
235 - 273 VICTORIA STREET, WEST MELBOURNE
SECTION 72 AMENDMENT TOWN PLANNING REPORT
STAGE 1 & 2 SIMONDS COLLEGE REDEVELOPMENT

October 2021

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VERSION:	211026

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1.

INTRODUCTION

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This Planning Report has been prepared by Echelon Planning for Simonds Catholic College in support of a planning permit amendment application made under Section 72 of the *Planning and Environment Act 1987* for land at 235-273 Victoria Street, West Melbourne.

The purpose of the amendment is to introduce Stage 2 of the staged development through amending the masterplan and the conditions comprising planning permit PA2001055 and provide the floor plans, elevations and supporting specialist assessments.

The staged proposal involves the redevelopment of the existing school to facilitate an increase in student numbers. Broadly, this includes the demolition of three buildings and replacement with two along with a variety of other school improvement works including the additional of recreation areas.

This Section 72 amendment seeks to introduce **Stage 2** of the redevelopment of the school and follows on from the approval of Stage 1 with the issue of planning permit PA2001055 on 25 August 2021. The amendment will allow a new Building 2 to be constructed in replacement of the former Building B and C as well as site works improving landscaping a recreation areas.

The land is currently used as an Education centre and a Place of assembly, containing the St Mary's campus of the Simonds Catholic College, the St Mary Star of the Sea Church and an ancillary Presbytery that provides accommodation.

The staged proposal is to redevelop the existing Education centre through providing two new "state of the art" and purpose designed education buildings, removing dated infrastructure and refurbishing existing heritage buildings and open space areas. The result will be a leading education facility that will provide a first-class learning environment for an increased number of students that is both architecturally pleasing and highly functional.

The proposal has been carefully designed to respond and protect the sensitive southern residential interfaces and adjoining streetscapes. Impacts are considered negligible when considered against the School's current respectful interface treatments. The redevelopment is also highly responsive to the immediate West Melbourne area, which is characterised by high-value heritage buildings and streetscapes and contemporary forms.

While the re-development will improve on-site parking through providing a basement car park, the proposal is consistent with progressive approaches to commuting through encouraging alternative forms of transport. A significant increase in bicycle parking and end of trip facilities will be provided. Students and staff will continue to be encouraged to use the many convenient public transport options that service this highly accessible site, include bus, tram and train.

This Planning Report provides an assessment of the **Stage 2** proposal against the City of Melbourne Planning Scheme, including State and local planning policy, relevant planning strategies, and the applicable planning controls. Given that the proposal follows on from **Stage 1**, references to this stage and the accumulative effect of the development is recognised where appropriate to give a comprehensive appreciation of the development.

Echelon Planning have been in contact with the Department of Environment, Land, Water and Planning regarding the plans for the site and met initially with the City of Melbourne, and a pre-application meeting was held for the staged school redevelopment project on 1 October 2019.

The application is generally consistent to the advice provided by both DELWP and Council. The application is also responsive to the conditions contained in planning permit PA2001055. In the instances that permit conditions have been met by the Stage 2 proposal (and have also been met by Stage 1), we have requested their deletion.

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This report has the following structure:

- Section 2 provides a summary of the site context and background reports
- Section 3 provides a summary of the development proposal
- Section 4 provides a summary of the planning controls applying to the proposal
- Section 5 provides a summary of the relevant planning policies and strategies
- Section 6 considers the key issues of the application, including the decision guidelines and the appropriateness of the buildings and works, staging and access.

The permit application is supported by the following documents:

- Architectural plans illustrating the proposal prepared by Chandler (November 2021).
- Traffic Impact Assessment Report prepared by Ratio (October 2021).
- Waste Management Plan prepared by Leigh Design (August 2021)
- Environmental Sustainable Design Assessment prepared by SDC (November 2021)
- A copy of the title.
- A copy of planning permit PA2001055 with requested changes

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2.

