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# 235 - 273 VICTORIA STREET, WEST MELBOURNE TOWN PLANNING REPORT

MAY 2021

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PLAN**

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# 1.

## INTRODUCTION

**This Planning Report has been prepared by Echelon Planning for Simonds Catholic College in support of a planning permit application for land at 235-273 Victoria Street, West Melbourne.**

**The proposal involves the redevelopment of the existing school to improve facilities and facilitate an increase in student numbers. Broadly, for a first stage of development this includes the demolition of a building and replacement with a new building along with a variety of other school improvement works.**

The land is currently used as an Education centre and a Place of assembly, containing the St Mary's campus of the Simonds Catholic College, the St Mary Star of the Sea Church and an ancillary Presbytery that provides accommodation.

The proposal is to redevelop the existing Education centre through providing a new "state of the art" and purpose designed education building, removing dated infrastructure and refurbishing an existing heritage building and open space areas. The result will be a first-class learning environment for an increased number of students that is both architecturally pleasing and highly functional.

The proposal has been carefully designed to respond and protect the sensitive southern/western residential interfaces. Impacts are considered negligible when considered against the School's current respectful interface treatments. The redevelopment is also highly responsive to the immediate West Melbourne area, which is characterised by high-value heritage buildings and streetscapes and contemporary forms.

The proposal is consistent with progressive approaches to commuting through encouraging alternative forms of transport. An increase in bicycle parking and end of trip facilities will be provided. Students and staff will continue to be encouraged to use the many convenient public transport options that service this highly accessible site.

This Planning Report provides an assessment of the proposal against the City of Melbourne Planning Scheme, including State and local planning policy, relevant planning strategies, and the applicable planning controls.

The proposal is for the first stage of the redevelopment of the school. Subsequent stages will be later submitted as amendments to this permit application, meaning all development is kept under a single permit.

Echelon Planning have sought pre-application advice from City of Melbourne Council, and a pre-application meeting was held with Council Officer Adam Birch on 1 October 2019. The meeting minutes have been included as Attachment 3.

We believe that the application is generally consistent to the advice provided by Council. Where we have diverged we have provided a supporting legal opinion as requested by Council.

This report has the following structure:

- Section 2 provides a summary of the site context and background reports previously undertaken
- Section 3 provides a summary of the development proposal
- Section 4 provides a summary of the planning controls applying to the proposal
- Section 5 provides a summary of the relevant planning policies and strategies
- Section 6 considers the key issues of the application, including the decision guidelines and the appropriateness of the buildings and works, and access.

The permit application is supported by the following documents:

- Architectural plans illustrating the proposal prepared by Chandler (May 2021).
- Traffic Impact Assessment Report prepared by Ratio (April 2021).
- Waste Management Plan prepared by Leigh Design (April 2021)
- Environmental Sustainable Design Assessment prepared by SDC (November 2020)
- An National Construction Code (NCC) Review prepared by Lorenzini Group (February 2020).
- Servicing requirements prepared by Cundall (December 2019)
- A copy of the title.

# 2.

## SITE CONTEXT

## 2.1 THE SUBJECT SITE

The subject site is located at 235-273 Victoria Street, West Melbourne and consists of three 'child' lots more formally identified altogether as Lot 1 on TP 582245P. The site is approximately 9,672.5 sqm in area, has an rectangular 'L' type shape, and slopes from east to west and north to south. The site has a northern frontage to Victoria Street of approximately 100m, an eastern frontage to William and Howard Streets of approximately 100m and a western frontage to Chetwynd Street of approximately 80m. It currently contains a number of buildings, including:

- St Mary Star of the Sea Catholic Church
- School Buildings A (Former Girls School), B, C, D (the latter to be demolished), and E (Former Boys School)
- The Presbytery
- A garage

The site possesses ample pedestrian access along its three street frontages. Pedestrian crossings are located at the intersections of Victoria and Chetwynd Streets, and Victoria, William, and Howard Streets. The site achieves an overall walkability score of 97, representing a 'Walker's Paradise', and a transit score of 100, meaning a 'Rider's Paradise' with 'world-class transport'.<sup>1</sup> Additionally, along Victoria and William Streets there are dedicated bike lanes.

On-street car parking is present in the form of metered parallel and perpendicular spaces on Chetwynd, Victoria, Howard and William Streets. These provide opportunities for student drop-off and pick-up.



**CONTEXT PLAN**  
235-273 Victoria Street, West Melbourne

*Figure 1. Context Plan*

<sup>1</sup> [www.walkscore.com](http://www.walkscore.com)

## 2.2 SURROUNDING INTERFACES

The site is also readily accessible via public transport, particularly the 57 tram service which runs along Victoria Street, and the 58 tram service located on Peel Street. Bus stops servicing the 951 and 220 bus routes are also within 400m of the subject site. Flagstaff Train Station is within 800m of the site to the south.

The school currently contains two car parking areas, one accessible from Victoria Street (contains 10 formal and 7 informal spaces) and another from Howard Street (contains 2 formal and 6 informal spaces in the vicinity of Building E). There are 2 bus spaces on-site also accessible from Howard Street, located to the south of Building E.

A garage associated with the Church/Presbytery is not used for parking and rather is for storage. There are formal and informal spaces associated with the Church with a separate access to the school.

There are currently 5 school staff bicycle spaces that are located on site.

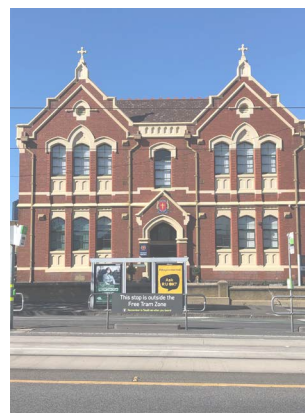
The subject site is located within an area that contains a mix of commercial and residential buildings. The surrounding area also possesses a medium density profile, and readily noticeable heritage character.

### North

Land opposite the site on Victoria Street consists mainly of commercial businesses. At the north-western end of Victoria Street, land is occupied by a car dealership, and a retail store, both of which are single storey in height. The north-eastern end of Victoria Street is occupied by a three-storey office furniture business (with setback second and third storey levels of a contemporary design), a single-storey mechanics, and a mixed use three-storey building.



**Image 1 (above left).** Commercial businesses and multi-storey development opposite the school on Victoria Street.



**Image 2 (above right).** The Former Girls School (current Building A).

### West

On the western side of Chetwynd Street, nearby the intersection of Chetwynd and Victoria Streets, the site faces a two-storey building (of heritage character), which accommodates a cafe on its ground-floor. Further south along Chetwynd Street, the site faces a row of double-storey terrace homes, the former site of Cardini Motor Co. (which has been repurposed as a two-storey building with a setback second level possessing a contemporary design) and two terrace houses.



**Image 3 (above left).** Two-storey heritage character building opposite the site on Chetwynd Street.

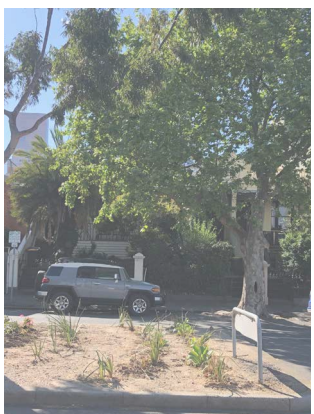


**Image 4 (above right).** Repurposed former site of Cardini Motor Co.



## South

The site possesses a particularly sensitive interface along its southern boundary and part of its internal western boundary (ie. the western boundary that does not abut the street). Building C abuts a row of double-storey terrace houses comprising 62-66 Chetwynd Street. An installation of solar panels is present on the roof of 62 & 64 Chetwynd Street. From south-west to immediate south, the site also abuts a computer repair business and Southern Cross Education Institute, which together occupy a three-storey building (of a contemporary character). The site's south-eastern portion is adjacent to three double-storey terraced commercial buildings and a service lane, and south, at the corner of Rosslyn and Howard Streets, land is currently occupied by a four-storey residential development under construction.



**Image 5 (above left).** Terrace houses abutting the school at its south-western boundary on Chetwynd Street, facing east.



**Image 6 (above right).** Two-storey terrace buildings and service lane at south-eastern boundary.

## East

To the east, the site is bounded by both Howard and William Streets. Howard Street provides vehicle access to the presbytery and substantial on-street car parking. Land between Howard and William Streets and north of Howard Street to the immediate east of St Mary Star of the Sea Church is heavily landscaped. Opposite the site, on the eastern end of William Street, there are a mix of contemporary and heritage buildings, comprising a cafe, a commercial business, a single-storey residence, and a row of double-storey terrace homes. 369-381 William Street, which is a relevant consideration (refer to Section 3 of this report) is also located to the immediate south-east of the site.



