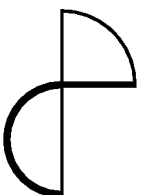


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9 BROWN STREET PORTARLINGTON

TOWN PLANNING REPORT

JOB NO. 22-10 DATE 10.02.2026



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SECTION 72 APPLICATION: CITY OF GREATER GEELONG: FEBRUARY 2026**1.0 Introduction**

This Planning Report has been prepared in support of an application under Section 72 of the Planning and Environment Act 1987 to amend a planning permit originally issued by VCAT for a mixed-use development comprising retail and residential apartments.

Council has advised that the proposed changes are not minor, alter the permit preamble, and therefore require a full assessment against the current Planning Scheme.

The amended proposal must satisfy secondary consent requirements, including assessment against relevant zones, overlays, and Particular Provisions.

The assessment is supported by a suite of technical reports including: a Traffic Report by [REDACTED] Group, a -- Landscape Plan by [REDACTED], SDA and Waste reports by [REDACTED] and an Acoustic Report by [REDACTED]

2.0 Background and Purpose of Amendment

The amendment is sought to address design refinements, updated Planning Scheme provisions, and operational improvements, including:

- Amend the permit pre-amble to omit reference to 'Minor Sports & Recreation Facility (Gymnasium)'.
- Removal of basement levels and the previously approved gymnasium.
- Relocation of all car parking to ground level behind the retail component.
- Optimisation of apartment layouts:
 - Level 1: 2 × three-bedroom apartments and 4 × two-bedroom apartments
 - Level 2: 4 × three-bedroom apartments
 - Total: 10 apartments
- Retail component of 328 m² GFA.
- Minor adjustments to external fenestration to maximise outlook and internal amenity.
- On-site residential parking provision of 16 spaces, with no visitor or retail parking.

These amendments reduce building bulk, improve internal amenity, and maintain compliance with Clause 52.06, Clause 58, and DDO21 objectives.

3.0 Planning Controls and Assessment**3.1 Planning Scheme Context**

The subject land is governed by the Greater Geelong Planning Scheme.

The application is assessed against:

- SPPF and LPPF,
- Applicable zones and overlays,
- Relevant Particular Provisions including Clauses 52.06, 58, 65, 72.

3.2 State and Local Planning Policy Framework**Settlement**

- Clause 02.03-1 – Settlement: Geelong is projected to grow by 152,000 people by 2036, generating demand for over 73,000 additional dwellings. Policy seeks to support and preserve the character, identity, and function of each Bellarine Peninsula township.
- Clause 11.01-1S – Settlement: Planning should respond to the needs of existing and future communities, including provision of community facilities and infrastructure.
- Clause 11.01-1R – Settlement – Geelong G21: Reinforces the role of distinctive towns in providing services to surrounding areas and protects critical agricultural land by directing growth to towns.
- Clause 11.03-1S – Coastal Settlement: Encourages sustainable coastal development through urban renewal and redevelopment in existing settlements to reduce urban sprawl.

Built Environment and Sustainability

- Clause 02.03-5 – Built Environment and Sustainability: Promotes environmentally sustainable design, walkable neighbourhoods, and high-quality urban design and landscaping.
- Clause 15.01-1S – Urban Design: Seeks safe, healthy, functional, and enjoyable urban environments.

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- Clause 15.01-2S – Building Design: Encourages high-quality design that contributes to local context and the public realm.
- Clause 15.01-3S – Healthy Neighbourhoods: Supports active, healthy living and community wellbeing.
- Clause 15.01-5S – Neighbourhood Character: Protects neighbourhood character, identity, and sense of place.

Housing

- Clause 02.03-6 – Housing: Facilitates infill development to increase housing supply in Increased Housing Diversity Areas (IHDAs).
- Clause 16.01-1S – Housing Supply: Supports well-located, integrated, and diverse housing.
- Clause 16.01-1L-02 – IHDAs: Maximises housing opportunities by accommodating medium- and high-density housing and encouraging dwelling diversity.

Economy and Business

- Clause 17.01-1S – Diversified Economy: Strengthens and diversifies the economy.
- Clause 17.02-1S – Business: Encourages development that meets community needs for retail, entertainment, office, and other commercial services.