SITE CONTEXT

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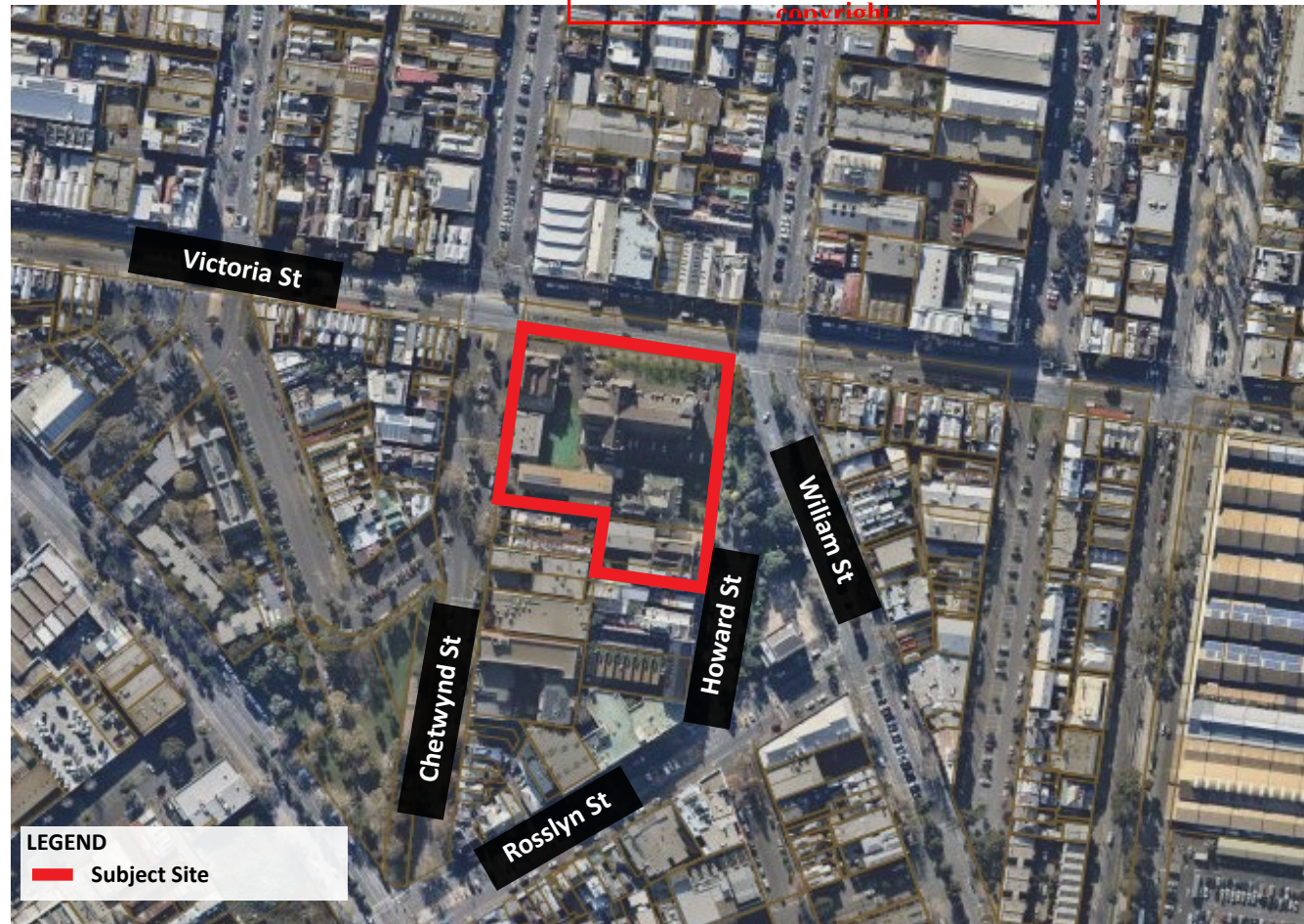
2.1 THE SUBJECT SITE