**Image 7 (above left).** Mixed character and building heights opposite the school on William/Howard Street.



**Image 8 (above right).** 369-381 William Street.

The site also possesses a sensitive interface to its south-east with 15 Howard Street. However, this interface is considered less sensitive than the aforementioned interface on Chetwynd Street given that the neighbouring building in this case is built up to the boundary shared with the subject site.

## 2.3 TITLE

The subject site comprises three lots which are owned by the Roman Catholic Trusts Corporation for the Diocese of Melbourne. The largest of these is more formally known as Lot 1 on TP 874082F (formerly known as part of Crown Allotment 9 Section I at West Melbourne City of Melbourne Parish of Melbourne North). The two smaller lots, situated within the south-east of the site, are TP 582245F and TP 946256Y. Refer to Appendix A for a copy of the title.

An easement is present along the subject site's southern boundary with 66 Chetwynd Street. This easement is more formally known as E-1. Its purpose is as a footway, and it is 155sqm in size. E-1 extends in an 'L'-shape up to the rear of 62-66 Chetwynd Street, and also abuts the subject site at the location of the existing Building D. Refer to Appendix A for the plan of subdivision indicating E-1.

There are no covenants or Section 173 agreements registered to the titles listed above. There is a notice signifying registration of the place under Section 47(2) Heritage Act 1995 (Register No. H2182 AG257980C 19/12/2008).

# 3.

## THE PROPOSAL

### 3.1 SCHOOL DEMOLITION & BUILDING DEVELOPMENT WORKS

The proposal is for the demolition of one existing school building (labelled on the masterplan as Building D) and replacement with a new building (labelled Building 3).

Existing school Building E will remain and will be refurbished and sensitively restored responding to and enhancing its heritage value. This will be known in future as Building 4. The St Mary Star of the Sea Church building and presbytery also located on the site will not be altered.

The proposal will comprise:

- Existing Building D will be demolished together with a garage adjoining to the east of this building and a rear south-west section of Building E (now known as Building 4).
- New Building 3 will be constructed in the general location of the demolished Building D (ie. to the west of Building 4). Building 3 will comprise four storeys and include workshops and art rooms on the ground level, classrooms and break-out areas on the first and second level and classrooms, a break out area and roof top terrace on the third level.
- The internal ground and second level of Building 4 will be refurbished. Selected outward facing windows will be replaced.
- A net of 34 bicycle spaces will be provided for students (currently there are none), 9 spaces will be available for staff (currently there are 5).
- Up to 480 students and 61 staff are to be accommodated at the school once this first stage has been completed (currently 309 students and 42 staff are accommodated).

### 3.2 OTHER IMPROVEMENT WORKS

The proposal also includes the creation of new extensive on-site student recreational space. This includes ground-level outdoor recreation, gymnasium and rooftop terraces. There will be improved pedestrian and bicycle accessibility, and ample bicycle storage facilities will be provided for staff and students.

A net of 34 student bicycle parking spaces will be added north, west, and north-east of Buildings 3 and 4, and 4 staff spaces added in a secure location south of Building 4, with access to be gained via Howard and William Streets. Altogether, 38 additional bicycle parking spaces will be provided on-site. This provision complements the existing 5 staff bicycle parking spaces presently provided.

New pedestrian access points will be provided for students from Howard Street (to the north of Building 4, providing access to Building 3). Internal connection will also be provided between Building 3 and 4 (at ground and first floor level).

The demolition works forming part of the proposal include the removal of:

- Building D.
- A single-storey garage to the north-east of Building D.
- A west part of Building E.
- Stairs and walkway to the south of Building D.

New areas of landscaping will be introduced including new tree plantings and the retention of existing trees. The majority of the site is sealed and so new planting will generally take the form of above-ground planter boxes. The frontage of Building 4 will be landscaped through the planting of trees that will soften the frontage of the building. This landscaping will replace current hard surfaces.

Waste storage and collection will be rationalised and improved. Waste collection will now also occur from Howard Street. Bin enclosures will be concealed by appropriate fencing from external views and waste will be stored in bins that will prevent litter from leaving the site or polluting stormwater.

Kerbside collection will occur from the Howard Street enclosure with bins being wheeled to the street and collection will be undertaken by a private contractor. Bins will be fitted with rubber wheels and collection will occur at appropriate times to prevent noise impacts. Refer to the Waste Management Plan prepared by Leigh Design (April 2021) for further details regarding waste management.

Loading and unloading activities are expected to be relatively minor given the education centre use. This is proposed to continue to occur from abutting streets where negligible impact to traffic flow is expected.

### 3.3 EXPANSION OF THE EXISTING EDUCATION CENTRE USE

The Education centre use currently occurring at the site operates with 309 students and 42 staff. The efficiencies and additional space achieved through constructing the new building and refurbishing an existing school building will enable the School to expand its offering of student places to accommodate a peak number of 480 students.

This is a 171 student increase from the existing peak of 309 students, which occurred in the past 5 years and will be achieved once Stage 1 of the redevelopment has been completed.

In order to respond to the increase in student numbers, an additional 19 staff will be present at the school at any one time (bringing the total staff number present at any time to 61).

### 3.4 BUILDING HEIGHT, FORM AND SETBACKS

The proposed new building will have a building height of 14m, including roof terraces, but excluding plant and lift over-run (ie. building services). The height of these buildings approximately matches the height of the presbytery, and is appropriately subservient to the height and form of the St Mary Star of the Sea Church building.

The new buildings are of a recto-linear contemporary design with recessed upper levels and glass facades. Refer to the master plan for the detailed architectural design statement.

Building form will be setback along the subject site's sensitive southern and south-western interface with 62-66 Chetwynd Street and a 2.25m and 3.43m wide easement for "foot-way purposes" that is located at the side of 66 Chetwynd and the rear of 64 and 66 Chetwynd Street (benefiting access to 62 Chetwynd). This maintains the size and nature of the existing setback between Buildings C and D.

### 3.5 FENCING & ACCESS

New/reinstated fencing and/or retaining walls are proposed to be constructed around and through certain areas of the subject site, including on site boundaries. Existing fences spanning the site's south-eastern boundaries will be refurbished.

A new pre-cast red brick inlay wall will replace an existing brick wall between the site and the rear of 62 Chetwynd Street. A new retaining wall with fence on top will span the boundary between the site and the rear boundary of 64 and 66 Chetwynd Street (this will also return to span part of the southern boundary with 66 Chetwynd, leaving the blue stone wall in place).

A new/reinstated fence/retaining wall spans part of the schools internal northern boundary and separates the school grounds from the St. Mary Star of the Sea Catholic Church and the presbytery.

Black steel palisade fencing is to be utilised with a height not exceeding 1.5m where located on property boundaries.

The principal pedestrian access for staff, students, and all visitors to the school will be via Victoria Street and the Building 1. A second access will be provided to the north of Building 4 from Howard Street. Maintenance access will be provided by means of the existing service lane at the site's south-eastern boundary (also via Howard Street). Services requirements for the proposal have been prepared by Cundall (December 2019).

# 4.

## PLANNING CONTROLS

## 4.1 ZONES

The site is entirely within the Mixed Use Zone (MUZ) for which there is a schedule (MUZ) (refer to Figure 2). The purpose of the MUZ is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Pursuant to Clause 32.04-9, a permit is required for buildings and works associated with a Section 2 Use which incorporates an Education centre. Decision Guidelines at Clause 32.04-14 direct the responsible authority to consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

