

Date

Thursday 30th November 2023

To

Georgia Kay
Senior Planner
Development Approvals and Design
Department of Transport and Planning

Address

8 Nicholson Street
East Melbourne
VIC 3002

Sent

Via Online lodgement

Cc: Georgia.kay@delwp.vic.gov.au

Dear Georgia,

Mentone Grammar School – Eastern Playground

Section 72 Application to Amend Planning Permit No. PA2101261

We act on behalf of Mentone Grammar School, in relation to the above site. Pursuant to Section 72 of the *Planning and Environment Act 1987*, approval is sought to Amend Planning Permit PA2101261 and the endorsed plans and reports forming part of the Permit.

Please find attached the following documents:

- A completed Application to Amend a Planning Permit form;
- A recent copy of the title particulars for the land;
- Architectural plans prepared by McIldowie Partners (dated 27 November 2023)
- Site survey plans prepared by Reeds Consulting (dated 5 October 2022)
- A copy of the Acoustic Report prepared by Marshall Day (dated 28 September 2023)
- A copy of the Arboricultural Impact Assessment and Tree Preservation Strategy prepared by McLeod Trees (dated 31 August 2023)
- A Memorandum including MUSIC Modelling results prepared by TTW (dated 27 September 2023)
- Civil Drawings depicting the proposed works prepared by TTW (dated 27 September 2023)
- A Civil Site Plan prepared by TTW (dated 27 September 2023)
- A Cut and Fill Plan prepared by TTW (dated 27 September 2023)
- A copy of the Landscaping plans prepared by Craig Eldridge Design (dated 1 November 2023)

A copy of a Sustainability Management Plan will also be submitted shortly.

It is noted that the preparation of a Cultural Heritage Management Plan is required on the basis that the subject land is identified as being within an area of cultural heritage sensitivity. The preparation of this Plan has commenced and is ongoing, and will be provided to DTP as soon as available.

It is acknowledged that an amended planning permit cannot be granted until such time as an approved CHMP is received, however as discussed, however it is submitted that it is appropriate that DTP commence assessment of the application, carry out any referrals and place the application on public notice while the CHMP is finalised, it would be appreciated if this could occur.



Site and surrounds

The subject site comprises twelve lots known as 75 - 77, Units 1 and 2 of 83, 85, 87, 89 and 91 Naples Road, 29A and 29B, 31, 33-35 Warrigal Road, and 37 Warrigal Road, Mentone and is formally identified by the following. Where relevant, a summary of the easements that affect selected properties is provided and these are also reflected on the application plans. For further detail please refer to the individual titles:

- Lot 1 Plan of Subdivision 309915
- Lot 2 Plan of Subdivision 309915
- Lot 1 Title Plan 384256 (Carriageway easement along western boundary)
- Lot 1 Title Plan 529337
- Lot 1 Title Plan 613483
- Lot 1 Title Plan 224440
- Lot 2 LP 26716
- Lot 1 LP 38127 (Drainage and sewerage easement along southern boundary)
- Lot 2 LP 38127 (Drainage and sewerage easement along western and southern boundary)

The subject site is located between Naples Road and Warrigal Road. It is irregular in shape and forms part of the Mentone Grammar School campus. Part of the subject site has previously been occupied by dwellings, some of which have previously been used by the School.

Previous planning permits that relate to the subject land include:

- 83 Naples Road - Planning Permit No. KP-84/2012 which allowed the use of the existing building for the purpose of an education centre.
- 83 Naples Road - Planning Permit No. KP-84/2012 which amended the plans to reflect the removal of the existing building and the landscaping of the land.
- 87 Naples Road - Planning Permit No. KP-2016/1001/A which allowed the use of the land for the purpose of an Education Centre

The properties at 89 and 91 Naples Road and 29A and 29B Warrigal Road have most recently been used as dwellings.