The subject site is located at 235-273 Victoria Street, West Melbourne and consists of three 'child' lots more formally identified altogether as Lot 1 on TP 582245P. The site is approximately 9,672.5 sqm in area, has an rectangular 'L' type shape, and slopes from east to west and north to south. The site has a northern frontage to Victoria Street of approximately 100m, an eastern frontage to William and Howard Streets of approximately 100m and a western frontage to Chetwynd Street of approximately 80m. It currently contains a number of buildings, including:

- St Mary Star of the Sea Catholic Church
- School Buildings A (Former Girls School), B (to be demolished), C (to be demolished), D (to be demolished), and E (Former Boys School)
- The Presbytery
- A garage

The site includes pedestrian access along its three street frontages. Pedestrian crossings are located at the intersections of Victoria and Chetwynd Streets, and Victoria, William, and Howard Streets. The site achieves an overall walkability score of 97, representing a 'Walker's Paradise', and a transit score of 100, meaning a 'Rider's Paradise' with 'world-class transport'.¹ Additionally, along Victoria and William Streets there are dedicated bike lanes.

On-street car parking is present in the form of metered parallel and perpendicular spaces on Chetwynd, Victoria, Howard and William Streets. These provide opportunities for student drop-off and pick-up.



CONTEXT PLAN
235-273 Victoria Street, West Melbourne

Figure 1. Context Plan

1 www.walkscore.com

The site is also readily accessible via public transport, particularly the 57 tram service which runs along Victoria Street, and the 58 tram service located on Peel Street. Bus stops servicing the 951 and 220 bus routes are also within 400m of the subject site. Flagstaff Train Station is within 800m of the site to the south.

The site currently contains two car parking areas, one accessible from Victoria Street (contains 10 formal and 7 informal spaces). A garage associated with the Church/Presbytery can currently be used for two spaces and there are 7 formal spaces associated with the Church. There are 6 informal spaces located in the vicinity of Building E.

There are currently 5 school staff bicycle spaces that are located on site. Two on-site school bus spaces are located to the south of Building E.

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2.2 SURROUNDING INTERFACES

The subject site is located within an area that contains a mix of commercial and residential buildings. The surrounding area also displays a medium density profile, and readily noticeable heritage character.

North

Land opposite the site on Victoria Street consists mainly of commercial businesses. At the north-western end of Victoria Street, land is occupied by a car dealership, and a retail store, both of which are single storey in height. The north-eastern end of Victoria Street is occupied by a three-storey office furniture business (with setback second and third storey levels of a contemporary design), a single-storey mechanics, and a mixed use three-storey building.



Image 1 (above left). Commercial businesses and multi-storey development opposite the school on Victoria Street.



Image 2 (above right). The Former Girls School (current Building A).

West

On the western side of Chetwynd Street, nearby the intersection of Chetwynd and Victoria Streets, the site faces a two-storey building (of heritage character), which accommodates a cafe on its ground-floor. Further south along Chetwynd Street, the site faces a row of double-storey terrace homes, the former site of Cardini Motor Co. (which has been repurposed as a two-storey building with a setback second level possessing a contemporary design) and two terrace houses.



Image 3 (above left). Two-storey heritage character building opposite the site on Chetwynd Street.



Image 4 (above right). Repurposed former site of Cardini Motor Co.

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South

The site possesses a particularly sensitive interface along its southern boundary and part of its internal western boundary (ie. the western boundary that does not abut the street). Building C abuts a row of double-storey terrace houses comprising 62-66 Chetwynd Street. An installation of solar panels are present on the roof of 64 Chetwynd Street. From south-west to immediate south, the site also abuts a computer repair business and Education centre for overseas students, which together occupy a three-storey building (of a contemporary character). The site's south-eastern portion is adjacent to three double-storey terraced commercial buildings and a service lane, and south, at the corner of Rosslyn and Howard Streets, land is currently occupied by a four-storey residential development under construction.



Image 5 (above left). Terrace houses abutting the school at its south-western boundary on Chetwynd Street, facing east.



