Contour

Date
4 November 2021
To
Sheridan Harley
Development Approvals and Design
Planning | Department of Environment, Land, Water and Planning
Address
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Sent
Via Email sheridan.harley@delwp.vic.gov.au
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Dear Sheridan

Planning Referral Advice: City of Kingston

Permit Application PA2101261

75 – 77 Naples Road, Mentone

We continue to act for Mentone Grammar School and refer to recent emails from DELWP concerning DDO1, together with the 'Planning Referral Advice' provided to DELWP by the City of Kingston dated 3rd September 2021.

In response to the matters raised by DELWP and the City of Kingston, we enclose the following:

- Amended Architectural Plans prepared by McIldowie Partners (Rev 10, dated 4 November 2021);
- An updated Traffic Impact Assessment prepared by OneMileGrid (dated 4 November 2021);
- An updated Acoustic Report prepared by Marshall Day Acoustics (dated 1 November 2021);
- An updated Sustainability Management Plan prepared by Integral (dated November 2021); and
- Music modelling prepared by Taylor Thomson Whitting (TTW).

Updated Landscape Concept Plans are currently being prepared by Craig Eldridge Design and are anticipated to be provided to DELWP in the coming days.

Further advice is also being sought from the project Arborist in relation to tree protection matters raised by the Council. This will be provided to DELWP as soon as it becomes available. It is respectfully suggested that this material is not required in order for the application to proceed to advertising given there is no specific planning permit trigger relating to vegetation removal and that there is a clear intent by the school to make provision for the retention of the identified trees.

In summary, the key alterations to the proposal relate to the relocation of the proposed multi-purpose hall, alterations to the southern end of the proposed 'Bayview' building such that the building now incorporates a stepped form towards Naples Road. The proposed car park with outdoor playing field is now shown to be set back 2.5m from Naples Road to provide a substantially increased area for the establishment of screen planting.

The following provides a more detailed response to the matters raised in the Council's correspondence. We have reproduced the Council comments with a corresponding response as indicated.

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Planning Considerations

Design and Development Overlay Schedule 1 (DDO1)

We consider that a planning permit cannot be granted for the application proposal as it fails to comply with the mandatory requirements pursuant to Clause 43.02 – Design and Development Overlay and Schedule 1 of the Overlay. The following non-compliances were identified:

- ***Three storeys are proposed in one vertical section which includes the lower 'open undercover playspace'.***

  The enclosed plans depict a revised building layout and form to confirm compliance with the mandatory requirements of Clause 43.02 (DDO1).

  At lower ground level, the southern end of the proposed 'Bayview' building now incorporates toilets and change rooms. Ground floor level remains substantially unchanged. Level 01 incorporates increased setbacks to Naples Road, such that the building steps down in this location and there is now an outdoor learning terrace at roof level in this location.

- ***The lower 'open undercover playspace' is considered to be a storey given it is enclosed to 3 sides and fully protrudes above natural ground level.***

  The 'open undercover playspace' has been removed and now forms part of a fully enclosed area.

- ***We agree with the applicant that the substantive test for compliance is based on how the building reads externally, as per Neil Fletcher Design Pty Ltd v Kingston CC [2011] VCAT 1184. We further rely on Hill-Murray v Hobsons Bay CC [2007] VCAT 1764 where Deputy President Helen Gibson stated (at paragraph [8] and [14])***

  This comment is noted.

- ***The proposal is considered to read externally as a three storey form and from another aspect as a four storey form, when looking from the south-east and south-west, respectively.***

  It is respectfully suggested that the Council's interpretation of the proposal fails to consider the fall of the land and the height of the building above ground level as it falls away from north to south.

  While it may appear as though the building presents as three storeys in a two dimensional elevation drawing, the enclosed architectural plans demonstrate that, the proposed building is no more than two storeys above natural ground level in any one location.

  The height of the building (in storeys) must be considered at specific locations given the fall of the land.

- ***From the south-east the building presents three clearly defined storeys. The lower level would evidently read as the ground floor given it extends 5m high above NGL. Two levels of windows are then situated above. The height of this form when viewed from this perspective measures approx. 13.7m to the parapet which is typical scale of a three or four storey building.***

  It is considered that the enclosed plans respond to this issue.