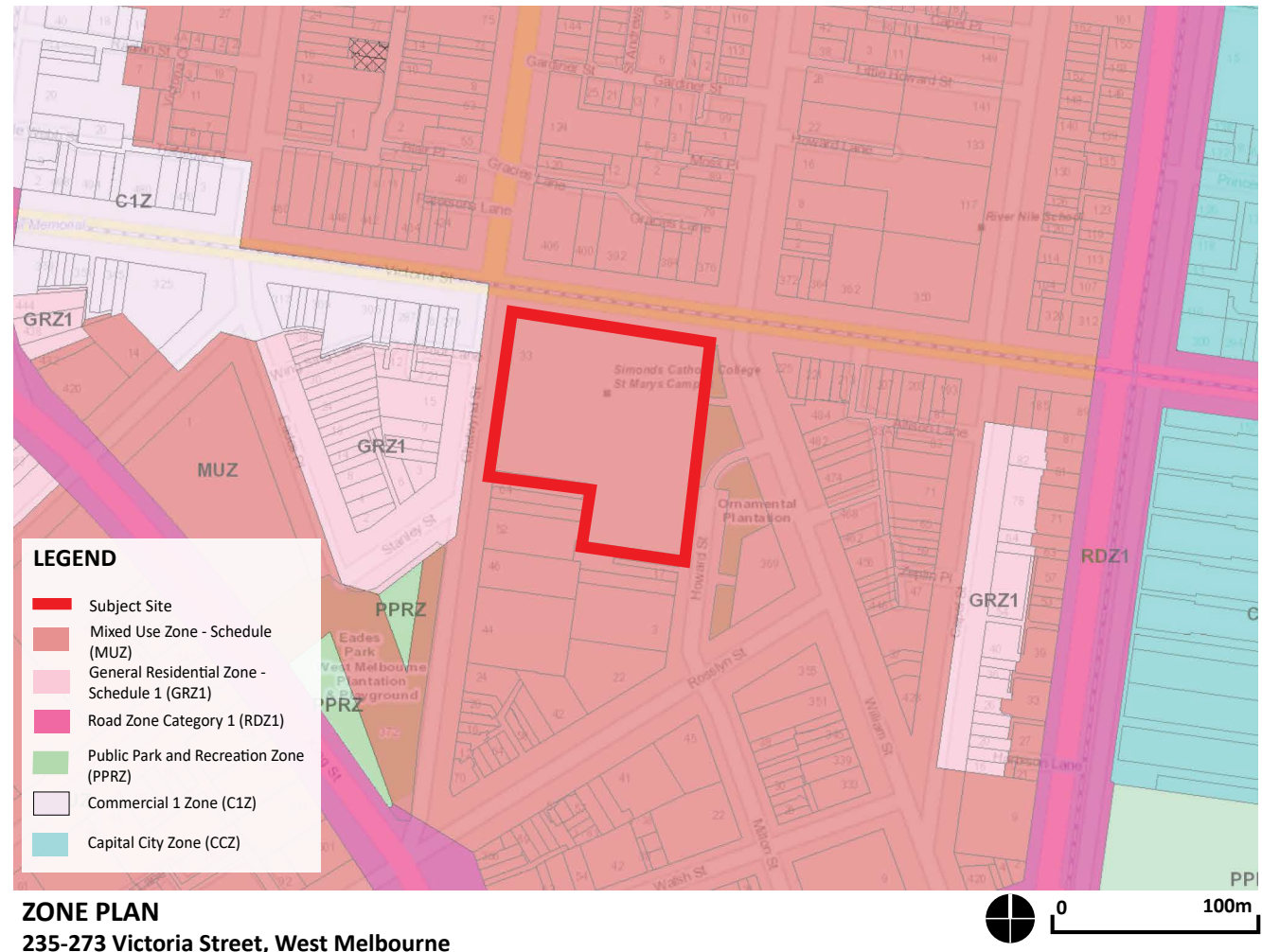


Figure 2. Zone Plan

## 4.2 OVERLAYS

The site is subject to three overlays: the Heritage Overlay – Schedule 979 (HO979); the Design and Development Overlay- Schedule 32 (DDO32); and the Parking Overlay – Schedule 12 (PO12).

Figure 3 indicates HO979. St Mary Star of the Sea Church Complex is included in the Victorian Heritage Register as Heritage Place Number H2182. Additionally, the site's surrounding area is covered by HO3 – North and West Melbourne Precinct. As the Heritage Advice assessment prepared by GJM notes, HO3 is locally significant as a collection of buildings and places that illustrate a nineteenth century living and working place and is primarily residential in character (P.5).

Pursuant to Clause 43.01-3, a permit is not required to develop a heritage place which is included in the Victorian Heritage Register (with the exception of subdivision), as is the case for the proposal. Heritage matters are instead addressed as part of the State Government Heritage permit process. For the proponent, GJM have undertaken the required assessments.

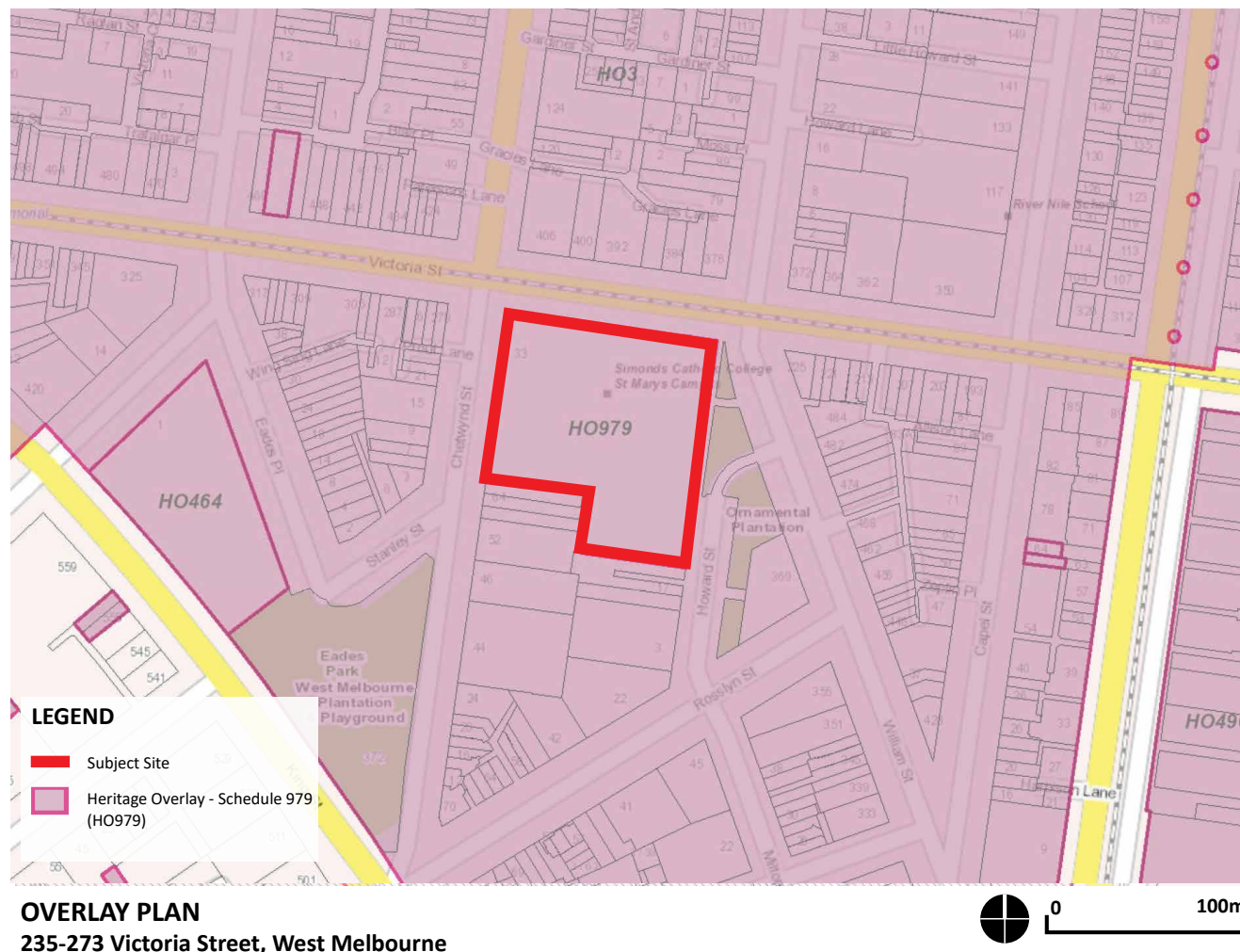


Figure 3. Overlay Plan 1

Figure 4 shows the location of DDO32. The purpose of the DDO is to identify areas which are affected by specific requirements relating to the design and built form of new development. As per Clause 43.02-2, a permit is required to construct a building or carry out works. Key decision guidelines as at Clause 43.02-6 include:

- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.