31 Warrigal Road currently contains the maintenance compound and buildings that form part of the school campus.

Immediately north and west of the subject site, on the west side of Lucerne Street is a continuation of the Mentone Grammar School campus. The campus incorporates classroom buildings, a performing arts centre, aquatics centre and car parking. Further north is the school's main sporting oval.

Further to the north-west is Kilbreda College which is surrounded by the Mentone Parade shopping strip and a range of dwelling types.

Running in a north-west/south-east direction is the Frankston Railway Line. Mentone Railway station is located approximately 800 meters north of the subject site. Warrigal Road adjoins the eastern boundary of the subject site and is included in the Road Zone Category 1.

Naples Road forms the southern boundary of the subject site and is a two-way road with one lane in each direction. On the south side of Naples Road, directly opposite the subject site, is St Bede's College. The College includes a range of buildings that vary in height as well as sports grounds and outdoor play areas.

To the west, properties are predominantly residential.



Background

By way of background, Planning Permit PA2101261 was issued on 10 January 2022 and was most recently amended on 21 November 2023. The permit allows:

Buildings and works associated with an existing school in a General Residential Zone and Design and Development Overlay; construction and display of signs; alterations to a road within the Road Zone Category 1; and a reduction in the bicycle facilities, in accordance with the endorsed plans.

The permit applies to the land at 75 - 77 and 83 Naples Road, 31, 33 - 35 and 37 Warrigal Road, Mentone.

The Planning Permit and endorsed plans were most recently amended on 21 November 2023 to allow advertising signs and to make other changes to the detailed design of the proposal following commencement of construction.

Description of the proposal

It is proposed to amend the planning permit to allow new landscaping and outdoor spaces associated with the existing education centre.

In particular, the application seeks to amend the planning permit as follows:

- To amend the address of the land to include additional properties, such that the permit would now read:
 - 75 - 77, **Units 1 and 2 of 83 Naples Road, 85, 87, 89 and 91 Naples Road, 29A and 29B, 31,** 33-35 Warrigal Road, and 37 Warrigal Road, Mentone
- To amend the permit preamble to read:
 - *Buildings and works associated with an existing school in a General Residential Zone and Design and Development Overlay; alterations to a road within the Road Zone Category 1; and a reduction in the bicycle facilities; **and to use part of the land as an education centre,** in accordance with the endorsed plans.*
- To amend the endorsed plans to show the use of the additional land as part of the education centre as well as the proposed buildings and works.

The proposal also includes the amendment of Conditions 4 and 4h, 5, 16 and 21 of the planning permit to read:

*4. Concurrent with the endorsement of plans, an amended landscape plan must be submitted to and approved by the Responsible Authority, in consultation with Kingston City Council. The landscape plan must be generally in accordance with the landscape plan prepared by Craig Eldridge Design dated **1 November 2023**, but modified to show:*

...

*4h) A range of plant types from ground covers to large shrubs and trees, provided at adequate planting densities (e.g., plants 1 metre in width at maturity planted 1 metre apart); with the species chosen **to include predominantly** coastal indigenous species by plant type and total quantities.*

*5. Concurrent with the endorsement of plans, the Sustainability Management Plan (SMP) prepared by Integral Group dated **[date TBC]** must be approved by the Responsible Authority. All measures for the development must be in accordance with the recommendations within the report, to the satisfaction of the Responsible Authority.*



16. Concurrent with the endorsement of plans, the acoustic report prepared by Marshall Day Acoustics dated 1 November 2021 **and dated 28 September 2023** must be approved by the Responsible Authority. Noise attenuation measures for the development must be in accordance with the recommendations within the report, to the satisfaction of the Responsible Authority.

21. Before the construction of any crossovers **or changes to kerb and channel** as shown on the endorsed plans, the ~~Melaleuca St (Prickly Leaved Paperbark) street tree~~ **street trees** located in the Naples Road nature strip must be removed by Kingston City Council at the expense of the developer. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least two weeks prior to its required removal date.

