

ADVERTISED PLAN



Date

25 August 2021

To

Erin Baden-Smith
Manager Development Approvals and Design

Address

8 Nicholson Street
East Melbourne
VIC 3002

Sent

Via Email To: Development.Approvals@delwp.vic.gov.au
Cc: Georgia.Kay@delwp.vic.gov.au

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Dear Erin,

Planning Permit Application PA2101261

75 – 77 Naples Road, Mentone

We continue to act for Mentone Grammar School and refer to your letter dated 7th July 2021 requesting further information pursuant to Section 54(1) of the Planning and Environment Act 1987.

In response to the Department of Environment, Land, Water and Planning's (the Department) request and on behalf of our client we enclose the following:

- A Metropolitan Planning Levy (MPL) Certificate dated 10 August 2021;
- A legal opinion in relation to building height prepared by Gadens Lawyers, dated 10 August 2021;
- Copies of historical Planning Permits and associated endorsed plans relating to the Menton Grammar School campus;
- Amended Architectural Plans prepared by McIldowie Partners dated 22 July 2021;
- Acoustic Report prepared by Marshall Day Acoustics, dated 28 July 2021;
- Photographs and information relating to the historical use and development of the 'Bayview' campus;
- A copy of Certificate of Title for Lot 1 on Locality Plan 38127 and Lot 1 on Title Plan 224440;
- Cut and Fill Plans and Sections prepared by Taylor Thomson Whitting, dated 27 July 2021;
- Survey prepared by Reeds, dated 24 August 2021;
- A Tree Assessment Report prepared by McLeod Trees, dated 17 June 2021.
- Indicative rendered images of the proposal prepared by McIldowie Partners.

It is noted that the application material originally submitted did not include a copy of the Certificate of Title relating to the land at 29 Warrigal Road and 83 Naples Roads. A copy of this title is now enclosed and it is requested that the application be corrected to include these properties.

More specifically, our response is provided below.

Further information:

- 1. A copy of the Metropolitan Planning Levy certificate for the proposed development.**

A copy of the Metropolitan Planning Levy Certificate dated 10 August 2021 is enclosed.

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2. A technical assessment of whether the proposed building height complies with the Design and Development Overlay – Schedule 1, and whether the roof terrace and enclosed stair/lift landing areas are defined as a storey for the purpose of determining building height.

Please refer to the enclosed legal opinion provided by Gadens Lawyers. The advice contains the following Executive Summary of Findings:

- (a) *The building height of the proposed building shown in the attached application plans (Proposed Development) complies with the requirements of the Design and Development Overlay – Schedule 1 (DDO1).*
- (b) *The building must not be greater than 2 storeys' in height, calculated from the natural ground level to the roof or parapet at any point, with the term 'storeys' being used to refer to the number of apparent levels of a building.*
- (c) *A basement that protrudes no more than 1.2m above ground level is not a storey for the purposes of calculating the building height under DDO1. As no part of the basement within the Proposed Development will protrude more than 1.2m above the ground level at any point, it is to be excluded as a 'storey' for the purposes of determining the height under DDO1.*
- (d) *The enclosed stairwells, lift landings and skylight do not constitute a 'storey' for the purposes of calculating the building height under DDO1.*
- (e) *As the roof terrace has no 'ceiling' (in that the roof terrace opens directly to the sky), and in light of the purposes of DDO1, it is our view that the roof terrace is not a 'storey' for the purposes of calculating the building height under DDO1.*
- (f) *The proposed replacement building will measure at 16.610m AHD from basement floor level to the top of the glass balustrade at roof level and visually presents as a two storey building. As the basement, stairwells, lift landings and roof are not 'storeys' for the purposes of determining the height under DDO1, the height of the building from natural ground level comprises two storeys, being the ground floor and first floor.*

3. Additional details of the existing school land use, including:

a. Copies of any previous planning permits and endorsed plans / documents.

Please refer to the following table that provides a summary of previous planning permits that relate to the subject site. A copy of each of these permits are provided unless noted.

Address on Permit	Permit Number	Allows for...	Amended Permit	Amendment/s
5 -7 Lucerne Street (and part of 75 – 77 Naples Road	Ministerial Permit EFNC-2009003402	A copy of this permit was requested from DELWP but was unable to be retrieved from a physical file dues to COVID-19 restrictions.		
81 Naples Road	KP-681/2012 13 February 2013 (corrected 8 March 2013)	Use and development of the land for the construction of multi-purpose sports courts in association with an Education Centre	KP-681/2012 Secondary Consent Application	Consent provided under conditions 2 and 4 to vary hours and student numbers.