- ***From the south-west the proposal reads as a four storey form when considering the stairwell abutting the western elevation and the tall overall height of 17.6m.***

  The south-west elevation is a view from Naples Road where the natural ground level rises up and away towards the Warrigal Road frontage of the site. As the existing ground level of the land rises from Naples Road to Warrigal Road, so too does the built form.

  The building design has been amended such that it clearly reads as a single storey car park and two storey Bayview building when viewed from Naples Road.

  The visibility of the stairwell is not relevant in the consideration of storeys as it is well documented that a stairwell or lift access are not considered to be elements that are taken into account for the purposes of calculating storeys.

  As previously advised, the building design has been amended, such that it is no more than two storeys above ground level at any given point.

- ***For the above reasons we object to the third and fourth storey components of this proposal, as circled below in red. We respectfully request that the proposal be reduced to no more than 2 storeys at any one point, deleting the storeys circled in red marked 3 and 4 so the building will read as no more than 2 storeys from any perspective.***

  The enclosed plans have been amended to reduce the height of the building in these locations.

Rooftop non-compliances:

- ***The two stairwell vestibules on the rooftop appear to have excess floor areas than what seems necessary, and if so these would constitute a third storey and be non-compliant. We recommend that the stairwell vestibules be reduced to the minimum area necessary for DDA access / protection from the elements.***

  The access stairwells have been reconfigured to minimise the floor area required to provide safe and compliant access wherever possible.

Basement non-compliances:

- ***The basement must have a primary purpose for car parking, where it states under the DDO1: 'may include a basement carpark with a maximum height of 1.2 metres above natural ground level'.***

  The enclosed plans have been amended to refer to the basement as 'Lower Ground' which better reflects the status of this area, having regard to the planning scheme definition of a 'basement'.

  The roof of the proposed car park and multi purpose hall extends between 2.158m and 2.816m above existing ground level.

Given a basement is defined as a storey that protrudes no more than 1.2m above ground level, the proposed hall and car park building is therefore considered to be a single above ground storey and not a basement storey.

- ***The proposed car park is not within the basement, it is above ground. The proposed basement rooms would not permitted under the DDO1 as the multi-purpose hall, storage, and toilets would be the primary (and sole) purpose. We recommend that these rooms be deleted.***

  The proposed multi-purpose hall has been relocated, such that it is within a single storey building on lower ground level.

Urban Design:

Our Urban Designer raises concerns with the Naples Street elevation and notes that:

- ***The proposed form close to the street boundary is almost 6m high and a solid brick structure, with a 4m high cyclone mesh fence on top. This appears to be a very poor outcome and considered to be an inappropriate street interface in this context.***

  The enclosed plans incorporate an increased setback to Naples Road from 1.0m to 2.5m. This will allow for substantial screen planting within the setback.

  It is submitted that this is an appropriate outcome in this location which forms part of a wider cluster of school campuses on both sides of Naples Road. This is a streetscape that is dominated by institutional buildings and associated structures, some of which incorporate significant height close to the street frontage (refer to buildings associated with St Bede's College opposite the subject site).

- ***We strongly encourage the car park to be setback to provide a landscape setback of at least 5 metres from Naples Street to ensure the proposal is in keeping with surrounding and nearby residential expectations.***

  The proposed setback of 2.5m will allow for the planting of taller trees capable of growing in a manner which substantially screens the proposed wall and fence.

- ***This landscaped setback should contain a range of taller vegetation sufficient to soften and partially screen the wall and fence behind.***

  Refer above.

- ***We support the detailed design of the Naples Street interface as shown on the renders, however this has not been carried through the plan elevation.***

  The renders provided with the application were indicative only and provided an example of the finishes proposed.

- ***As per the renders, the Naples Street elevation should show the detailed brickwork on the Naples Street elevation and its open brickwork pattern, which also will provide necessary ventilation to the car park, and the proposed green wall***

  The South-West Car Park elevation includes 'hit and miss' brickwork as well as vertical stack bond brickwork which is defined more clearly on the enclosed plans.

