

Assessment Officer Report

35 Charles Street, Mt
Waverley



Officer Assessment Report
Development Approvals & Design

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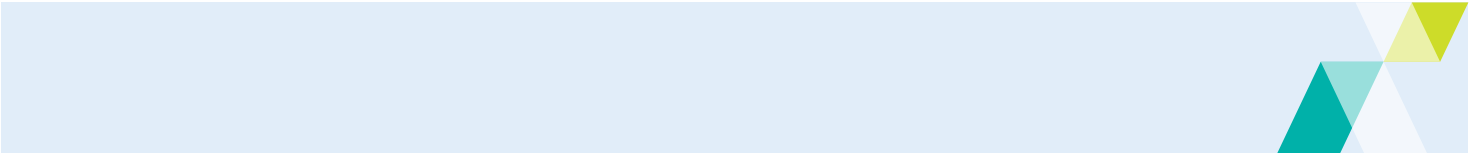
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Executive Summary



Key Information	Details																																			
Application No:	PA2402977																																			
Received:	11 June 2024																																			
Statutory Days:	41																																			
Applicant:	Law Architects c/ Avila College																																			
Planning Scheme:	Monash																																			
Land Address:	35 Charles Street, Mt Waverley																																			
Proposal:	Buildings and works associated with an existing education centre																																			
Development Value:	\$ 6,430,960 million																																			
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for: - Primary school or 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: - There is no existing primary school or secondary school on the land. - The estimated cost of development is \$3 million or greater. The application form confirms that the cost of the development exceeds \$3 million.																																			
Why is a permit required?	<table><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr><tr><td>Zone:</td><td>Clause 32.08-10 General Residential Zone – Schedule 11 (GRZ11)</td><td> A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (Education Centre). </td></tr><tr><td>Cultural Heritage:</td><td colspan="2">No, the site is not located within an area of Aboriginal Cultural Hertiage Sensitivity.</td></tr><tr><td>Total Site Area:</td><td>28,513</td><td>m²</td></tr><tr><td rowspan="2">Height:</td><td>2</td><td>Storeys</td></tr><tr><td>11.825</td><td>Metres</td></tr><tr><td rowspan="2">Land Uses:</td><td>Dwellings</td><td>Office</td><td>Retail</td><td>Other</td></tr><tr><td colspan="4">Education centre</td></tr><tr><td rowspan="2">Parking:</td><td>Cars</td><td>Motorcycles</td><td colspan="2">Bicycles</td></tr><tr><td>0</td><td>0</td><td colspan="2">0</td></tr></table>	Clause	Control	Trigger	Zone:	Clause 32.08-10 General Residential Zone – Schedule 11 (GRZ11)	A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2 (Education Centre).	Cultural Heritage:	No, the site is not located within an area of Aboriginal Cultural Hertiage Sensitivity.		Total Site Area:	28,513	m²	Height:	2	Storeys	11.825	Metres	Land Uses:	Dwellings	Office	Retail	Other	Education centre				Parking:	Cars	Motorcycles	Bicycles		0	0	0	
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Referral Authorities:	N/a																																			
Public Notice:	Notice of the application under section 52 of the Act was not required because it was not considered to cause material detriment. Notice was given to Monash City Council in accordance with Section 52(1)(b).																																			
Delegates List:	Approval to determine under delegation received on 9 July 2024																																			



Background

- 1. Planning Permit PA2001011 was issued on 2 February 2021 for the use of the land for a primary school, including the construction of buildings and works in the General Residential Zone, the display of illuminated business identification signage, and the removal of vegetation in the Vegetation Protection Overlay, in accordance with the endorsed plans.
- 2. Planning Permit PA2302196 was issued on 10 July 2023 for the construction of a building within an existing secondary school, in accordance with the endorsed plans. Specifically, the proposal allowed for the construction of a new double storey building within the south-east corner of the existing school site.

Application Process

- 3. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	11 June 2024
Further information requested	N/A
Decision Plans	Plans prepared by LAW Architects, titled ‘Avila College – Planning Submission’ and dated 4 June 2024.
Other Assessment Documents	○ Planning Report prepared by LAW Architects dated 4 June 2024 ○ Landscape Plan prepared by LAW Architects dated June 2023 ○ Sustainability Management Plan prepared by BRT consulting engineers dated 30 May 2024

- 4. The subject of this report is the decision plans (as described above).