The buildings and works that form part of the application are detailed in the plans that accompany the application and include:

- Removal of existing crossovers to Naples Road.
- A northern playspace which includes a walking path, grassed areas, seating areas, significant new planting and a new raingarden.
- A new eastern playspace which includes a larger grassed area, bicycle storage enclosure, undercover seating and a new pathway to Naples Road.
- Construction of a new basketball court with overhead canopy.
- Reconfiguration of the raingarden adjacent to Naples Road.
- Construction of an acoustic fence to the eastern and northern boundaries with existing residential properties.

Kingston Planning Scheme

Planning Policy Framework

The following clauses of the Kingston Planning Scheme are considered the most relevant policy framework content in relation to the proposal:

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Metropolitan Melbourne
- Clause 11.02-1S Supply of urban land
- Clause 13.05-1S Noise Management
- Clause 13.05-1L Noise abatement – Kingston
- Clause 13.07-1S Land use compatibility
- Clause 15.01-1S Urban design
- Clause 15.01-1R Urban design – Metropolitan Melbourne
- Clause 15.01-1L-01 Urban design – Kingston
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L-01 Neighbourhood character – Kingston
- Clause 15.01-5L-02 Landscape character – Kingston Neighbourhoods
- Clause 19.02-2S Education facilities



Zone

The subject site is affected by the General Residential Zone Schedule 3 (GRZ3).

The purpose of the GRZ, pursuant to Clause 32.08 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

'Education centre' is a Section 2 – permit required use within the GRZ3.

The proposed use affects land in the eastern portion of the subject site. The proposal relates to the expansion of the 'education centre' use that has been established through a combination of existing use rights and existing planning permits on the remainder of the subject land.

The proposed works will provide new landscaped outdoor space to be used in association with the School.

A planning permit is required for building and works associated with a Section 2 use pursuant to Clause 32.08-9.

Overlays

The subject site is affected by Design and Development Overlay Schedule 1 (DDO1).

A planning permit is required to construct a building or construct or carry out works. Pursuant to Schedule 1 to the DDO a permit is not required for the additional buildings and works which do not exceed 6.0 metres in overall height.

Particular Provisions

Clause 52.06 Car Parking

The provision applies where an increase to an existing use is proposed.

In relation to the proposal, Table 1 provides the car parking requirements for a secondary school as follows:

1.2 to each employee that is part of the maximum number of employees on the site at any time.

We note that the proposal does not generate any additional employees as part of the school. The proposal provides improved outdoor spaces for existing students.

Clause 52.29 Land adjacent to the principal road network

This clause applies to land adjacent to a Transport Zone 2. A planning permit not required as there is no creation or alteration of access to a Road in the Road Zone, Category 1.

Clause 53.18 Stormwater management in Urban Development



The proposal is not a matter specified as exempt in Clause 53.18-1.

Accordingly, Standard W2 is relevant to the consideration of the application and states that the stormwater management system should be designed to:

Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).

Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.

Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Standard W3 provides the following requirements:

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- *Erosion and sediment.*
- *Stormwater.*
- *Litter, concrete and other construction wastes.*
- *Chemical contamination.*

Clause 53.18-7 provides the decision guidelines for an application, in addition to the decision guidelines of Clause 65.

Planning Assessment

The proposal consists of the creation of additional play and recreation space for students at an existing school campus, and is designed to integrate with the existing campus and surrounding area.

The proposal will facilitate an outcome that is generally consistent with the purpose of the General Residential Zone (GRZ), which contemplates non-residential uses such as an education centre in established urban areas.

The subject site is located within an established urban area that can be described as a significant educational precinct, including: St Bedes College is located to the south; Mentone Girls Grammar School is located to the south-west; and Kilbreda College is located to the north-west. Across the railway line to the north is Mentone Primary School and St Patricks Catholic Primary School.