Image 6 (above right). Two-storey terrace buildings and service lane at south-eastern boundary.

East

To the east, the site is bounded by both Howard and William Streets. Howard Street provides vehicle access to the presbytery and substantial on-street car parking. Land between Howard and William Streets and north of Howard Street to the immediate east of St Mary Star of the Sea Church is heavily landscaped. Opposite the site, on the eastern end of William Street, there are a mix of contemporary and heritage buildings, comprising a cafe, a commercial business, a single-storey residence, and a row of double-storey terrace homes. 369-381 William Street, which is a relevant consideration (refer to Section 3 of this report) is also located to the immediate south-east of the site.



Image 7 (above left). Mixed character and building heights opposite the school on William/Howard Street.



Image 8 (above right). 369-381 William Street.

The site also possesses a sensitive interface to its south-east with 13 Howard Street. However, this interface is considered less sensitive than the aforementioned interface on Chetwynd Street given that the neighbouring building in this case is built up to the boundary shared with the subject site. Further south are residential and commercial developments at 17 and 19 Howard Street and a three storey apartment complex at 7 Howard Street, which is approximately 21m from the subject site.

2.3 TITLE

The subject site comprises three lots which are owned by the Roman Catholic Trusts Corporation for the Diocese of Melbourne. The largest of these is more formally known as Lot 1 on TP 874082F (formerly known as part of Crown Allotment 9 Section I at West Melbourne City of Melbourne Parish of Melbourne North). The two smaller lots, situated within the south-east of the site, are TP 582245F and TP 946256Y. Refer to Appendix A for a copy of the title.

An easement is present along the subject site's southern boundary with 66 Chetwynd Street. This easement is more formally known as E-1. Its purpose is as a footway, and it is 155sqm in size. E-1 extends in an 'L'-shape up to the rear of 66 and 64 Chetwynd Street, and also abuts the subject site at the location of the existing Building D. Refer to Appendix A for the plan of subdivision indicating E-1.

There are no covenants or Section 173 agreements registered to the titles listed above. There is a notice signifying registration of the place under Section 47(2) Heritage Act 1995 (Register No. H2182 AG257980C 19/12/2008).

3.

THE PROPOSAL

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3.1 STAGED DEVELOPMENT PROPOSAL

The proposal is for the demolition of three existing school buildings (labelled on the masterplan as Buildings B, C and D) and replacement with two new buildings (labelled Building 2 and 3) as well as the refurbishment of Building A (labelled Building 1) and Building E (labelled Building 4).

Stage 1 Approval (Permit issued 25 August 2021)

The approval of **Stage 1** of the development through the issue of Planning Permit 2001055, which is yet to commence construction, allows:

- The construction of new Building 3
- Refurbishment of Building 4
- The removal of old Building C
- An additional 171 students and 19 staff,
- An increased provision of 38 additional bicycle spaces (bringing the total to 43 spaces).
- 1 additional formal car parking space accessed via Howard Street and removal of 5 informal spaces (bringing the total to 3 formal and 1 informal space accessed via Howard Street. No change occurred to the 10 formal and 7 informal spaces accessed via Victoria Street, or to the 2 bus spaces).

Stage 2 Section 72 Proposal (current proposal)

Stage 2 proposes the following new works:

- Construction of Building 2 in the general position of Buildings B and C, with a frontage to Chetwynd Street. The building includes 5 storeys (including one below ground level floor), a multipurpose roof terrace, numerous interactive learning, breakout and teaching spaces, a basement car, motorbike and bicycle park, roof solar panels and extensive landscaping.
- Retention of multiple parts of existing building fabric, including the heritage brick wall facade at the south-western corner of the site
- The creation of an internal connection between Buildings 1 and 2 at both ground and first floor level.

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- The provision of new recreational spaces and sports facilities (1,177.76 net gain in spaced realised).
- Removal of the ground level car park to the immediate east of existing Building A
- Provision of new fencing at the site's frontage to Victoria Street
- Provision of environmentally sustainable design elements such as a rainwater garden and 1000 L underground rainwater tank.