Assessment:

The amendments respond positively to these objectives by:

- Delivering a high-quality mixed-use development.
- Optimising apartment layouts for amenity and diversity.
- Reducing building bulk.
- Supporting streetscape, urban design, and economic outcomes.

3.3 Zoning and Overlays

- Zone: Commercial 1 Zone (C1Z) – allows retail and residential use.
- Overlay: DDO21 – regulates height, setbacks, articulation, and parking dominance at street frontages.

3.4 Particular Provisions

- Clause 52.06 – Car Parking: Assessment in Section 6.0 (Refer also Traffix Group report).
- Clause 58 – Apartment Developments: Assessment in Section 7.0.
- Clause 65 – Decision Guidelines: Ensures compliance with orderly planning and amenity considerations.

4.0 Summary of Proposed Amendments**The Section 72 amendment proposes:**

1. Amendment to Permit Preamble:
 - Update to reflect removal of basement and gym, revised apartment and retail layout, and any consequential changes to conditions.
2. Removal of Basement and Gymnasium – Reduces excavation and building bulk.
3. Relocation of Car Parking – All residential parking provided at ground level behind retail.
4. Optimised Apartment Layouts:
 - Level 1: 2 × three-bedroom, 4 × two-bedroom
 - Level 2: 4 × three-bedroom
 - Total: 10 apartments
5. Retail Component: 331 m² GFA, with no on-site parking.
6. Fenestration Adjustments – Improved outlook, daylight, and internal amenity.
7. Car Parking Provision: 16 spaces for residential use; no visitor or retail parking.

These amendments collectively improve amenity, streetscape, and functionality while ensuring compliance with planning controls.

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- Traffic Report – [REDACTED] Confirms adequacy of parking and access, supporting waiver of visitor and retail parking.
- Landscape Plan – [REDACTED] Demonstrates high-quality streetscape and open space outcomes.
- SDA and Waste Reports – [REDACTED]: Confirms accessible apartments and appropriate waste arrangements.
- Acoustic Report – [REDACTED]s: Demonstrates acceptable noise outcomes for residential and surrounding uses.

6.0 Clause 52.06 – Car Parking Assessment

Component	Statutory Requirement	Proposed	Comment
Residential Apartments	16 spaces (10 dwellings)	16 spaces	Complies
Residential Visitor Parking	2 spaces	0 spaces (waiver sought)	Supported by traffic report & VCAT paragraph 71
Retail (331 m ² GFA)	13 spaces	0 spaces (waiver sought)	Retail small-scale, accessible via street parking

Assessment:

- Accessible location, reduced street dominance, supported by technical evidence.
- Waivers align with Clause 52.06 decision guidelines and previous VCAT guidance.

Conclusion: Proposed parking provision is appropriate and justified.

7.0 Clause 58 – Apartment Developments Assessment (Refer Appendix A for detailed Assessment).

The proposed amended layouts have been assessed against the relevant Clause 58 standards, addressing neighbourhood context, urban design, site layout, amenity, functional and internal layouts, as well as detailed design and sustainability.

The assessment confirms that the development:

- Responds appropriately to the surrounding context.
- Provides a well-considered site layout with compliant building envelopes and setbacks.
- Ensures residential amenity through daylight access, privacy, and noise management.
- Offers functional, efficient apartments with adequate storage and open space.
- Delivers high-quality internal amenity, including suitable room dimensions, solar access, and window provision.
- Incorporates quality design detailing, materials, and sustainability measures.

Conclusion: The amended layouts satisfy the objectives of Clause 58 and provide high-quality residential amenity.

A detailed assessment is provided in Appendix A.

8.0 DDO21 – Built Form Response (Refer also to Appendix B for more detailed assessment)

The subject site is located within Schedule 21 of the Design and Development Overlay, which forms part of the Portarlington Town Centre. The precinct objectives aim to protect key views, reinforce the coastal character, ensure safe and accessible environments, and promote development that respects residential amenity while encouraging active street frontages.

The amended development has been designed to respond positively to these objectives, providing:

- Sensitive siting and building form that respects views and vistas.
- Architectural treatment and materials that complement the coastal character.
- A layout that supports safe, accessible, and attractive public spaces.
- Interfaces that protect surrounding residential amenity.
- Activation of streets and laneways through appropriately designed frontages.