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			30 July 2013	
83 Naples Road	KP-84/2012 5 September 2012	Use the land for an education centre	17 August 2016	Secondary consent amendment to endorsed plans.
63 Venice Street (Performing Arts Centre)	KP-577/2014 9 April 2015	Develop the land for the Construction of a Performing Art Centre building associated with the existing Education Centre and display of advertising signage in a Design and Development Overlay Schedule 1	KP-577/2014A 12 October 2015 KP-577/2014B 12 January 2017	<ul style="list-style-type: none"> - Variation to conditions 4 and 5 to accurately reflect the Tree Protection Zone. - Associated inclusion of condition 7. - Renumbering of conditions accordingly including references to other conditions - Permit preamble to include 'Internal illumination' - Deletion of conditions 20 and 23 and conditions renumbered accordingly - Inclusion of conditions 25 to 29 - Internal illumination of approved signs - Relocated vehicle crossover and reconfigured entry gate and fencing to Como Parade West - Removal of existing tree
63 Venice Street	KP-260/2016 1 July 2016	Develop the land for the construction of an additional entrance to the existing school		
41 Warrigal Road	KP-773/2016 2 March 2017	Develop the land for the construction of buildings and works and removal of native vegetation	Secondary Consent Application 15 June 2018	Update to the external finishes of the Year 5 and 6 Learning Centre
87 Naples Road	KP-1001/2016 30 May 2018	Use of the land for the purpose of an Education Centre	KP-2016/1001/A 27 March 2020	Extended hours of operation and provision of additional staff car parking

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b. Any other approvals that relate to the school (e.g. a master plan).

An overall master plan is not required by the Kingston Planning Scheme and consequently has not been prepared.

c. The existing number of staff and students.

The existing number of staff and students that are accommodated within the current *Bayview Year 7 and 8* building are:

- 410 students; and
- 37 staff

d. Details of how long the school has been in operation on the subject site.

Mentone Grammar School has operated from the 'Frogmore' campus on Venice Street since 1923.

Specifically in relation to the 'Bayview' campus and location of the proposed works, the land has been occupied by Mentone Grammar since 1941. The former 'Bay View' homestead was first occupied by the school to accommodate boarding students before being utilised as part of the junior school campus.

The enclosed historical information provides further detail in relation to the evolution of the school use of the site.

4. A development summary including:

- a. Existing and proposed gross floor area of buildings.**
- b. Existing and proposed site coverage and permeability.**
- c. Existing and proposed car parking, bicycle parking, student and staff numbers**

Please refer to the enclosed plans prepared by McIldowie Partners dated 22 July 2021. The cover sheet at TP000 has been updated to include a development summary.

In relation to site coverage and permeability, it is noted that the 'Area of Works' has been defined by the scope of the construction works and does not reflect the overall site coverage of the campus.

In this regard it is useful to note that the change in permeable area, in real terms, comprises a decrease of 9sqm only (from 640sqm to 631sqm).

5. Further assessment of the proposed expansion of the school land use including the impact of the proposed increase to student and staff numbers, changes to vehicle and pedestrian movement to/from the site, and any other potential impacts of the proposal.

The proposal seeks to provide improved facilities for Years 7 & 8 students within a building that largely occupies a similar footprint to the existing building.

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In terms of increased student and staff numbers, please refer to the table below for anticipated student and staff numbers associated with Years 7 & 8, being the cohort that is to be accommodated within the proposed building:

Bayview - Year 7 & 8:	students	staff
current - July 2021	410	37
2024 (enrolment peaks)	600	45

Anticipated changes to vehicle movements to and from the site are concentrated around the proposed new car park and are described in more detail within the Transport Impact Assessment prepared by One Mile Grid.

In this regard we draw your attention to Section 7.3.2 of the Transport Impact Assessment which anticipates a total of 272 additional vehicle movements per day. The majority of these vehicle movements are already occurring within the local street network. The change in vehicle movements 'to and from' the site itself are a direct result of providing new car parking on the school campus itself.

In summary, the proposed car park will improve vehicle movements within the local street network by accommodating demand for car parking on school land, rather than 'on-street'.