The proposal also entails the overall improvement of accessibility to and throughout the site, particularly for pedestrians and bicycles.

Ample bicycle storage facilities will be provided for staff and students, with 16 staff bicycle spaces (as well as end-of-trip facilities) to be provided within the basement car park, and of 36 spaces to be provided to students as part of **Stage 2**. This complements the existing provisions of 34 student bicycle spaces and 9 staff bicycle spaces as part of **Stage 1**, and will result in an overall provision of 95 spaces on site for the development.

The demolition works forming part of **Stage 2 a** are outlined on architectural plans TP18-TP25 and include:

- Full demolition of the existing double storey Buildings B and C.
- Demolition of existing single storey building adjoining Building C at its north-eastern corner.
- Demolition of part of the existing roof of Building A to allow connection between future Buildings 1 and 2.
- Demolition of the basement slab of existing Building B.
- Demolition of internal fabric of Building A to allow refurbishment, including stairs, a mezzanine level, walls and doors, joinery, toilets, and roller doors. A number of existing internal walls, windows, doors, and spaces will be retained, and demolitions will enable the creation of new openings and connections between spaces.

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Additionally, the proposal involves the following removals and reconstructions:

- The existing verandah on the south side of Building A will be dismantled during works and later reconstructed to ensure its preservation.
- The bluestone stairs on the north side of Building A will be disassembled and all materials carefully set aside to enable the stair to be rebuilt with a new DDA compliant ramp.
- Removal of the existing external non-heritage stair case on the east side of Building A.

A new toilet block will also be relocated from Buildings B and C and reconstructed in between Building 2 and the church.

New areas of landscaping will be introduced including new tree plantings and the retention of existing trees. The majority of the site is sealed and so new planting will generally take the form of above-ground planter boxes. The frontage of Building 1 will be landscaped through the planting of trees that will soften the frontage of the building. This landscaping will replace current hard surfaces. Additional landscaping will also be provided for Building 2 at its south-western corner adjacent to the basement car park, along its eastern boundary, via the roof terrace, and near the building's interface with the church near the centre of the school site. The latter will ensure that effective separation is achieved between the church and school activities.

The proposal includes the provision of multiple recreational spaces and sports facilities such as ball courts, playgrounds, open play areas, and a gymnasium, delivered across ground level and lower ground floor levels.

Waste storage and collection will be rationalised and improved. Waste collection will occur by a private contractor from Victoria Street (Bin areas 1 and 2 associated with proposed **Stage 2**) and Howard Street (Bin area 3 associated with approved **Stage 1**). Bin enclosures will be concealed by appropriate fencing from external views and waste will be stored in bins that will prevent litter from leaving the site or polluting stormwater.

Kerbside collection will occur from the Howard Street enclosure with bins being wheeled to the street and collection will be undertaken by a private contractor. Bins will be fitted with rubber wheels and collection will occur at appropriate times to prevent noise impacts. Refer to the Waste Management Plan prepared by Leigh Design (August 2021) for further details regarding waste management.

Loading and unloading activities are expected to be relatively minor given the Education centre use. This is proposed to continue to occur from abutting streets where negligible impact to traffic flow is expected (refer to the Ratio Traffic Impact Assessment (October 2021)).

3.3 EXPANSION OF THE EXISTING EDUCATION CENTRE USE

The Education centre use currently occurring at the site operates with 309 students and 42 staff. The **Stage 1** approval allowed this to increase to 480 students and 61 staff.

Proposed **Stage 2 now** seeks to increase this number to accommodate a peak number of 668 students and 69 staff. This will be achieved through constructing a highly efficient Building 2 in replacement of two relatively inefficient buildings and providing basement car parking and bicycle facilities.