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Conclusion: The proposed amendments respond to the objectives of DDO21 and support the ongoing enhancement of the Portarlington Town Centre.

Detailed responses are provided in Appendix B.

8.1 Height and Massing

- The development maintains the previously approved height and reduces bulk through the removal of basement levels and the gymnasium.
- Articulation and setbacks are designed to respect the Town Centre context and minimise impacts on surrounding residential areas.

8.2 Setbacks

- Street, side, and rear setbacks comply with DDO21 requirements.
- Adjusted fenestration ensures privacy, daylight access, and outlook, while preserving views and vistas within the Town Centre.

8.3 Façade Articulation and Streetscape

- External materials and window proportions have been refined to reinforce the established coastal character.
- The ground-level retail component and residential entries create active frontages enhancing safety and accessibility.

8.4 Vehicle Access and Parking

- All residential parking is provided at ground level behind the retail component, avoiding visual dominance at the street frontage and maintaining a pedestrian-friendly environment.

8.5 Overall Design Outcomes

- The amended development provides a high-quality, contextually responsive built form that:
 - Protects existing views and coastal character.
 - Creates attractive and safe public interfaces.
 - Maintains residential amenity; and
 - Encourages active street frontages consistent with DDO21 objectives for the Portarlington Town Centre.

Conclusion: The proposed amendments satisfy both the built form objectives of DDO21 and the specific design objectives for the Portarlington Town Centre precinct, while improving internal amenity, streetscape presentation, and overall functionality.

9.0 Overall Conclusion

The proposed Section 72 amendments:

- Update the permit preamble to reflect design changes.
- Remove basement and gym.
- Relocate car parking.
- Optimise apartment layouts.
- Adjust fenestration; and
- Provide a retail component of 331 m² GFA.

The amendments comply with Clause 52.06, Clause 58, DDO21, and the relevant SPPF/LPPF clauses, are supported by updated technical reports, and align with previous VCAT guidance. The amended development represents a high-quality, contextually responsive, and well-functioning mixed-use outcome that can be supported under the Planning Scheme.

SECTION 72 APPLICATION: CITY OF GREATER GEELONG: FEBRUARY 2026**CLAUSE 58 – RESCODE ASSESSMENT****Proposal:** Section 72 Application – Mixed-Use Development**Address:** 9 Brown Street Portarlington**APPENDIX A – Clause 58 Assessment**

Clause	Objective	Standard	Compliance	Response
D1 – Urban Context	Ensure design responds to existing context or contributes to preferred future development; respond to site features.	Design response must be appropriate to the urban context and site.	✓ Complies	Supported by design response plan and description within submitted plans and Planning Considerations.
D2 – Residential Policy	Ensure residential development aligns with Municipal Planning Strategy and Planning Policy Framework; support higher density where appropriate.	Application must include a written statement assessing consistency with relevant housing policy.	✓ Complies	Written statement included assessing the development against relevant VPPs and LPPs. See Planning Considerations.
D3 – Dwelling Diversity	Encourage a mix of dwelling sizes and types for 10+ dwellings.	Developments should provide a range of dwelling types and bedroom numbers.	✓ Complies	Proposal includes 10 apartments: two and three-bedroom dwellings (Level 1: 2 × 3BR, 4 × 2BR; Level 2: 4 × 3BR).
D4 – Infrastructure	Ensure connection to utility services; avoid overloading capacity.	Connect to reticulated sewerage, drainage, electricity, gas; not exceed service capacity.	✓ Complies	Development connected to existing services; no unreasonable overloading of capacity anticipated.
D5 – Integration with Street	Integrate layout with streets; provide links, frontage activation, avoid high fencing.	Development should front streets, provide pedestrian links, complement public open space.	✓ Complies	Ground-level retail and residential entries activate Brown Street frontage; footpath maintained; separate vehicle/pedestrian entrances; safe Fenwick Street crossover.
D6 – Energy Efficiency	Achieve energy-efficient dwellings; protect adjoining dwellings' solar access.	Orientation, siting, and design must maximise natural light and solar energy use.	✓ Complies	Apartments oriented for daylight; living areas and open spaces maximise solar access.
D7 – Communal Open Space	Ensure accessible, practical, attractive, and manageable communal open space.	Minimum 30 m ² + 2.5 m ² per dwelling for 13+ dwellings; indoor or outdoor.	✓ Complies	Approximately 165 m ² rooftop terrace provided; accessible, practical, and integrated into building design.
D8 – Solar Access to Communal Space	Allow solar access to communal outdoor space.	North-facing location preferred; minimum 50% receives 2 hours sunlight (21 June).	✓ Complies	Rooftop terrace maximises northern solar access.
D9 – Safety	Provide safety and security for residents.	Entrances visible; car parks secure; avoid unsafe spaces.	✓ Complies	Apartment foyer is visible from the street; residential parking secure; rooftop and corridor areas accessible and safe.
D10 – Landscaping	Landscaping supports urban context, biodiversity, wellbeing, reduces heat, preserves canopy.	Deep soil, canopy cover, climate-responsive, safe, attractive, functional; consider soil type, drainage, irrigation.	✓ Complies	Landscaping along eastern boundary buffers adjacent school; rooftop, balconies, enhances amenity and streetscape.