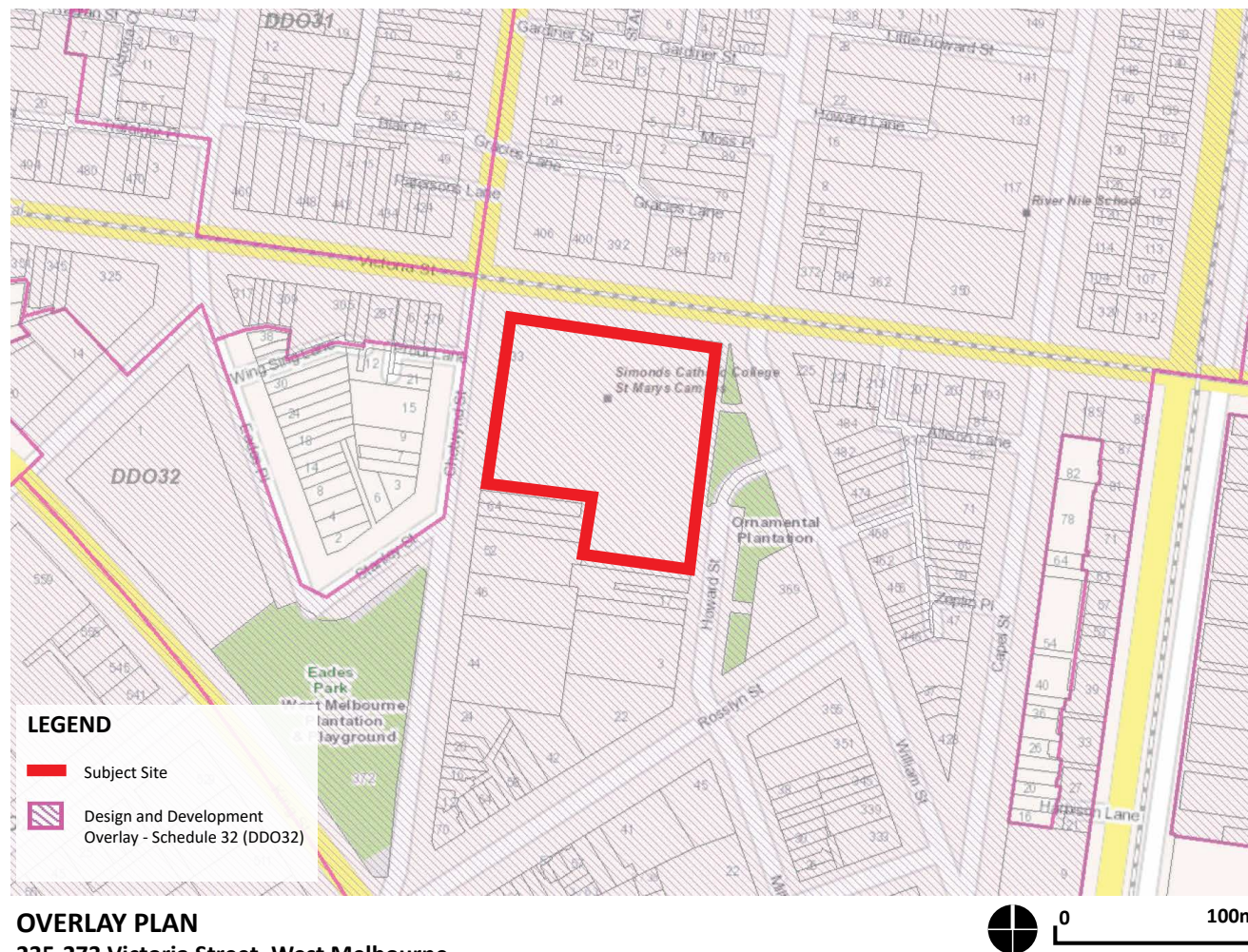


Figure 4. Overlay Plan 2



Design objectives for DDO32 'North Melbourne Peripheral' include:

- *To maintain the predominant low scale nature of the area.*
- *To ensure that development retains views to significant landmarks.*
- *To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.*

In line with DDO32-2.0 – Building and works, an application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives and Built Form Outcomes of this schedule. These outcomes include:

- *New development respects existing built form especially low scale of the existing older building stock in the street.*
- *Development in streets with higher typical built form provides a transition in scale to the lower building forms.*

As per this schedule, a permit cannot be granted to vary the Maximum Building Height<sup>1</sup> of 14m.

Additionally, in relation to Building height, DDO32 states that:

- *A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in the table, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.*

<sup>1</sup> Building height is defined as: *the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.*

The site is entirely covered by PO12 (see Figure 5). Key purposes of the PO include:

- To facilitate an appropriate provision of car parking spaces in an area.
- To identify areas and uses where local car parking rates apply.
- To identify areas where financial contributions are to be made for the provision of shared car parking.

Pursuant to PO12, parking objectives to be achieved include:

- To identify appropriate car parking rates for **residential development<sup>1</sup>** in specific inner city areas of Melbourne.

PO12 hence carries no implication for the proposal given that it applies to residential development only.

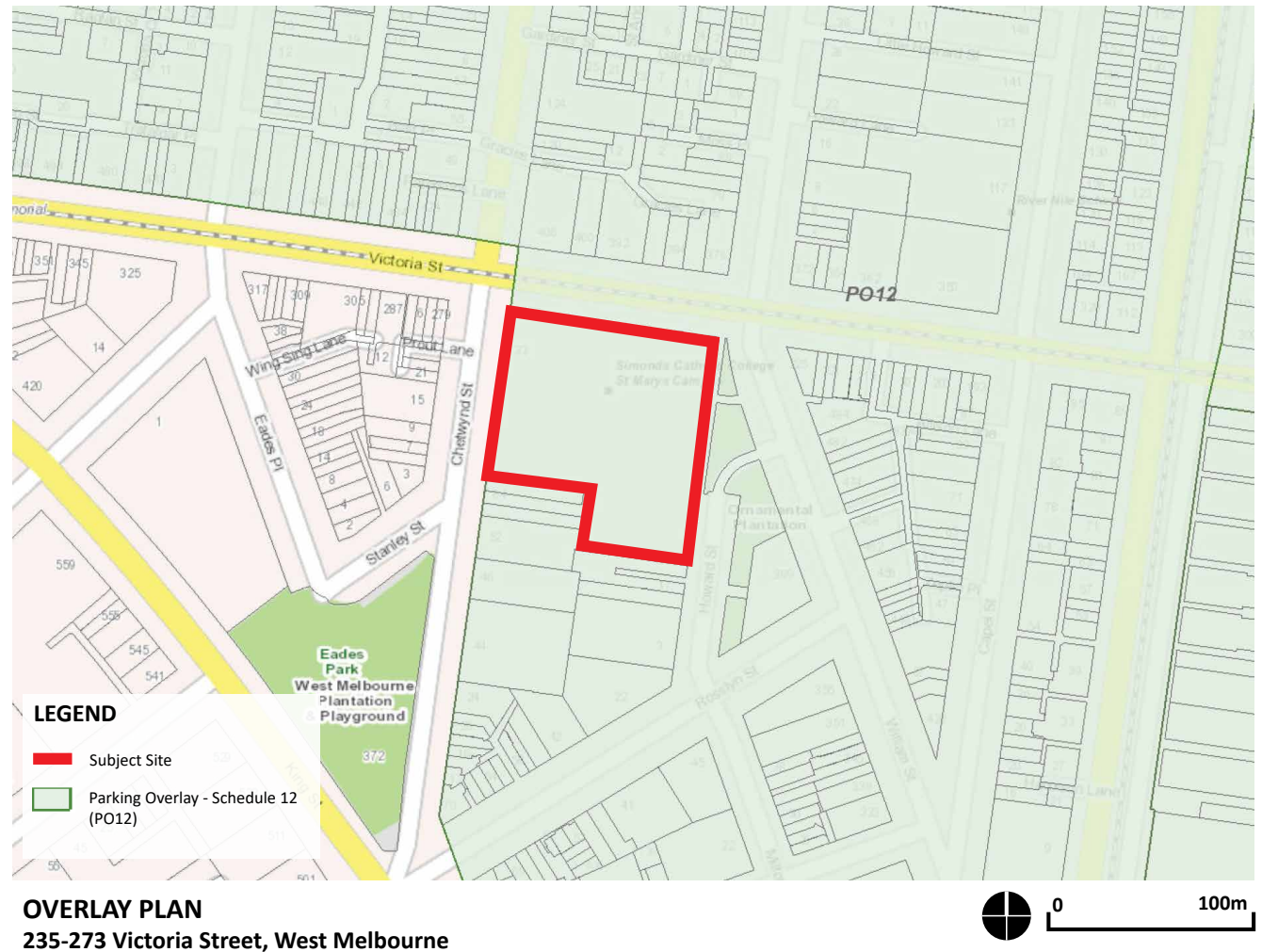


Figure 5. Overlay Plan 3

1 Our emphasis.

## 4.3 PARTICULAR PROVISIONS

The following Particular Provisions are relevant to the subject site:

### Clause 52.06 – Car Parking

A Traffic and Transport Assessment has been prepared in support of the application by Ratio (April 2021). This demonstrates that the proposal fully complies with the planning scheme and Australian Standards for the provision of access and car parking spaces.

It is proposed to retain the 2 bus parking spaces (accessible from Howard Street) and the 17 existing formal/informal car spaces accessible from Victoria Street. The car park accessible from Howard Street will contain 3 formal and 1 informal space (meaning that 4 informal spaces located to the east of Building 4 will be removed).

Given the assessment by Ratio calculates that 22 additional spaces are required to be provided by the proposal to cater for the additional 19 staff for Stage 1, and that no additional spaces are proposed, a permit is needed for a reduction of 22 spaces pursuant to Clause 52.06-3.