Acoustics:

- ***The 1233sqm rooftop terrace appears to be for a play space, and in the acoustic report is described as space for 350 persons: 'The terrace will consist of various spaces including amphitheatre, gardens, 'the Lookout', 'the Observation Deck', and seating areas. Proposed uses will be hanging out, parents' meetings and gatherings.'***

  The intensive use of a substantial rooftop seems inappropriate for a residential area and would go beyond the amenity expectations in this residential zone. There is an opportunity for excessive noise generation noting there is no acoustic barrier and the deck is located up to the roof edge, and existing dwellings and their secluded POS are situated close by.

- ***It is recommended that this rooftop terrace be deleted for the above reasons.***

  We refer to the Acoustic Assessment that accompanied the application and the enclosed Acoustic Assessment which has been updated to reflect the revised rooftop area.

- ***Or if a rooftop deck was permitted it is recommended to be: reduced substantially to 250 sqm, be setback from roof edges by at least 3m, capped to a maximum of 75 persons, be for daytime use only or up to 8pm, and have a gapless 2m high glass acoustic barrier sufficient thickness.***

  The enclosed plans have been amended to incorporate a 2m glass acoustic screen to all sides of the roof terrace. The acoustic screen is also set back from the edges of the roof.

  The enclosed Acoustic Assessment prepared by Marshall Day has considered the future use of each roof top area for up to 350 people between the hours of 9am and 9pm.

  It is noted that occasions where up to 350 people may be located on the roof will be minimal and that the day-to-day use of these spaces will be limited to smaller class groups or for passive recreation during recess and lunch times.

  In relation to predicted noise from occupiers of the roof top area, the report takes into account the construction of acoustic attenuation measures including a 2m glass screen with a minimum surface density of 15kg/m^2. The assessment concludes:

  > *The predicted noise levels from the terraces are well below the patron noise design targets. This indicates that no impact is likely at the nearest residents.*

- ***It is also noted there are other recommendations in the acoustic report for further noise mitigation measures and use limitations for the proposal as a whole. We generally support these and request that these measures be endorsed as part of any permit issued.***

  Noted.

Overshadowing:

- ***The tall massing of the building, centrally located on the downward slope of the land does not appear to be site responsive. The 13-17m high form here would create a large shadow impact to the secluded POS of the rear dwelling at 29A Warrigal Road. This is their primary secluded open space as demonstrated on plans below. The proposal would be detrimental to the solar access and residential amenity of this property in the most appreciated afternoon hours at 3pm and beyond.***

Updated shadow diagrams are provided at TP501.The diagrams demonstrate that there will be no change to overshadowing of the adjoining properties at 29 and 29A Warrigal Road between 9am and 3pm on 29 September.

The proposed changes to the rear of the building reduce the shadow cast by the proposed building.

- ***As per the previous recommendation the building should be reduced in height to 2 storeys in the area of concern. It should be reduced to respond to the natural topography and be not more than 9.5 metres above NGL, i.e. to be the same scale as proposed near the Warrigal Road interface.***

  While the enclosed plans incorporate changes to the massing of the building that results in reduced height in some locations, we reiterate that this is an established school campus where taller buildings exist and where the proposed building is well set back from adjoining properties.

- ***A height reduction is also sought in order to limit the solar impact to the existing north facing habitable (living) rooms windows of the dwelling at 29A Warrigal Road, as shown from an endorsed plan.***

  Refer previous comments in relation to the reduced building height.
  The enclosed shadow diagrams depict no change to overshadowing of the adjoining properties.

Car Parking

Our Traffic Department request some changes and further considerations, as follows:

- ***There are some noticeable discrepancy between SIDRA analysis provided by the applicant and Council conducted analysis for Lucerne/Naples intersection based on the same data provided in the applicant's traffic report. Please refer to the appendix in this letter for details.***

  The enclosed updated Transport Impact Assessment prepared by One Mile Grid provides the following response:

  > *One Mile Grid has reviewed the SIDRA analysis provided by Council and has undertaken additional sensitivity checks in terms of traffic volumes, peak flow factors, and gap acceptance parameters. Each of these sensibility checks returned a lower level of utilisation and additional spare capacity compared the Council analysis.*
  >
  > *The assessment presented in this report adopts peak flow factors of 84% in the AM peak hour and 90% in the PM peak hour as observed in the turning movement counts undertaken at the intersection. As such the 'demand flows' assessed in the model are actually marginally higher than those that were analysed in the Council assessment.*
  >
  > *The analysis in this report utilises the 'Two Way Sign Control' gap acceptance calibration that is built into the SIDRA 9 software package, to calibrate critical gaps and follow up headways based on the geometry of the intersection. Additional checks have been undertaken utilising the gap acceptance parameters specified in the Austroads guide, and the model returned results comparable to those presented in this report.*

Without having the Council SIDRA model to review, it is not possible to determine where the differences between our model and the Council model lie. Nevertheless, it should be recognised that even when assessing the outputs of the Council model, it should be recognised that the intersection is shown to operate under excellent conditions in the AM and PM peak hours with minimal queues and delays to be expected.