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Clause	Objective	Standard	Compliance	Response
D11 – Access	Number and design of crossovers respect urban context.	Width ≤33% of frontage (≤10% if frontage <20 m); minimise access points; provide for emergency/service vehicles.	✓ Complies	Single crossover 6.1 m wide (<10% of 65.38 m frontage); safe, functional, and consistent with DDO21.
D12 – Car Parking	Provide convenient, safe parking for residents and visitors.	Convenient, secure, ventilated; setback from habitable rooms where shared.	✓ Complies	Ground-level parking behind retail; 16 spaces for residents; secure and ventilated.
D13 – Integrated Water & Stormwater	Encourage alternative water use and manage stormwater.	Rainwater collection; dual pipe connection if available; stormwater treated and infiltrated per best practice.	✓ Complies	20,000 underground rainwater tank; stormwater management per submitted SMP.
D14 – Building Setback	Respond to urban context; provide internal amenity.	Setbacks to side/rear; allow daylight; limit overlooking; provide reasonable outlook.	✓ Complies	Corner site built to street frontages; north boundary built to boundary; eastern boundary includes landscaped buffer to school.
D15 – Internal Views	Limit overlooking into private open space and habitable rooms.	Prevent overlooking >50% of lower-level private open space.	✓ Complies	Internal layout prevents overlooking.
D16 – Noise Impacts	Minimise noise affecting dwellings; protect residents.	Mechanical plant away from bedrooms; acoustic attenuation.	✓ Complies	Mechanical plant located away from sensitive areas; acoustic mitigation measures implemented.
D17 – Wind Impacts	Avoid unsafe/uncomfortable wind conditions.	Apply to developments of 5+ storeys.	Not Applicable	Building <5 storeys.
D18 – Accessibility	Ensure dwellings meet needs of people with limited mobility.	At least 50% of dwellings meet minimum access standards.	✓ Complies	Minimum access standards are provided for 6 of the 10 apartments.
D19 – Building Entry & Circulation	Provide sense of identity; safe and efficient internal movement.	Clear entrances; sheltered access; corridors with natural light and ventilation.	Partially Complies	Separate commercial and residential entries; common access sheltered – no natural light and ventilation provided.
D20 – Private Open Space	Provide adequate private open space for resident recreation.	Minimum areas per Table D8 (ground, podium, or roof).	✓ Complies	All dwellings include balconies; areas meet required dimensions and proportions.
D21 – Storage	Provide adequate storage facilities for each dwelling.	Storage provided in accordance with Table D6.	✓ Complies	Each apartment includes dedicated, secure storage areas in accordance with Table D6 requirements. Storage is conveniently located within dwellings and/or associated storage cages and is accessible and functional.
D22 – Common Property	Ensure communal areas are practical, attractive, and maintainable.	Common property should be functional and capable of efficient management.	✓ Complies	Common circulation areas, rooftop terrace, and accessways are clearly defined, functional and capable of ongoing management by an Owners Corporation. Finishes