It is also noted that 320 on-street car parking spaces are located within 200m of the site. There were never fewer than 37 publicly available spaces across the surveyed period undertaken by Ratio. Therefore, it is considered that ample spaces are located in close proximity to augment the on-site provision and can cater for drop-off and visitor parking.

Some of the spaces directly fronting the site are subject to Council directed time restrictions, which will help to facilitate drop-off and pick-up activities. Consideration could be given to applying 2 minute parking restrictions in some instances during school drop-off (8am to 9:30am) and pick-up (2:30pm to 4pm) to ensure an adequate turn-over of space use.

**Table 1.** Statutory car parking requirements for the proposal prepared by Ratio (2021)

| Stage                        | Students | Staff (ever on-site) | Car parking requirements |
|------------------------------|----------|----------------------|--------------------------|
| Existing                     | 309      | 42                   |                          |
| Stage 1                      | +171     | +19                  | +22                      |
| <b>Total Spaces Proposed</b> |          |                      | <b>No additional</b>     |

### 52.34 – Bicycle Parking

Based on the bicycle parking requirements of the Melbourne Planning Scheme, the development has a requirement to provide an additional 34 spaces for students (based on 171 additional students all being above year 4) at capacity and 1 additional space for staff (based on 27 additional staff) (refer Table 2).

Given that 34 additional spaces will be provided for students and 4 additional spaces for staff, the development does not require a reduction under the clause.

**Table 2.** Statutory bicycle parking requirements for the proposal prepared by Ratio (2021)

| Stage                        | Students | Staff (ever on-site) | Bicycle parking requirements (students) | Bicycle parking requirements (staff) |
|------------------------------|----------|----------------------|---|--------------------------------------|
| Existing                     | 309      | 34                   |   |                                      |
| Stage 1                      | +171     | +19                  | +34                                     | +1                                   |
| <b>Total Spaces Proposed</b> |          |                      | <b>+34</b>                              | <b>+4</b>                            |

### Clause 53.19 – Non-Government Schools

This provision was introduced on 4 December 2020 by VC180 and helps to “stream-line” the process for development of new, and the upgrade and expansion of existing, non-government primary and secondary schools.

The amendment introduces permanent provisions into all Planning Schemes which will strengthen policy support for the establishment and expansion of non-government schools and importantly adopt a fast-tracked planning permit process. The key elements of the proposed planning provisions are:

- *Applying a fast-tracked process to all nongovernment primary and secondary school applications.*

- *Appointing the Minister for Planning as the Responsible Authority for new school applications and projects on existing schools with an estimated cost of \$3M or more.*
- *Introduces new State Policy Clause 19.02-2S (Education facilities) to support non-government school applications.*

As per Clause 53.19-2, an application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

On the basis that the proposed works are for the expansion of an existing non-government school and the cost of works exceed \$3M, the proposal falls under the Clause 53.19 provision and is to be lodged with DELWP for a decision by the Minister for Planning.

There is no opportunity for the planning application to be appealed to VCAT by a third party.

#### **55.04 – Amenity Impacts**

While having no statutory affect, this provision is useful in its capacity to provide guidance with regard to the sensitive southern interface of the site. Guiding subclauses and their objectives include:

- 55.04-1 – Side and rear setbacks.
  - *To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*
- 55.04-2 – Walls on Boundaries
  - *To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*
- 55.04-3 – Daylight to existing windows
  - *To allow adequate daylight into existing habitable room windows.*
- 55.04-4 – North facing windows
  - *To allow adequate solar access to existing north-facing habitable room windows.*
- 55.04-5 – Overshadowing of open space
  - *To ensure buildings do not significantly overshadow existing secluded private open space.*
- 55.04-6 – Overlooking
  - *To limit views into existing secluded private open space and habitable room windows.*
- 55.04-8 – Noise impacts
  - *To contain noise sources in developments that may affect existing dwellings.*
  - *To protect residents from external noise.*

## **4.4 OPERATIONAL PROVISIONS**

### **Clause 72.01 – Responsible Authority for this Planning Scheme**

Pursuant to Clause 72.01-1 – Minister is responsible authority, The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:

- *Primary school or secondary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply.*
  - *The estimated cost of development is \$3M or greater.*

Thus, as discussed in Section 4.3, should Clause 53.19 apply to the project, the Minister for Planning will be the Responsible Authority for the planning application. This means that the application will be assessed by the planners at the Department of Environment, Land, Water and Planning (DELWP) as opposed to at Melbourne City Council.

While Council will be referred to in order to seek their advice on matters such as traffic, ESD and drainage (for example), Council will not be the RA for this application.

## 4.5 PERMIT TRIGGERS

Having regard to the above listed clauses contained within Section 3 of this report, the permit trigger for the proposal is:

- Under Clause 32.04-9 (MUZ), a permit is required for buildings and works associated with a Section 2 Use which incorporates an Education centre.
- Under Clause 43.02-2 (DDO), a permit is required to construct a building or carry out works.
- Under Clause 52.06-3 (Car Parking), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

# 5.

## PLANNING POLICY CONTEXT

## 5.1 PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to guide development in a manner which benefits local communities and the wider region.

### PLANNING POLICY FRAMEWORK

State policy seeks to ensure that Melbourne remains a thriving city by encouraging development which contributes to Melbourne's liveability, economic viability and provides benefits to the wider community.

The following State Planning Policies are relevant to the proposal:

- Clause 11 – Settlement
- Clause 15 – Built Form & Heritage
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 – Infrastructure

The key policy objectives which emerge from these include:

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*
- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
- *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*
- *To ensure the conservation of places of heritage significance.*
- *To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.*
- *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*
- *To assist the integration of education and early childhood facilities with local and regional communities.*
- *To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.*
- *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).*
- *Consider the existing and future transport network and transport connectivity.*

Assessment of the proposal against these objectives is provided in Section 6.

### LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) provides localised direction in relation to land use and development objectives within the municipality.

The LPPF includes the Municipal Strategic Statement, which sets out the vision, objectives and strategies for land use and development within the City of Melbourne and is supported by the Local Planning Policies, which provide specific policy requirements for a range of land use and development.

Policies considered relevant to the proposal include:

- Clause 21.06 – Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
- Clause 21.16 – Other Local Areas
- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.05 – Heritage Places Outside the Capital City Zone
- Clause 22.17 – Urban Design Outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Storm Water Management

The key policy directions which emerge from the Municipal Strategic Statement (MSS) and other LPPF relevant to the application are outlined below:

#### **Clause 21.06 – Built Environment and Heritage**

- *To ensure that the height and scale of development is appropriate to the identified preferred built form character of an area (21.06-1 – Urban Design, Objective 4).*
- *In areas where the existing built form is to be retained, ensure development is designed to maintain the generally low scale and character of those areas (21.06-1 – Urban Design, Strategy 4.3).*
- *To conserve and enhance places and precincts of identified cultural heritage significance (21.06-2 – Heritage, Objective 1).*
- *Support the restoration of heritage buildings and places (21.06-2 – Heritage, Strategy 1.2).*
- *Maintain the visual prominence of heritage buildings and landmarks (21.06-2 – Heritage, Strategy 1.3).*
- *Protect the scale and visual prominence of important heritage buildings, landmarks and heritage places (21.06-2 – Heritage, Strategy 1.7).*
- *To create an environmentally sustainable urban environment with reduced greenhouse emissions (21.06-2 – Sustainable Development, Objective 1).*
- *Support on-site renewable and low emission energy generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems in new developments (21.06-2 – Sustainable Development, Strategy 4.3).*

#### **Clause 21.08 – Economic Development**

- *To encourage employment opportunities for local residents (21.08-2 – Business, Objective 2).*
- *Encourage a diversity of small to medium enterprises in the Capital City, Docklands, Commercial and Mixed Use Zones (21.08-2 – Business, Strategy 2.1).*
- *To support education, medical and research activities (21.08-5 – Knowledge Precincts, Objective 1).*
- *Manage the off-site impacts of education and research facilities such as car parking and traffic to protect the character and amenity, (including visual amenity) of adjoining areas (21.08-5 – Knowledge Precincts, Strategy 1.6).*

#### **Clause 21.09 – Transport**

- *Encourage development in locations, which can maximise the potential use of public transport (21.09-1 – Integrated transport, Strategy 1.2).*

#### **Clause 21.10 – Infrastructure**

- *Support primary, secondary and tertiary education facilities, whilst protecting the amenity of Residential and Mixed Use zoned areas and the heritage values of areas with cultural heritage significance, consistent with the local amenity (21.10-3 – Education facilities, Strategy 1.1).*
- *Support the provision of facilities and services for students and researchers. (21.10-3 – Education facilities, Strategy 2.2).*