Proposal Summary

- 5. **Demolition:** the current Administration Centre will be demolished, with its functions relocated to a new building under construction along Charles Street. Additionally, part of the existing single-storey school building to the west of the current Administration Centre will be demolished.
- 6. **Buildings and works:** including the construction of a new student resource hub with the following design elements:
 - Height – the development presents as a two-storey development from Charles Street. The maximum height of the building, to the roof pitch, which features south-facing clerestory windows, is 11.825 metres.
 - Setbacks – the proposal is setback approximately:
 - i. 50m from the northern boundary associated with Dargo Court
 - ii. 85m from the western boundary adjacent to Charles Street
 - iii. 50m from the southern boundary
 - iv. 280m from the eastern boundary adjacent to Stephenson’s Road.
 - Materiality – Eastern and western windows are screened to provide solar control and optimal internal lux levels, as well as passive cooling, while creating fenestration along these elevations. The use of natural and neutral

colour cladding as architectural features provides consistency in the materials palette with this building and the recently constructed Ballygriffin Centre and new Welcome Building.

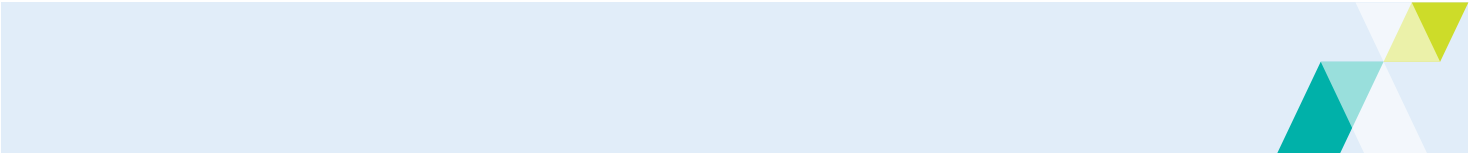
7. The applicant has confirmed that there will be no changes to existing staff or student numbers as a result of these buildings and works. Further, there will be no changes to existing carparking facilities and demands on site or access to the site.
8. Low-value vegetation located within existing garden beds is being removed to accommodate the buildings and works. It is noted that this vegetation is not affected by the VPO1.
9. The applicant has provided concept images of the proposal:



Figure 1: East Façade, View from Charles Street



Figure 2: Render of the western façade





Site Description

10. The subject site is identified as 35 Charles Street, Mount Waverley. The land can be formally described as land in Plan of Consolidation 103992. There are various easements on the land however, these are generally contained to the northern part of the site and not where the proposed works are.
11. There is a Section 173 Agreement registered on Title – reference AB556127S. The Agreement broadly allows for the construction of buildings over future identified easements. This is not relevant for the current application as it is more specifically applicable to the northern part of the site.
12. The land is used and developed as a secondary school, being Avila College. The school has been established at this site since 1965. Since that time, the school has grown and currently has approximately 1,100 students.
13. The land overall is irregular in shape with an area of approximately 28,513 sqm. The siting of the proposed works is located centrally within the site (as described within the proposal).