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Clause	Objective	Standard	Compliance	Response
D23 – Site Services	Ensure that site services are integrated into the design and minimise visual impact.	Services must be screened, accessible and integrated with built form.	✓Complies	and detailing are durable and suitable for coastal conditions. Services including meters, plant and service infrastructure are integrated within the building envelope. Locations ensure maintenance access without unduly impacting streetscape presentation.
D24 – Waste and Recycling	Ensure adequate space for waste and recycling storage and collection.	Dedicated and accessible waste facilities must be provided.	✓Complies	A dedicated waste storage area is provided at ground level, accessible to residents and service vehicles. Waste management arrangements are supported by the [REDACTED] Waste Management Report.
D25 – External Walls and Materials	Ensure durable materials and minimise noise transmission between dwellings.	External walls must be durable and appropriately constructed for acoustic performance.	✓Complies	External materials comprise concrete panels, fibre cement cladding, glazing and timber elements suitable for coastal conditions. Acoustic construction measures are incorporated in accordance with the Acoustic Report by [REDACTED] to minimise noise transmission.
D26 – Functional Layout	Ensure dwellings provide functional, practical and comfortable living spaces.	Rooms must meet minimum area and dimension standards and allow practical furniture layout.	✓Complies	All apartments provide compliant living areas, bedrooms and circulation spaces in accordance with Clause 58 dimensional standards. Layouts allow efficient furniture placement and clear separation of private and living zones.
D27 – Room Depth	Allow adequate daylight into single-aspect habitable rooms.	Maximum room depth of 2.5 times ceiling height (or 9m).	✓Complies	Habitable rooms comply with maximum depth requirements, ensuring adequate daylight penetration and internal amenity.
D28 – Windows	Allow adequate daylight into new habitable rooms.	Habitable rooms must have external windows with appropriate light access.	✓Complies	All habitable rooms are provided with external windows. Fenestration has been optimised to enhance daylight, outlook and cross-ventilation where available.
D29 – Natural Ventilation	Encourage natural ventilation of dwellings.	At least 40% of dwellings should achieve cross-ventilation.	✓Complies	The majority of apartments achieve cross-ventilation through dual aspects or corner orientations. Window placement and layout design maximise opportunities for natural airflow consistent with the standard.

SECTION 72 APPLICATION: CITY OF GREATER GEELONG: FEBRUARY 2026**APPENDIX B – Response to DDO21 Decision Guidelines****Bay Setting**

- Upper floor setbacks ensure no obstruction of key bay views; development responds sensitively to coastal context.

Building Siting

- Retail tenancies along Brown Street address the street directly, reflecting traditional strip shopping character and providing active frontages.

Building Form

- Reinforce proximity to the bay: Upper floor setbacks protect key sightlines.
- Protect existing views from the centre: View corridors maintained; neighbouring residential amenity preserved.
- Building frontage rhythm: Retail frontages replicate fine-grain traditional town centre patterns.
- Street engagement: Retail and residential entries provide pedestrian-friendly active frontages.
- Design quality and site responsiveness: Contemporary, articulated design complements northern residential context; Both Street façades finely articulated.
- Heritage and foreshore considerations: Sympathetic to nearby heritage buildings; visually unobtrusive from public foreshore; articulated roof forms enhance streetscape.
- Fine grain pattern and façade articulation: curved elements, painting, and balconies create variation; ground-floor retail replicates traditional strip rhythm.
- Building height: Two storey street wall; second storey and roof top terrace setback to reduce visual impact and respect context.

Building Details and Finishes

- Social interaction: Glazed shopfronts encourage engagement; corner retail activated on both frontages.
- Materials and finishes: High-quality mix of concrete panels, fibre cement cladding, glazing, and timber; complements coastal town character while expressing contemporary design.
- Architectural integration: Façade elements integrated with overall design; enhances character and amenity.
- Signage and awnings: Coordinated awning heights; future signage to be addressed via separate permit; subtle downlighting encouraged.

Walkability

- Pedestrian safety: Footpaths maintained; blank walls avoided; connections to town centre and foreshore retained.
- Visual minimisation of parking: Residential parking located behind retail; eastern landscaping buffer mitigates noise impact of parking areas; vehicle crossovers minimised.
- Pedestrian integration: Potential connections to Newcombe Street and foreshore encouraged.

Vehicle Access and Car Parking

- Safe movement: Single vehicle access; minimal impact on streetscape and pedestrians.
- Minimise visual impact: Parking behind retail with landscape screening; pedestrian-friendly environment maintained.
- Car parking: Ground-level parking at rear avoids street dominance; basement no longer required.