#### **Clause 21.16 – Other Local Areas**

- *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 (21.16 – North and West Melbourne, Built Environment and Heritage).*
- *Ensure infill redevelopment and extensions complement the architecture, scale and heritage values of the residential area, especially where it is in a Heritage Overlay (21.16 – North and West Melbourne, Built Environment and Heritage).*
- *Support the ongoing operation and establishment of small to medium enterprises and businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zone of North and West Melbourne adjacent to the Hoddle Grid (21.16 – North and West Melbourne, Built Environment and Heritage).*
- *Support light and service industry in the Mixed Use Zone in North and West Melbourne (21.16 – North and West Melbourne, Built Environment and Heritage).*

#### **Clause 22.02 – Sunlight to Public Spaces**

- *To ensure new buildings and works allow good sunlight access to public spaces.*
- *To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.*



#### Clause 22.05 – Heritage Places Outside the Capital City Zone

- *The facade height and position should not dominate an adjoining outstanding building in any streetscape, or an adjoining contributory building in a Level 1 or 2 streetscape. Generally, this means that the building should neither exceed in height, nor be positioned forward of, the specified adjoining building. Conversely, the height of the facade should not be significantly lower than typical heights in the streetscape. The facade should also not be set back significantly behind typical building lines in the streetscape.*
- *The height of a building should respect the character and scale of adjoining buildings and the streetscape. New buildings or additions within residential areas consisting of predominantly single and two-storey terrace houses should be respectful and interpretive.<sup>1</sup>*
- *Ensure the height of buildings relate to the prevailing patterns of height and scale of existing development in the surrounding area; and reduce unacceptable bulk in new development.*

<sup>1</sup> Respectful and interpretive refers to design that honestly admits its modernity while relating to the historic or architecturally significant character of its context. 'Respectful' means a design approach in which historic building size, form, proportions, colours and materials are adopted, but modern interpretations are used instead of copies of historic detailing and decorative work. 'Interpretive' means a looser reference to historic size, form, proportions, colours, detailing and decoration, but still requires use of historic or closely equivalent materials (22.05 – Definitions of Words Used in the Performance Standards)

#### Clause 22.17 – Urban Design Outside the Capital City Zone

- *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 buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility.*
- *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.*
- *To ensure that development includes architecturally integrated building tops.*
- *To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.*

There are additionally relevant detailed policy considerations for each of the following categories:

- Scale
- Context
- Building height
- Building bulk

- Street level frontages
- Fronts and backs of buildings
- Building tops
- Visible facades and blank walls
- Pedestrian Connect and Vehicle Access
- Building projections
- Protection from wind and rain
- Landscape.

#### Clause 22.19 – Energy, Water and Waste Efficiency

This clause provides guidelines to ensure that the design, construction and operation of buildings and urban renewal areas:

- *Minimise the production of greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water use and encourage the use of alternative water sources.*
- *Minimise waste going to landfill, maximise the reuse and recycling of materials and lead to improved waste collection efficiency.*

Additionally, pursuant to Clause 22.19-5, it is policy to assess an education centre of more than 5,000sqm against:

- *Same minimum energy, water & waste requirements as buildings over 2,000 square metres plus 5 star rating under a current version of Green Star - Education rating tool or equivalent.*

These requirements are:

- Energy Efficiency: 5 points for Ene-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
  - Water Efficiency: 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
  - Waste Efficiency: A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans.
- Total Phosphorus - 45% retention of typical urban annual load
  - Litter - 70% reduction of typical urban annual load.
  - To promote the use of water sensitive urban design, including stormwater re-use.
  - To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.
  - To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.
  - To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

#### **Clause 22.23 – Storm Water Management**

This policy applies to both new buildings and to extensions to existing buildings which are 50 square metres in floor area or greater. Policy objectives include:

- To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).
- Currently, these water quality performance objectives are:
  - Suspended Solids - 80% retention of typical urban annual load
  - Total Nitrogen - 45% retention of typical urban annual load

## 5.2 RELEVANT PLANNING STRATEGIES

### Plan Melbourne 2017-2050 (2017)

Plan Melbourne was released by the Victorian Government in March 2017. It is a 35 year blueprint for the future growth of Melbourne. It envisages that Melbourne will grow to a city of close to 8 million people by 2050.

A purpose of the plan is to address Melbourne's infrastructure, housing, employment and environmental challenges with an integrated approach to planning and development that includes land use, transport, and social and community infrastructure.

The need to manage the projected growth of Melbourne's school-age population is cited as a key future challenge for the city. Direction 3.1 'Transform Melbourne's transport system to support a productive city' includes Policy 3.1.6, which aims to:

- *Locate schools and other regional facilities near existing public transport and provide safe walking and cycling routes and drop-off zones.*

Local schools are additionally a key facet within Direction 5.1 'Create a city of 20-minute neighbourhoods.'

### Urban Design Guidelines (2017)

The State Planning Policies reference the Urban Design Guidelines at Clause 15.01 – Urban environment as Policy Guidelines that must be considered as relevant.

Issues covered by the Guidelines, such as building form, amenity and public space, are assessed in detail under DDO32. For this reason, this report does not provide an assessment of the proposal against the Guidelines.

### West Melbourne Structure Plan (2018)

The West Melbourne Structure Plan (SP) was endorsed by the Future Melbourne Committee in 2018. The SP seeks to retain West Melbourne's heritage and characterful buildings whilst accommodating future population growth, diverse uses, and allowing the suburb to evolve as a counterpoint to the central city. The SP identifies five distinct places. The subject site is within the Historic Hilltop place (see Figure 6 overleaf), which is identified as *a distinct area based on its high value heritage, small allotment sizes, predominantly residential character, topography and relationship to North Melbourne* (P.125).

Key considerations for Historic Hilltop outlined by the SP include:

- Current built form controls in this area will remain as existing.
- New buildings will be subject to a maximum building height of 14m, in the interest of maintaining the predominant low scale nature of the area and to ensure that development retains views to significant landmarks.
- Development should respond positively to important interfaces such as:
  - Howard and William Streets Reserve in order to positively frame the open space and contribute to their sense of place.
  - Along Victoria Street, in order to provide active uses and coherent, well-designed streets connecting to North Melbourne and the Queen Victoria Market.