The existing education facilities provided at the campus will be enhanced, consistent with the objectives provided at Clause 19 (Education facilities). The proposed buildings and works form part of a landscaped response to the broader Bayview building and include a playground area. These buildings and works are located within the school campus. The proposed landscape themes are complementary to the proposed built form and contribute to the presentation of the site. Views to the proposed landscaped and playground area from both Warrigal Road and Naples Road are considered reasonable and are complementary to the existing school campus.



Acoustic Considerations

While there are no specific noise guidelines that relate to school outdoor areas within Victoria, the enclosed assessment prepared by Marshall Day Acoustics provides a review of relevant documents that provide guidance.

The assessment considers the potential impact of the proposal on adjoining dwelling occupants and suggests noise attenuation measures to ensure potential noise levels are acceptable.

The assessment concludes that predicted noise levels would be slightly higher than existing levels without the introduction of any noise attenuation measures.

The suggested construction of a 2.5m high acoustic fence along the boundary to existing dwellings will provide a noticeable reduction in noise levels.

This recommendation has been adopted by the project and is shown on the application plans prepared by McIldowie Partners.

Arboricultural and Landscape Considerations

The enclosed Arboricultural Impact Assessment and Tree Preservation Strategy prepared by McLeod Trees provides an assessment of existing vegetation on and adjacent to the subject land.

Of the trees assessed, the following is noted:

- Trees 1 and 2 do not meet the threshold of Local Law protection requirements and are proposed to be removed.
- Trees 3, 4, 5, 8 and 9 are proposed to be retained. It is noted that tree protection measures will be required during construction. This can be addressed by way of suitably worded planning permit conditions.
- Tree 7 is a Council owned street tree and is also proposed to be retained. It is noted that tree protection measures will be required during construction. This can be addressed by way of suitably worded planning permit conditions.
- Trees 10, 11, 12, 13, 14, 15 and 16 are Council owned street trees that are proposed to be removed to facilitate the construction of new bus parking along Naples Road. The retention value of these trees is assessed as 'Moderate' and the health, structure and condition of these trees is 'Fair' in all instances except for one.

While the proposal involves the removal of trees, there is a balance to be struck between the ability to properly service the operations and functions of the school, including the safe movement and transport of students via bus services. The proposed removal of tree is offset by the provision of new landscaping on the subject land and results in an acceptable landscape outcome which will not adversely affect any established landscape or streetscape character, which already features bus parking areas and similar infrastructure / spaces.

On balance, is considered that the benefit of properly designed bus parking outweighs the loss of street trees, particularly where new landscaping and canopy trees are provided adjacent to the parking areas within the subject land.

We also note that Condition 21 of the planning permit already provides for the removal of street trees and provides a mechanism for the removal and payment of a fee to Council to cover a replacement to the Council.



Condition 21 can be amended to read:

*21. Before the construction of any crossovers **or changes to kerb and channel** as shown on the endorsed plans, the ~~Melaleuca St (Prickly Leaved Paperbark) street tree~~ **street trees** located in the Naples Road nature strip must be removed by Kingston City Council at the expense of the developer. Payment of the removal and replacement fee for this tree/s must be made to Kingston City Council's customer service in accordance with Council's Tree Management Policy at least two weeks prior to its required removal date.*

The proposed amendment to Condition 4h of the Planning Permit will allow for a wider selection of canopy trees to be provided on the land, while still retaining the use of indigenous planting as the predominant theme.

It is considered that the proposal is consistent with and responds to relevant planning policies contained within the Kingston Planning Scheme. The proposed landscaped area will contribute positively to the development and complement the existing landscape response.

Conclusion

Having regard to the above assessment, the proposal is reasonable and appropriate having regard to the existing school campus and surrounding context.

The proposal will contribute to upgrading the existing school facilities in an established education precinct, and is considered to be consistent with the provisions set out in the Kingston Planning Scheme. We trust that the enclosed information is to Council's satisfaction. If you have any questions, please do not hesitate to contact our office.

Yours sincerely,

A handwritten signature in black ink that reads "Patrick Brennan".

Patrick Brennan

Director

Encl.