Pedestrian movements to and from the site will marginally increase as a result of increased staff and student numbers and are anticipated to primarily relate to pedestrian movement to and from the Mentone Railway Station. This increase is anticipated to have limited impact on the surrounding area.

- 6. A copy of any level/relocation survey carried out by a licensed land surveyor showing:**
- Boundary occupation in relation to title boundaries.**
 - The location of buildings on the site (in the area of proposed works).**
 - The location of trees on the site (in the area of proposed works).**
 - Levels to Australian Height Datum (AHD).**
 - Existing site contours or spot levels at regular intervals and at significant grade changes relative to AHD.**
 - The difference in levels between the site and surrounding properties.**

Please refer to the enclosed Survey of the subject site prepared by Reeds and dated 24 August 2021.

7. Site and floor plans to show:

- a. The easement identified on the title.**

The enclosed plans have been updated to include the easement identified on the title.

- b. Clear delineation of title boundaries.**

The enclosed plans have been updated to provide a clear delineation of the title boundaries.

- c. The proposed vehicle ramps and transition grades.**

The Car Park plan with drawing number A101 have been updated to indicate the proposed vehicle ramps and transition grades.

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d. Location of secluded private open space of neighbouring dwellings.

Drawing number TP050 in the enclosed architectural plans prepared by McIldowie Partners dated 22 July 2021 has been updated to include the location of secluded private open space of neighbouring dwellings.

e. Clear delineation of the location and extent of cut and fill, including the area in square metres and clear detail as to how the cut and fill is to be managed (i.e. retaining walls including proposed finished levels at the top and toe of such walls, batters etc).

Please refer to the enclosed Cut and Fill plan prepared by Taylor Thomson Whitting dated 27 July 2021.

f. All levels to Australian Height Datum (AHD) or confirmation that levels are consistent with AHD.

The enclosed plans prepared by McIldowie Partners have been updated to depict levels to AHD.

g. Setbacks of columns from vehicle aisles.

The enclosed plans prepared by McIldowie Partners dated 22 July 2021 have been updated to include setbacks of columns from vehicle aisles.

8. Elevations to show:

a. Dimensions of proposed floor to ceiling heights.

The enclosed plans prepared by McIldowie Partners have been updated to include proposed floor to ceiling heights.

b. The line of natural ground.

The enclosed plans prepared by McIldowie Partners have been updated to include natural ground level where this can be shown, noting that natural ground level is different to existing ground level. Refer TP203, TP301 and TP302.

c. Incremental spot levels of natural ground.

The enclosed plans prepared by McIldowie Partners have been updated to include incremental spot levels of the natural ground level where possible, noting that these are based on historical information and are not based on survey levels.

d. Correct labelling. It appears that the south elevation of the car park and sport field area is erroneously labelled east elevation.

The enclosed plans prepared by McIldowie Partners have been updated to correct the East Elevation Title.

e. The east elevation of car park and sport field area.

Please refer to Drawing TP203 within the enclosed plans prepared by McIldowie Partners.

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f. Clear delineation of title boundaries.

The enclosed elevations have been updated to indicate a clear delineation of title boundaries, where these are visible and noting that the orientation and irregular boundaries of the site are not visible in all elevations.

g. The location and type of all external materials in colour with clear coding linking to the finishes schedule.

Drawing numbers TP205 and TP206 have been included to provide a clear colour coding of external finishes.

h. All levels to AHD or confirmation that levels are consistent with AHD.

The enclosed plans prepared by McIldowie Partners have been updated to depict levels to AHD.

i. Further detail of the extent and location of cut and fill, including the area in square metres and clear detail as to how the cut and fill is to be managed (i.e. retaining walls including proposed finished levels at the top and toe of such walls, batters etc).

Please refer to the enclosed *Cut and Fill* plan prepared by Taylor Thomson Whitting dated 27 July 2021.

j. The proposed car park and sport field in context of the Naples Road streetscape (including at least two properties either side of the subject site.

Drawing number TP204 has been included to provide the streetscape context of the proposed carpark and sport field from Naples Road.

k. Minimum and maximum dimensions of the basement level and the car park level above natural ground.

Drawing number TP203 has been included to indicate the minimum and maximum dimensions of the basement level and the car park level above natural ground level.

9. Elevations and section diagrams to show the incremental spot levels of natural ground, and existing and proposed ground levels.

The enclosed plans prepared by McIldowie Partners have been updated to include incremental spot levels of natural ground level, existing ground level and proposed ground levels where possible noting that natural ground levels are based on historical information and are not based on survey levels.