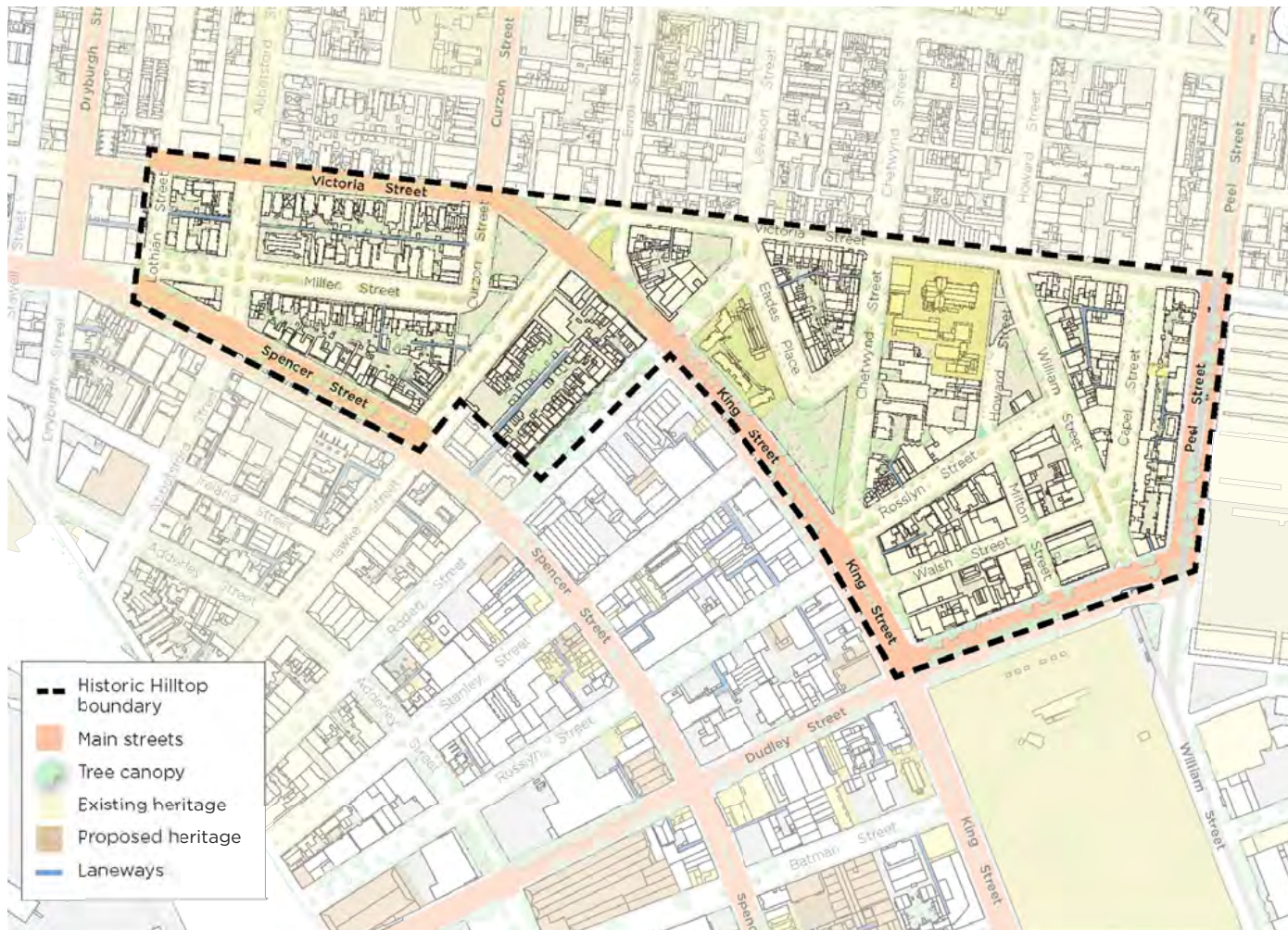


Figure 6. Location and characteristics of Historic Hilltop (P. 125 of SP).

# 6.

## ASSESSMENT

## 6.1 ASSESSMENT UNDER THE PLANNING POLICY FRAMEWORK

### STATE PLANNING POLICY FRAMEWORK

The proposal achieves a high level of compliance with the applicable State Planning Policies, particularly those seeking to provide high quality education facilities, community benefits, and integrated land uses. The following outcomes are realised by the proposal:

- By consolidating and enhancing existing educational infrastructure, the proposal exemplifies sustainable development and enables the school to expand its student numbers, functionality, and level of services.
- Proposed building and works enhance the safety, vitality and functionality of the school, whilst simultaneously preserving the site's sense of place and cultural identity through a careful contextual design approach.
- New buildings complement the evolving and diverse design character of the surrounding area, and enhance the existing public realm along the site's frontages to Victoria, Chetwynd, Howard and William Streets.
- The proposal recognises, supports, and protects the existing neighbourhood character of the area and site through observing appropriate setbacks, building heights, and contextual and complementary materials.
- The proposal is respectful of the site's recognised heritage values. Appropriate setbacks have been adopted between new development and the St Mary Star of the Sea Church and the Presbytery buildings. Careful consideration has been given to the interface between new development and the former boy's school building (now Building 4).
- The extensive provision of refurbished and new classrooms as well as a range of indoor and outdoor learning areas allows the school to support innovation and the knowledge economy.
- The proposal facilitates an increase in the offer and amenity of existing educational infrastructure at a location well-served by public transport and accessible to a large population catchment that can walk or arrive by bicycle.
- The proposed refurbishments deliver essential education facilities for the surrounding community in a timely and efficient manner given West Melbourne's projected population growth.

### LOCAL PLANNING POLICY FRAMEWORK

The proposal similarly achieves a high level of compliance with the relevant Local Planning Policies, as evidenced by the following:

#### Clause 21.06 – Built Environment and Heritage

- The height and scale of the proposed new building is appropriate in view of both the preferred low-scale built form character of the area, the heights and scale of existing buildings neighbouring the site and existing built form located on the site to be retained.
- Restoration works will help to enhance the former boy's school building (now Building 4). The new building is consistent with the scale of heritage place, particularly through adopting appropriate setbacks, sensitive architectural design, materials and colour selection, and by observing the maximum building height of 14m.
- As outlined in the assessment prepared by Sustainable Design Consultants (November 2020), the proposal creates a highly sustainable urban environment through numerous ESD measures. These measures include the use of a rainwater tank and raingarden, solar PV cells, energy efficient water, heating, cooling and lighting systems, and passive design principles.

#### **Clause 21.08 – Economic Development**

- The proposal will increase the school's infrastructure and capacity, supporting the provision of local employment opportunities in West Melbourne.
- The use and redevelopment of the site as a high quality educational facility ensures that the Mixed Use Zone continues to accommodate a range of diverse enterprises.
- Proposed refurbishments and additions allow the continuance of education on site and provide improved educational resources.

#### **Clause 21.09 – Transport**

- The proposal consolidates and enhances existing infrastructure, thus allowing an increase to future student numbers, and in this way maximises the subject site's proximity to convenient tram and bus services.
- As noted in Section 4.3, the proposal closely considers the potential impacts of the planned refurbishments and additions on car-parking and traffic.
- The facility will continue to encourage alternative modes of transport including walking, bicycle and public transport.

#### **Clause 21.10 – Infrastructure**

- New additions such as the expansive rooftop terrace and new science rooms provide students and teachers with high quality interactive learning facilities.

#### **Clause 21.16 – Other Local Areas**

- The new building is sympathetic to and closely observes the lower scale streetscape of the surrounding area.
- The scale and form of new buildings and refurbishments is sympathetic to and do not overwhelm neighbouring residential properties, such as the terrace homes located on Chetwynd and William Streets, and are appropriately subservient to the significant heritage fabric both on site and adjacent.
- In its consolidation and enhancement of an existing education facility, the proposal supports the ongoing operation of a medium enterprise providing professional and educational services to the Capital City Zone within the Mixed Use Zone of West Melbourne.

In this way the proposal additionally supports the continuance of light service industry within the Mixed Use Zone of West Melbourne.

#### **Clause 22.02 – Sunlight to Public Spaces**

- As the Architectural Drawings illustrate, the proposal will continue to allow public spaces excellent access to sunlight, particularly surrounding St. Mary Star of The Sea Church and in the garden areas of and abutting the site.
- The new building and works will create some additional overshadowing, however as the Masterplan shows, this will be minimal, particularly on and around pedestrian spaces.

#### **Clause 22.05 – Heritage Places Outside the Capital City Zone**

- The facade height and position of the new building is subservient to the two buildings with heritage significance on site, as shown by the Architectural Drawings.
- Whilst Building 3 exceeds the height of the adjoining presbytery, as the plans demonstrate, its facade height, position and scale are such that the refurbished Building 4 (current Building E, the former Boys School) continues to be the most visually prominent element on Howard Street.

Further, Building 3 is also subservient to the facade height, position and scale of the St. Mary Star of the Sea Church.

- The height of the new building is in keeping with the varied building heights present along Victoria, Chetwynd, and Howard Streets. Setbacks adopted at the site's southern interface with 62-66 Chetwynd Street ensure that development is sympathetic to the low-scale character of these residences.

The bulk of the proposed new building is acceptable in view of these and other setbacks (refer 3.07), as well as the varied character of the surrounding area.

#### **Clause 22.17 – Urban Design Outside the Capital City Zone**

- The scale, siting, bulk and massing of the new building represents a slight increase from the existing school's buildings. However, this increase does not depart from the scale, siting, bulk and massing of nearby and adjoining building form, and is thus complementary to the streetscapes of Victoria, Chetwynd and Howard Streets.
- The overall design is of a suitably high quality given the prominent hilltop location occupied by the subject site. The new building makes use of and enhances the subject site's amenity, and ensures that the site's existing landmarks retain their visual prominence from afar.

- Proposed building design will create accessible, functional, and enjoyable pedestrian spaces at ground level frontages. The use of open and glass facades at ground level will further facilitate activation, interaction, and interest.
- Building roof forms are well-integrated with the building facades in terms of design, materials, and setbacks.
- As the Architectural Drawings show, the proposed design and its individual aspects ensure that all visible facades and view corridors are visually interesting, and contribute positively to the public realm.

#### **Clause 22.19 – Energy, Water and Waste Efficiency**

- The proposal will maximise energy efficiency on-site whilst minimising potable water usage and the production of greenhouse gas emissions. Hot water will be provided via electric instantaneous systems, minimising heat distribution losses.

Buildings will be heated and cooled by means of highly energy efficient air-conditioning systems. On-site water and energy systems will be one star within best available. Additionally, the use of efficient fittings, fixtures, the rainwater tank, raingarden, and water sensitive landscaping will ensure that the development reduces its potable water usage.

Per the Waste Management Plan for the proposal prepared by Leigh Design (April 2021), efficient waste and recycling management will be maximised.

Overall, the proposal achieves a Green Star Design score that represents best practice.

#### **Clause 22.23 – Storm Water Management**

- The proposal has been assessed by Sustainable Design Consultants against the CSIRO Urban Stormwater Best Practice Environmental Guidelines (1999). Collected rainwater will be re-used for toilet flushing in all areas of the site, as well as irrigation of landscaped areas. The raingarden will manage runoff associated with the trafficable terrace area of Building 3.



