

6 May 2021

Erin Baden-Smith
Manager Development Approvals and Design
Department of Environment, Land, Water and Planning
8 Nicholson Street, East Melbourne VIC 3000

Via Email Only: development.approvals@delwp.vic.gov.au

Dear Erin,

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RE: PA2001055: 235-273 Victoria Street, West Melbourne - Buildings and works and expansion of use planning permit application associated with an existing Education centre (Simonds Catholic College)

Echelon Planning acts for Simonds Catholic College for planning matters relating to 235-273 Victoria Street, West Melbourne (the subject site) and Planning Permit Application 2001055 (the planning application).

The purpose of this letter is to summarise Part 2 of our response to DELWPs Request for Further Information (RFI) letter dated 14 January 2021 (items 4-9). Part 1 of our response was provided to items 1-3 on 10 March 2021. As well as requesting further information, DELWP raised concerns about aspects of the proposal. This letter provides a response to these concerns also.

As discussed between DELWP and MACS on 10 March 2021, Simonds College has determined to amend the planning application under Section 50 of the *P & E Act 1987* and only seek approval initially for Stage 1 of the project. For the subsequent stages, we plan to lodge as an amendment to the stage 1 application / approval.

Supporting our Part 2 RFI response and Section 50 amendment is the following enclosed documents:

- Revised Architectural Design Package for Stage 1, Chandler Architecture (May 2021)
- Revised Planning Report for Stage 1, Echelon Planning (May 2021)
- Revised Traffic Impact Assessment for Stage 1, Ratio (April 2021)
- Revised Waste Management Plan for Stage 1, Leigh Design (April 2021)
- Completed Section 50 Amendment Application form.

(Noting we seek to continue to rely on the ESD report prepared by SDC for stage 1)

Application Documents Requested in DELWP RFI

DELWPs RFI letter requested the following further information:

- 1. The application form amended to include a reduction of the car parking requirement in the description of the proposal.**

Please refer to 10 March 2021 response.

- 2. Details, including the relevant certificate of title, of the easement adjoining the site's southern boundary at the interface with 66 and 64 Chetwynd Street.**

Please refer to 10 March 2021 response.

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3. Any additional details of the existing school land use, including any previous and relevant planning permits or other approvals that relate to the school.

Please refer to 10 March 2021 response.

4. The submission package, including all plans, reports and supporting documents, amended to include full design detail of the proposed stages 2 and 3 works to enable a complete assessment of each stage of the development against the Melbourne Planning Scheme (see point 1 in the preliminary assessment section below).

As discussed, the application has been amended to only seek approval for Stage 1 initially. Stage 2 and 3 approvals will be sought at a later date and as an amendment to the Stage 1 application or approval.

5. An assessment by a suitably qualified professional addressing the impacts of the overshadowing of solar panels on adjoining allotments.

Following the amendments to Stage 1's Building 3 in response to DELWPs interpretation of the DDO32 height controls, the height of the building has been decreased. We have provided additional shadow diagrams in response to RFI Item 9 for the 22 September equinox.

In order to consider the reasonableness of overshadowing to the neighbouring solar panels at 62 and 64 Chetwynd Street, we have also prepared a shadow diagram for the winter solstice at 9am. This shows the impacts of shadowing as a worst-case scenario for the proposal (ie. when the greatest overall level of overshadowing currently occurs to the neighbouring properties) (refer to **Figure 1** below).

Figure 1 shows the existing and proposed development in respect to the 62 and 64 Chetwynd Street dwellings. The diagrams show that less shadowing will occur to the solar panels due to the proposed scheme (shadowing of 64 Chetwynd remained the same, there was a decrease to 62 Chetwynd). Based on the positive results of this worst-case scenario, a further assessment was not regarded necessary by a suitably qualified professional, as the "reasonable" test could be readily contemplated.

We note that on the 22 September equinox one single panel at 62 Chetwynd was identified as experiencing a heightened level of shadowing due to the proposal (current 16%, proposed 95%). Given that the panel is currently overshadowed and no new panel will be overshadowed, we again formed the view that an appreciation of "reasonableness" could be determined without further assessment.