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10. Longitudinal section diagrams of the proposed car park showing vehicle ramp grades, transition grades, ramp and transition lengths, and spot levels at each change in grade.

Drawing number TP302 has been included in the enclosed plans depicting longitudinal sections of the proposed car park showing vehicle ramp grades, transition grades, ramp and transition lengths and spot levels at each change in grade.

11. Clarification as to whether properties at 29 and 29A Warrigal Road are used as dwellings.

The existing dwellings at 29 and 29A are owned by Mentone Grammar School and are currently used as dwellings.

12. Shadow diagrams depicting existing and proposed conditions amended to show:

- a. **Clear depiction of overshadowing from existing and proposed buildings, outbuildings, fences and other structures on the subject site and neighbouring sites.**
- b. **The location of any secluded private open space to any dwelling affected by shadow from the proposed development.**
- c. **The total area (square metres) of any secluded private open space to a dwelling affected by shadow from the proposed development.**
- d. **The total area (square metres) of existing shadow to any secluded private open space of a dwelling affected by shadow from the proposed development.**
- e. **The total area (square metres) of proposed shadow to any secluded private open space of a dwelling affected by shadow from the proposed development.**

The enclosed plans prepared by Mcildowie Partners dated 22 July 2021 have been updated to include shadow diagrams and the relevant amendments (drawing number TP501).

13. Details of the management and operation of the proposed car park including how queuing will be managed, particularly given proposed internal boom gates and use of the car park by both staff and visitors.

The proposed car park has been designed in a way that can accommodate queuing within the car park itself. Boom gates are provided to delineate between staff parking and visitor/pickup-dropoff parking and will be operated via an automated access system.

14. Acoustic report amended to address possible noise impacts of the rooftop terrace including amphitheatre, gardens, 'the Lookout', 'the Observation Deck', and seating areas.

The enclosed Acoustic Report prepared by Marshall Day Acoustics dated 28 July 2021 has been updated to address possible noise impacts of the rooftop terrace including amphitheatre, gardens, 'the Lookout', 'the Observation Deck', and seating areas.

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15. The town planning and urban context report amended to clarify whether a permit is required under Clause 52.17 of the planning scheme.

If a permit is triggered under Clause 52.17, please provide a clear and detailed analysis, including arborist advice, of how the proposal responds to:

- a. Clause 52.16 and/or Clause 52.17 as applicable.
- b. The Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).

A planning permit is not required to remove native vegetation pursuant to Clause 52.17.

Please refer to the enclosed Tree Assessment Report which states:

As the site exceeds 4000sq/m, Clause 52.17 – Native Vegetation applies to the site and subsequently permission and likely offsets will be required for the removal of Native vegetation, unless specified within the schedule to the Clause. All vegetation assessed within this report represent 'planted' vegetation, and therefore no permit is required pursuant to 52.17.

Preliminary Comments:

In addition to the above items, we provide the following response to Council's initial assessment:

- *The Department is concerned that the proposed building height may not comply with the mandatory requirements of Design and Development Overlay – Schedule 1. The proposed Bayview Building appears to have a maximum height of three storeys noting that the height of basement above natural ground level is not clearly dimensioned. The further information requested above will assist in clarifying whether the proposal complies with DDO1.*

Please refer to the enclosed legal opinion prepared by Gadens Lawyers.

- *The Department is concerned that the proposed car park and sports field may result in tall, sheer built form with minimal activation on the Naples Road boundary. This does not appear to respond to the neighbourhood character which includes street setbacks and buildings with entrances, windows and landscaping to Naples Road.*

The proposed car park and sports field is commensurate with the scale and form of buildings that can reasonably be expected within an education precinct such as the subject land.

This part of the subject land is located directly opposite another school campus (St Bedes College) which establishes a largely non-residential character opposite the site.

The proposed car park is set back 1m from the property boundary to allow for the establishment of landscaping that will soften the appearance of the building and provide an interesting and contemporary built form in this location.

Please refer to the enclosed rendered images prepared by McIlldowie Partners which provide an indication of the intended outcome for this part of the site. It is noted that the location of vehicle entries and buildings within the site have since been updated as reflected in the application material.

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- *The proposed crossovers would necessitate street tree removal which would be subject to separate review by Kingston City Council.*

This requirement is noted.

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,

A handwritten signature in black ink, appearing to read 'Andrew Rodda'.

Andrew Rodda

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