- ***Based on Council's experience and community concerns raised in the past, the intersection of Lucerne Street/Naples Road causes the traffic to queue up along Naples Road northbound.***

  Refer above.

- ***Depending on the result of analysis required in item 1, it is strongly encouraged that the applicant considers a right turn bay on Naples Road into the proposed carpark to allow some queuing space for right turn vehicles without blocking the through traffic on Naples Road.***

  The enclosed updated Transport Impact Assessment prepared by One Mile Grid provides the following response:

  Based on the above, it is not considered necessary to provide a right turn lane along Naples Road as queues and delays are anticipated to be minimal.

  It is expected that there will be a minor increase in traffic volumes in the precinct as a result of the additional students, however overall volumes would be split between the car park access and the Naples/Lucerne intersection.

  As such it is expected that the right turn volume into the new car park would be less than the right turn volume currently experienced from Naples Road into Lucerne Street, which itself is expected to be reduced due to the provision of the new car park.

  Conservatively considering the Council analysis of the Naples Road / Lucerne Street intersection, there is currently a 95th percentile queue of 1.5 vehicles for the right turn movement from Naples Road onto Lucerne Street, which in turn results in an entirely reasonable 2.0 second average delay to the through movement on Naples Road. Similarly low levels of queueing and delay would be expected at the car park access.

- ***Traffic generation and distribution analysis is recommended to be conducted for the proposed carpark entrance and exit on Naples Road.***

  The enclosed updated Transport Impact Assessment prepared by One Mile Grid provides the following response:

  As above, the provision of the new pick-up/drop-off area is expected to divert traffic away from the Naples/Lucerne intersection.

  While the Lucerne Street pick up and drop off area will be retained, the provision of the new pick up and drop off area accessed from Naples Road is expected to draw existing traffic away from the Naples Road / Lucerne Street intersection.

  The intersection is expected to continue to operate under excellent conditions with an expected increase in performance as right turn volumes from Naples Road to Lucerne Street are anticipated to decrease.

Similarly, the proposed access is expected to operate under excellent conditions given the similar arrangement, further facilitated with a separated exit point.

- ***A SIDRA analysis is recommended for the Lucerne Street and Naples Road intersection future conditions.***

  The enclosed updated Transport Impact Assessment prepared by One Mile Grid provides the following response:

  > *As the new parking area will also divert traffic from the Lucerne Street pick up areas it is difficult to determine the exact impact that may occur.*
  >
  > *However, as traffic is to be diverted away from the intersection it is expected that it will continue to operate as existing or experience an improvement in performance.*

- ***Sight line splays are required at the exit of the carpark (it is noted this would be achieved if the building were setback 5 metres as previously recommended)***

  The enclosed updated Transport Impact Assessment prepared by One Mile Grid provides the following response:

  > *The building line is proposed to be positioned 2.5 metres back from the property boundary. The sight distance triangles for exiting vehicles are comfortably accommodated within the setback.*

- ***The accessible parking spaces should be increased to 5.4m long.***

  The enclosed updated Transport Impact Assessment prepared by One Mile Grid provides the following response:

  > *The proposed accessible parking spaces are provided with a length of 5.4 metres.*

It is noted that the application does not seek a reduction of parking, but instead provides 130 parking spaces, in excess of the 15 additional car parking spaces required for the 13 additional staff. This car park is supported should the above traffic management be resolved.

The updated plans now show a total of 84 car parking spaces which is still well in excess of the 15 car parking spaces required by the standard.

Your earliest consideration of this matter would be appreciated. If you have any questions, please contact Lucy Kolomanski of this office or the undersigned.

Yours sincerely,

Andrew Rodda