3.4 BUILDING HEIGHT, FORM AND SETBACKS

The proposed Building 2 as part of **Stage 2** will have a building height of 14m, including the roof terrace, though excluding plant. The height of this building is appropriately subservient to the height and form of the St Mary Star of the Sea Church building. Additionally, this height is in keeping with the height of the new Building 4, approved to be delivered as part of **Stage 1**.

Proposed Building 2 is of a recto-linear contemporary design with recessed upper levels and glass facades (refer Architectural Drawing TP47 for the full materials schedule). Over its five storeys, the building will comprise a number of functions and facilities, including breakout spaces, science rooms, storage spaces, a dining/multipurpose space, food technology rooms, a kitchen, a canteen, a gymnasium, basketball courts, offices, a library, basement car and bicycle parking and multiple spaces for circulation.

Building form will be setback along the subject site's sensitive southern interface with 62-66 Chetwynd Street and a 2.25m and 3.43m wide easement for "foot-way purposes" that is located at the side of 66 Chetwynd and the rear of 64 and 66 Chetwynd Street and benefits 62 Chetwynd. The development maintains the existing 4.83m setback at first level between Buildings C to be removed and the easement. The second level is set back 9.06m (refer to TP13). TP10 shows that only a marginal additional protrusion into the current setback of Building C will occur.

Building form is also set back from Chetwynd Street at intervals maintaining the rhythm of setbacks from Building 1 to the row of dwelling at 62-66 Chetwynd Street (refer to TP11 and TP12). There is also pronounced separation between Building 1 and 2 to allow through views of the church from the west. TP12 and TP26 provide comparisons between the existing and proposed built form.

3.5 ACCESS, PARKING AND SERVICES

A proposed new/refurbished fence will be constructed around the subject site's western and northern boundary and separates the school grounds from fronting streets and the St. Mary Star of the Sea Catholic Church and presbytery. Black steel palisade fencing is to be utilised with a height not exceeding 1.5m where located on property boundaries.

The principal pedestrian access for staff, students, and all visitors to the school will be via Victoria Street and Building 1. A new crossover on Chetwynd Street will be constructed to enable access to the basement carpark of Building 2.

School drop-off will continue to occur on Chetwynd and Howard Streets as per current conditions and the approval for Stage 1.

Maintenance access will be provided by means of the existing service lane at the site's south-eastern boundary (also via Howard Street), again pursuant to Stage 1.

The basement car park constructed as part of **Stage 2** will cater for 23 cars, 2 motorcycles and 16 staff bicycle spaces. 10 formal and 7 informal at grade car spaces will be removed through converting the car park accessed from Victoria Street to a play area.

The 3 formal and 1 informal spaces located near Building 4 will remain along with two bus spaces. Therefore, 26 formal and 1 informal car spaces, 2 motorbike, 95 bicycle and 2 bus spaces will be provided following construction of **Stage 1 and Stage 2**.

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PLANNING CONTROLS

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4.1 ZONES

The site is entirely within the Mixed Use Zone (MUZ) for which there is a schedule (refer to **Figure 2**). The purpose of the MUZ is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Pursuant to Clause 32.04-9, a permit is required for buildings and works associated with a Section 2 Use which incorporates an Education centre. Decision Guidelines at Clause 32.04-14 direct the responsible authority to consider as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