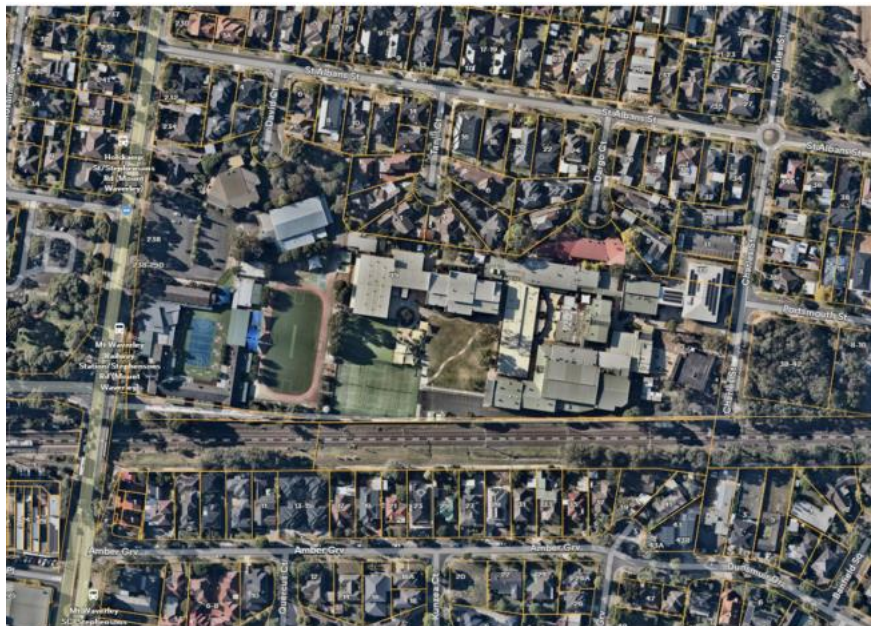


Figure 3: Subject site

Site Surrounds

14. The land is bound by Charles Street to the east which is its main entry for visitors to the campus. Charles Street is a no through road. Existing vehicle access points from Charles Street currently exist providing access to various carparking areas on the campus. On the eastern side of Charles Street is a vegetated reserve as well as residential developments.
15. To the south, the land is bound by the railway line. No crossings from the school over the rail line currently exist.
16. To the north, the land abuts three courts which are residential cul de sacs. Single detached dwellings dominate the northern interface.
17. To the west, the land is bound by Stephenson's Road.
18. A site inspection of the subject site and surrounds was undertaken. Images of the existing eastern frontage (including newly constructed school buildings) is provided below:







Referrals

19. No referrals were required for this application.

Notice

20. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- General Residential Zone – Schedule 11

21. The application was not advertised other than to the municipal authority under section 52(1)(b) as it was considered not to cause material detriment to any person because:

- The proposed buildings and works are located centrally within the site and replace an existing double storey building within the subject site.
- The proposed buildings and works are two storeys (11.825 metres) which is consistent with the surrounding built form on the site.
- The proposal does not have a direct sensitive interface noting that the proposal is buffered by existing school buildings to the north, east, west and south. The following interfaces exist:
 - North: three double storey buildings are located directly north of the proposal, the proposal is setback a minimum of 45m from the residential dwellings to the north.
 - East: four double storey buildings associated with the school exist to the east. The proposal is setback approximately 90m from Charles Street.
 - South: an existing double storey built form is located directly south of the proposal, whilst the Glen Waverley railway line provides a buffer between residential dwellings to the south.
 - West: the land is occupied by the school with two single storey buildings directly adjacent to the proposal.

Monash City Council

22. On 5 July 2024, Council confirmed that they did not have any concerns with the proposal and did not recommend any conditions.



Key Considerations

Strategic Planning

24. Plan Melbourne 2017-2050: Metropolitan Planning Strategy (DELWP, 2017) outlines the long term plan to manage growth in the city and suburbs to the year 2050. It seeks to integrate long-term land use, infrastructure and transport planning, and in doing so, meet the city's future environmental, population, housing and employment needs. The following are relevant:

- Direction 4.3: Achieve and promote design excellence.
 - Policy 4.3.1: Promote urban design excellence in every aspect of the built environment.
- Direction 5.1: Create a city of 20-minute neighbourhoods
 - Policy 5.1.1: Create mixed-use neighbourhoods at varying densities.
- Direction 5.3.2: Create health and education precincts to support neighbourhoods.
- Direction 6.1: Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050
 - Policy 6.1.1: Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades
- Direction 6.3: Integrate urban development and water cycle management to support a resilient and liveable city
 - Policy 6.3.1: Reduce pressure on water supplies by making the best use of all water sources.
- Direction 6.4: Make Melbourne cooler and greener
 - Policy 6.4.1: Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest

Municipal Planning Strategy

25. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-8	Infrastructure

Planning Policy Framework

26. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1S	Settlement
11.03-1L-01	Activity Centres
Clause 13	Environmental Risks and Amenity
13.07-1S	Land Use Compatibility
Clause 15	Built Environment and Heritage



15.01-1S	Urban Design
15.01-1R	Urban Design Metropolitan Melbourne
15.01-2S	Building design
15.01-2L-02	Environmentally Sustainable Development
15.01-5S	Neighbourhood character
15.01-5L	Monash Preferred Neighbourhood Character
Clause 17	Economic Development
17.01-1S	Diversified Economy
Clause 18	Transport
18.02-1S	Sustainable personal transport
18.02-2S	Public Transport
18.02-4S	Car Parking
Clause 19	Infrastructure
19.02-2S	Education Facilities
19.03-3S	Integrated Water Management
19.03-5S	Water and Resource Recovery

