon which the permit expires. A request for an extension of time must be in writing and be received before the permit expires, or within three months afterwards.

This permit will expire if the use is not started within two years of the date of this permit. The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards.

Notes:

- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority –Engineering Services.
- Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. As per Council's policy, non-residential developments are not entitled to resident parking permits. Therefore, the staff/occupants/visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.
- Whilst the trees growing within the property are not protected by the Melbourne Planning Scheme, the City of Melbourne acknowledges the contribution that these trees make to Melbourne's urban forest. As such, the implementation of all the recommendation stated in the Arboricultural Assessment and Report by Tree Logic dated 3 November 2017, as well as the design commitments, are encouraged.
- Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Melbourne Water drainage system. Consultation between Melbourne Water and Council engineers resulted in an agreed flood level adopted for the property of 7.25 metres to Australian Height Datum (AHD).
- Consideration should be given to an Emergency Response Plan for flooding, the situation will be greatly improved over the existing building, which is subject to flooding. The catchment is also small with a fairly quick critical storm duration, so heavy rain is likely to be occurring at the time of overland flows and everyone is likely to be inside the building, not in the playground.