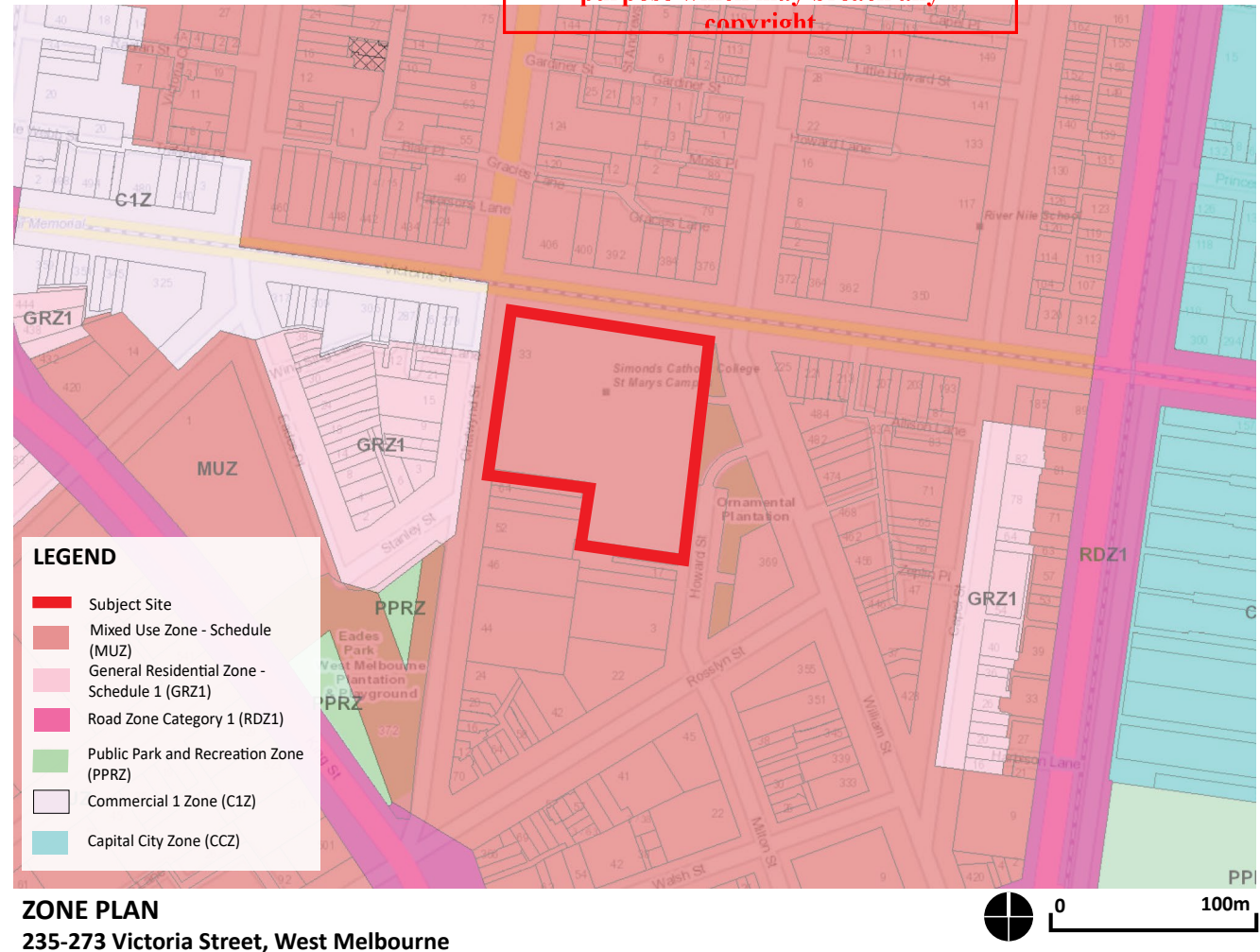


Figure 2. Zone Plan

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4.2 OVERLAYS

The site is subject to three overlays: the Heritage Overlay – Schedule 979 (HO979); the Design and Development Overlay- Schedule 32 (DDO32); and the Parking Overlay – Schedule 12 (PO12).

Figure 3 indicates HO979. St Mary Star of the Sea Church Complex is included in the Victorian Heritage Register as Heritage Place Number H2182. Additionally, the site's surrounding area is covered by HO3 – North and West Melbourne Precinct. As the Heritage Advice assessment prepared by GJM notes, HO3 is locally significant as a collection of buildings and places that illustrate a nineteenth century living and working place and is primarily residential in character (P.5).

Pursuant to Clause 43.01-3, a permit is not required to develop a heritage place which is included in the Victorian Heritage Register (with the exception of subdivision), as is the case for the proposal. Heritage matters are instead addressed as part of the State Government Heritage permit process. For the proponent, GJM have undertaken the required assessments.