27. The proposal is considered to provide an acceptable response to the planning policies outlined above, as follows:

- The application seeks to deliver up-to-date and purpose-built spaces in response to evolving educational needs which will improve the capacity of the school to cater to the local community and contribute to providing high quality private community facilities within the Mount Waverley Activity Centre (Clauses 15.01-4R, 17.01-1S, 19 and 19.02-2S).
- The proposal partially redevelops the existing school which has existing use rights. The proposal does not seek to alter the land use, including the number of staff and students, and the proposal maintains land use compatibility with the surrounding area (Clause 13.07-1S).
- The development inserts a new building with complimentary built form which responds to the rhythm and character of the existing school. The materials, scale, contemporary design response is compatible to the school setting and the wider area with a high standard of urban design (Clauses 15, 15.01-2S, 15.01-5S, 15.01-5L and 19.02-2S).
- The development includes water sensitive urban design (WSUD) measures to support a cooler environment and minimise impacts of stormwater runoff (Clause 15.01-2L-02, 19.03-3S and 19.03-5S).
- The proposal does not seek to alter the staff and student numbers, as such there is no impact on the car or bicycle parking at the site (Clause 18.02-1S, 18.02-2S and 18.02-4S).
- Overall, it is considered that the proposed development is consistent with the relevant policies of the Monash Planning Scheme.

Zoning and Overlays

General Residential Zone

28. Majority of subject land is located within the General Residential Zone – Schedule 11 (Mount Waverley Activity Centre Accessible Area), however the northern portion of the land is located within the General Residential Zone – Schedule 3 (Garden City Suburbs). It is noted that no works are proposed within the land within the GRZ3.
29. Pursuant to Clause 32.08-2 a permit is required for any use in Section 2 of the schedule to this zone. Pursuant to Clause 1.0 of Schedule 2 to the GRZ an education centre is in Section 2. As outlined below, existing use rights have been established and no permit is required for the use.
30. Pursuant to Clause 32.09-9, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

Vegetation Protection Overlay – Schedule 1 (VPO1)

31. The subject land is partly covered by the Vegetation Protection Overlay – Schedule 1 (VPO1). However, the proposed buildings and works are located outside of the area affected by the VPO and as such a planning permit is not required under this provision.



Figure 3: Extent of the VPO applying to the subject site

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 – Car Parking

32. Not applicable – no changes proposed to the car parking provision on site or to the student and staff numbers.



Clause 52.34 – Bicycle Facilities

33. Not applicable - no changes proposed to the car parking provision on site or to the student and staff numbers.

Clause 53.18 – Stormwater Management in Urban Development

34. Pursuant to Clause 53.18-3 an application to construct a building or construct or carry out works must meet all the objectives of Clauses 53.18-5 (Stormwater management objectives for buildings and works) and 53.18-6 (Site management objectives) and should meet all of the standards of Clauses 53.18-5 and 53.18-6. An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Clause 53.19 – Non-Government Schools

35. Clause 53.19 applies to use or development of land for a primary 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.

General Provisions

Clause 63.05 – Section 2 and 3 uses

36. Pursuant to Clause 63.05 a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.
- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.
- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

37. The school has been in operation since 1966. As the land has been used as a school for over 15 years continuously, existing use rights have been established and no planning permit is required for the use.

38. The proposal is consistent with the existing use of the land and, as discussed below, is considered to provide an acceptable response to the amenity of the area.

Operational Provisions

Clause 71.02-3 – Integrated decision making

39. Clause 71.02-3 outlines that a planning permit and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Assessment

Land Use and Built Form Issues

Zonings and Overlay

40. The proposal involves buildings and works associated with an existing school which meets the purpose (as relevant) of the GRZ to allow educational uses to serve local community needs in appropriate locations.
41. In addition, the proposal is considered to respond to the relevant neighbourhood character objectives of the GRZ11 and the decision guidelines for non-residential development outlined in the GRZ as follows:
 - The proposal is considered to be compatible with the surrounding residential land given that the proposal involves a new school building which sits among existing school buildings on the site. It is noted that the proposal replaces an existing double storey building in this location and will result in a reduction in the overall building footprint.
 - The use of the land as an education centre services local community needs by providing education facilities to surrounding residents.
 - The proposed 2 storey building height is not a significant deviation from the 1-2 storey buildings in the area and generally responds to the characteristics of the site and its context. The render provided from Charles Street shows comparative scales of the proposal with existing school buildings.