## 6.2 ASSESSMENT AGAINST RELEVANT STRATEGIES

### Plan Melbourne 2017-2050

- The proposal responds to key issues identified within the strategy, such as population growth, integrated land use, and consolidation of existing infrastructure, and strengthens opportunities for '20-minute neighbourhood' living in West Melbourne.
- In view of Policy 3.1.6, the proposal facilitates an existing school to capitalise on its advantageous location close to existing public transport, and provide safe walking and cycling routes, as well as convenient drop-off zones.

### West Melbourne Structure Plan

The proposal responds to the stated objectives of the West Melbourne Structure Plan (WMSP) by:

- Enabling an existing education facility in West Melbourne to respond to projected future population growth through expanding.
- Consolidating and enhancing existing infrastructure and facilities.
- Enabling a diverse land use in the Mixed Use Zone to continue to remain viable through upgrading and improving facilities.
- Contributing to the evolution of West Melbourne as a counterpoint to the CBD.

In response to the key considerations of the WMSP, the proposal achieves the following:

- The proposed new building observes the maximum building height of 14m for the Historic Hilltop precinct, and maintains the prominence of the St Mary Star of the Sea Church, as well as existing viewlines to other significant landmarks.
- The proposal maintains the school's principal entry from Victoria Street. The important heritage contribution that existing buildings provide to Victoria Street will be protected.

## 6.3 ASSESSMENT AGAINST RELEVANT CONTROLS

### Clause 32.04 – Mixed Use Zone

In view of the stated purposes and decision guidelines of the MUZ, the proposal achieves the following:

- The proposal implements the objectives and policies of the Municipal Planning Strategy and the Local Planning Policy Framework, particularly those aimed at maximising sustainable transport modes, consolidating existing infrastructure, and respecting neighbourhood character.
- By increasing the capacity and amenity of the existing school facility, the proposal allows this area of West Melbourne to continue to provide for a high quality mixed-use function.
- Proposed development is sympathetic to both the existing low-scale character of the surrounding neighbourhood, as well as the preferred low-scale but mixed character sought by the West Melbourne Structure Plan. The new building observes the height, scale, bulk, and massing of surrounding residential and non-residential buildings, whilst enabling a diverse use in the MUZ to be consolidated and enhanced.
- As the Architectural Drawings (September Equinox Shadow Study) and July Solstice demonstrate, no additional solar panels present on 62 & 64 Chetwynd Street will be shadowed (just an increase in the degree to which one already shadowed panel at 64 Chetwynd).

Overshadowing to neighbouring properties will occur only to a minor extent above that currently occurring from school related development and only for small periods. The impacts are considered to be wholly acceptable.

### Clause 43.02 – Design and Development Overlay

Pursuant to the guidelines of DDO32, the proposal achieves the following:

- Although the new building adopts a contemporary style that departs from both the two heritage places on site and surrounding residential properties, it is considered that it remains in keeping with the character and appearance of adjacent uses and the surrounding area.

This is achieved through observing appropriate setbacks, facade positions, building heights, and siting.

- With regard to form and materials, the new building is clearly distinct from on-site and adjoining heritage buildings. It is considered however, that the design, layout, proportion and scale of this building is highly compatible with these heritage places.  
Further, particularly in terms of proportion and layout, the design of the new building maintains the amenity and visual prominence of these properties.
- The proposal provides safe and functional areas for car parking (on-site and on-street), access, egress, loading and unloading.  
Additionally, the proposal provides appropriate space for service vehicle access, as indicated in the Architectural Drawings.
- The proposed development is sited and massed such that both the school's recreational and passive spaces as well as neighbouring streetscapes are afforded high levels of pedestrian amenity, solar access, and sky views.
- Additionally, new and refurbished buildings remain pedestrian friendly in scale, and through setbacks and sympathetic form provide a transition from in scale to lower building forms, particularly to the south and south-east.
- New buildings observe the specified maximum building height of 14m, with the exception of some building services (lift over-runs and plant).
- Refer to Appendix B for the Best Hooper Legal Advice that provides an interpretation of site frontage. With regard to the point of measurement for building height, the advice prepared by Best Hooper Lawyers finds that Building 3 has a frontage to Howard/William Streets.
- The height of Building 3 is to be measured from the centre of the frontage on Howard/William Streets. Measured from this location and interpreted in this way, Building 3 complies with the maximum height of 14m under the DDO32.

### Clause 52.06 – Car Parking

- The car parking reduction of 22 spaces sought by the proposal can be supported in view of the ample bicycle parking and end-of-trip facilities provided, the site's excellent public transport links, and the improvements proposed for pedestrian access and amenity.
- Refer to the Traffic Impact Assessment prepared by Ratio (April 2021) for a comprehensive assessment of the proposal that finds ample justification for the reduction under the clause.

### Clause 52.34 – Bicycle Parking

- As discussed in detail in the Traffic Impact Assessment prepared by Ratio (April 2021), the proposal exceeds the statutory requirements for bicycle spaces through providing an additional 34 spaces for students and 4 for staff (a net total of 53 spaces will be provided at the site, 34 for students and 9 for staff). This provision will encourage staff and students to utilise active and alternative transportation methods.

### Clause 55.04 – Amenity Impacts

In relation to the objectives of this clause (which is relevant as guidance only, given that the subject and the neighbouring properties are located within the MUZ), the proposal achieves the following outcomes:

- As shown in the Architectural Drawings, the new building only causes additional overshadowing of private open space at 10am to 62 Chetwynd and this is just to 1.11sqm. For all other times, no additional shadowing of open space will be caused to the 62-66 Chetwynd properties, and in instances less shadowing will occur (-1.26sqm will occur to 62 Chetwynd at 11am which effectively neutralises the increase at 10am). The objective of clause 55.04-5 is met.
- Owing to the setbacks adopted for Building 3, and the careful design and orientation of windows and outdoor spaces and the location of walls and fencing proximate to the school's sensitive southern and western boundary, the proposal avoids direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres. Standard B22 is met.

- Boundary walls and appropriate soundproofing measures will ensure that the proposal does not create detrimental noise impacts for neighbouring residences, noting that impacts are expected to be improved from current conditions. Standard B24 is met.

It is an important consideration that the proposal does not represent a new use, but rather a consolidation of an existing use, and hence many of the typical noise impacts of a school are already present at the site. Additionally, the land is within a Mixed Use Zone, both the subject site and the land adjoining, meaning that while residential amenity is an important consideration, there is a reasonable expectation that some impacts will result from the use.

- Standard B19 & B20 will be met. The existing light courts of adjacent habitable and north facing windows of dwellings will be maintained.
- Where new walls are to be located on boundaries, these are to replace existing and will not be of a greater height. Standard B18 is met.
- TP10 provides B17 setback analysis and shows that only a minor encroachment will occur for new Building 3 (the western wall to the western boundary). The building is highly respectful of neighbourhood character and the impacts to the neighbouring dwellings at 62-66 Chetwynd are reasonable for the inner-city urban context. The Objective of Clause 55.04-1 is met.

### Clause 65.01 – Decision Guidelines (Approval of an Application or Plan)

The application is supported by the relevant decision guidelines of Clause 65.01 for the reasons previously discussed.

The proposal furthers the orderly planning of this area of West Melbourne and will not unreasonably impact the amenity.

The proposal will retain and re-use stormwater. Through appropriate waste management the proposal will actively prevent polluted sediments from existing the site.

The loading and unloading of vehicles to service the use will continue to occur from abutting streets and has been found to be appropriate from a traffic impact perspective by the Ratio assessment.

# 7.

## CONCLUSION

The proposal supports the implementation of the State and Local Planning Policy Framework, is in accordance with the West Melbourne Structure Plan, and the purpose, guidelines, and requirements of the MUZ and DDO32.

This project is an excellent opportunity for the consolidation, improvement and expansion of an existing education facility within West Melbourne, catering for the needs of a growing population, whilst simultaneously preserving the low-scale character of the Historic Hilltop precinct.

The proposed refurbishment and addition will enable the school to increase its capacity, deliver high quality educational services, and promote interactive, engaging and safe learning.

The proposed design is sympathetic to on-site and adjoining significant heritage fabric, and will allow landmarks such as the St. Mary Star of Sea Church to retain their visual prominence. Additionally, the design observes best practice sustainable development and supports the use of alternative transport options.

Having regard to the above considerations, it is submitted that this proposal is strongly supported by the planning assessment framework and accordingly should be approved.

# 8.

## APPENDICES

## APPENDIX A – TITLE

## APPENDIX B – BEST HOOPER LEGAL ADVICE



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