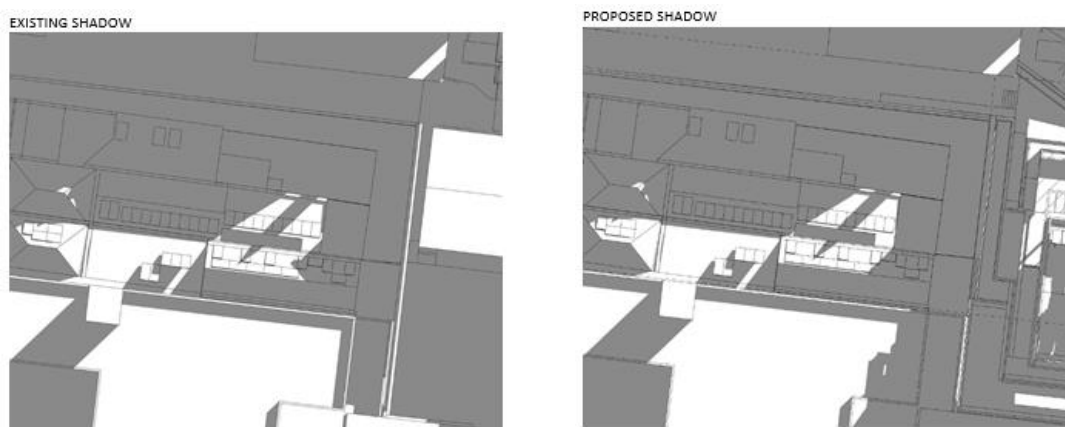


Figure 1: Shadow Diagrams at Winter Solstice, 9am.

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6. Further detailed assessment and response to the standards and objectives of Clause 55.04 (ResCode – Amenity Impacts) in relation to the interfaces with residential properties.

We note that Clause 55 is not a relevant planning consideration for this planning application. Despite this, we have provided an updated / more detailed response to Clause 55.04 in the planning report. The proposal meets either the Standard or Objective of each clause.

7. Elevations amended to show incremental, minimum and maximum dimensions for walls.

Please refer to the updated planning design set for the requested incremental, minimum and maximum dimensions of the walls.

8. Plans amended to show additional details within development summary, neighbouring secluded open space, height and materials of retaining walls, differences in levels between subject site and neighbouring properties and finished floors levels to AHD of buildings, car parking areas, decks and balconies.

Please refer to the updated planning design set for the requested additional plan details.

9. Amended shadow diagrams, including at various times of day on 22 September, labels identifying sensitive features on neighbouring land and sqm / percentage measurement of existing and proposed overshadowing.

Please refer to the updated planning design set for the requested additional shadow diagram detail.

10. Landscape Plan Concept Plan

Through negotiated agreement with DELWP, the landscape plan will be provided to satisfy a condition of planning permit (refer to email correspondence dated 22 February 2021 between Echelon and DELWP).

DELWP Raised Application Concerns

The following outlines Simonds College's response to the concerns raised by DELWP.

a. The Staged approach to the development

As discussed, the School has decided to amend the planning application and initially seek approval for Stage 1.

b. The Department is undertaking a review of the legal advice provided in relation to the question of building heights. A response will be provided in due course.

DELWP supplied their interpretation via email on 22 February 2021 as follow:

- *We accept the advice provided by Bester Hooper dated 11 September 2020, which states that:*
 - o *building 2 has a frontage to Victoria street and the centre of the frontage is to be taken from Victoria Street at the midpoint of Lot 1 on TP 874082F.*
 - o *building 3 has a frontage to Howard/William Street and that the centre of the frontage should be measured from the middle of the abuttal of Lot 1 on TP 582245F.*

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- *We do not find reason within DDO32 to suggest that the roof form can sit above the 14m height control. Therefore, the 14m limit should be measured from the top of the roof (or highest point of the building) with the eave and roof slab sitting below this point. We base this on the definitions provided within the Melbourne Planning Scheme.*
- *Building services and lift overrun can extend above the 14m height control.*

In response, the architectural design set has been amended to reduce the height of Building 3 (the building subject to the Stage 1 planning application) to be below 14m, including roof forms. The same approach will be taken to all other buildings in future.

- c. The Department recommends that an alternate and more discrete location should be explored for the proposed booster pump cupboard fronting Howard Street to minimise detrimental visual impacts to the frontage.**

Refer to the updated architectural set. The booster pump cupboard has been setback further from Howard Street, reducing its visibility within the streetscape.

- d. Concerns are raised regarding the proposed Building 2 envelope and the built form transition to the row of residential dwellings immediately to the south, particularly in relation to the street and side setbacks.**

This is no longer relevant to the current Stage 1 application and will be addressed in the future application that is to include Building 2.

- e. It is noted that heritage matters will be subject to assessment by Heritage Victoria through the heritage process.**

This is noted. We understand that liaison is occurring between Heritage Victoria and DELWP.

In terms of fees paid for the lodgement of the planning application we note that initially the planning application fell into the \$15M to \$50M bracket and so incurred a **\$25,658.30** (no GST fee). The amended application will result in \$8.9M in development costs and so falls into the \$5 to \$15M bracket and incurs a **\$8,003.90** (no GST fee). We therefore respectfully request a fee refund of **\$17,654.50** (no GST).

We look forward to receiving DELWPs considerations. If you have any queries, please feel free to give me a call on 0488 373 925.

Kind Regards,



Antony Duffill
Principal Urban Planner

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