Figure 4: Charles Street render

- As demonstrated by Figure 4, given the location of the proposal it is not considered to contribute to the mass and visual bulk in the streetscape. Furthermore, the proposal seeks to utilise robust and low maintenance materials in the form of brick, cladding, metal and cement. The natural and neutral colour cladding will ensure that the proposal is consistent with the recently constructed Ballygriffin Centre and new Welcome Building at the site.
- The proposal is considered to provide sufficient access, safety and amenity for staff and students noting that the proposal is located centrally within the site, whilst still providing sufficient setbacks (minimum 7.49m) to

adjoining buildings to allow for open space and landscaping including the provision of ramps and generous walkways. In addition, the open plan layout and lift ensures internal accessibility.

- The proposal has been setback a minimum of 50m from all boundaries which is considered appropriate to ensure there are no off-site amenity impacts to surrounding residential properties including overshadowing and overlooking.
- The proposal provides an appropriate landscape response as outlined below.
- The proposal will not generate any additional car and bicycle parking or traffic generation compared with existing conditions given there is no increase to staff or student numbers.
- The applicant has confirmed that the proposed building does not alter the existing waste collection on site. Further, waste collection is by private means. No further planning permit conditions relating to waste removal are required.

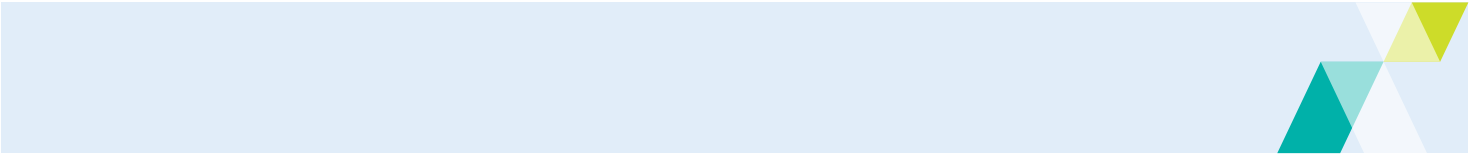
Landscaping

42. Clause 15.01-5L and the GRZ seek to support new development which contributes to the preferred garden city character through well landscaped and spacious gardens that include canopy trees.
43. An existing tree in the north-western corner of the proposal. The planning report states that the tree will be retained with Tree Protection Zones and construction techniques implemented to ensure its preservation. Conditions have been included within the recommendation requiring the TPZ to be shown on the plans and appropriately implemented in accordance with the Australian Standard AS4970-2009 - Protection of Trees on Development Sites. The remaining 24 trees and associated landscaping shown on the plans will be removed (Refer to Figure 5 below). Despite this, the existing vegetation on site is not considered to be substantial or of high quality and therefore the removal is considered acceptable.



Figure 5: Images of the current garden beds and vegetation that will be removed Source: Applicant

44. The application was supported by a concept landscape plan prepared by LAW Architects dated June 2023. The proposal is considered to provide an appropriate landscaping response by preserving an existing tree, replacing low-value vegetation with 24 new trees of indigenous species, and increasing landscaped areas by 420 sqm as a result of reducing the building footprint.
45. A condition has been included within the recommendation to ensure that a final version of the landscape plan is provided with species selected in accordance with the City of Monash Indigenous Species List. Further, standard conditions will be included within the recommendation to ensure that the submitted landscape plan will have ongoing maintenance implementation and maintenance requirements.



Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

46. Clauses 15.01-2L-02, 19.03-3S and 53.18 seek to achieve best practice in environmentally sustainable development through minimising environmental impacts.
47. The applicant has submitted a sustainability management plan (SMP) prepared by BRT consulting dated 30 May 2024 which includes details of water sensitive urban design (WSUD) and a Built Environment Sustainability Scorecard (BESS) assessment confirming that the project will achieve best practice. Despite this, the report indicates that the proposal achieves a STORM rating of a 100%. A condition has been included in the recommendation to ensure that evidence is provided of this and all necessary stormwater treatment measures i.e. rainwater tanks are shown on the plans.
48. The proposal meets the objectives and standards of Clause 53.18 as the development will retain and reuse stormwater and meet best practice performance under the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) as demonstrated by the BESS calculations included in the SMP.
49. A standard permit condition will ensure that the proposed sustainable design elements are implemented.

Recommendation



50. The proposal is generally consistent with the relevant planning policies and provisions of the Monash Planning Scheme and will contribute to the provision of education facilities within the area.
51. The proposal is generally supported by the various referral agencies.
52. It is **recommended** that Planning Permit No. **PA2402977** at 35 Charles Street, Mt Waverley be issued subject to conditions.
53. It is **recommended** that the applicant and the council be notified of the above in writing.