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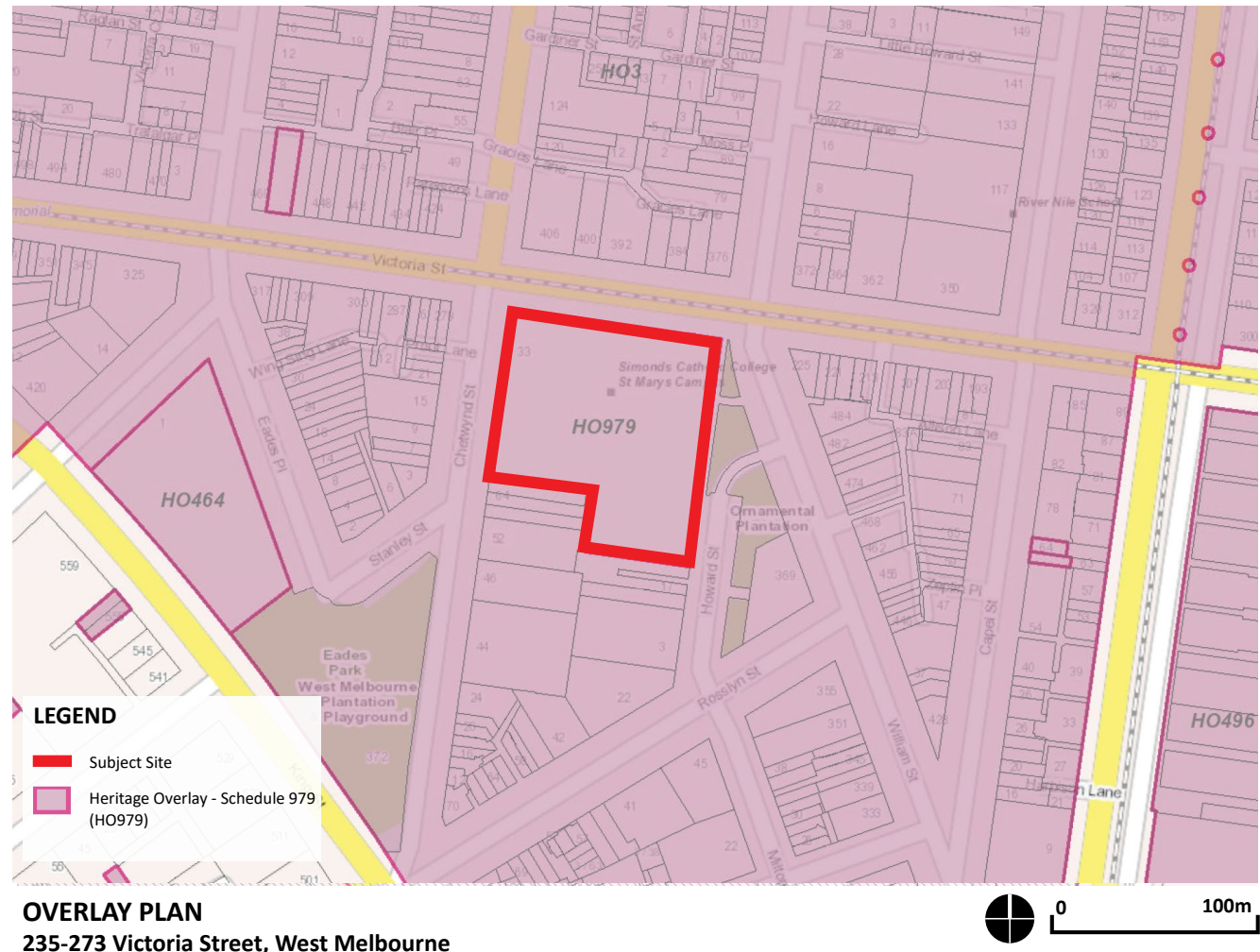


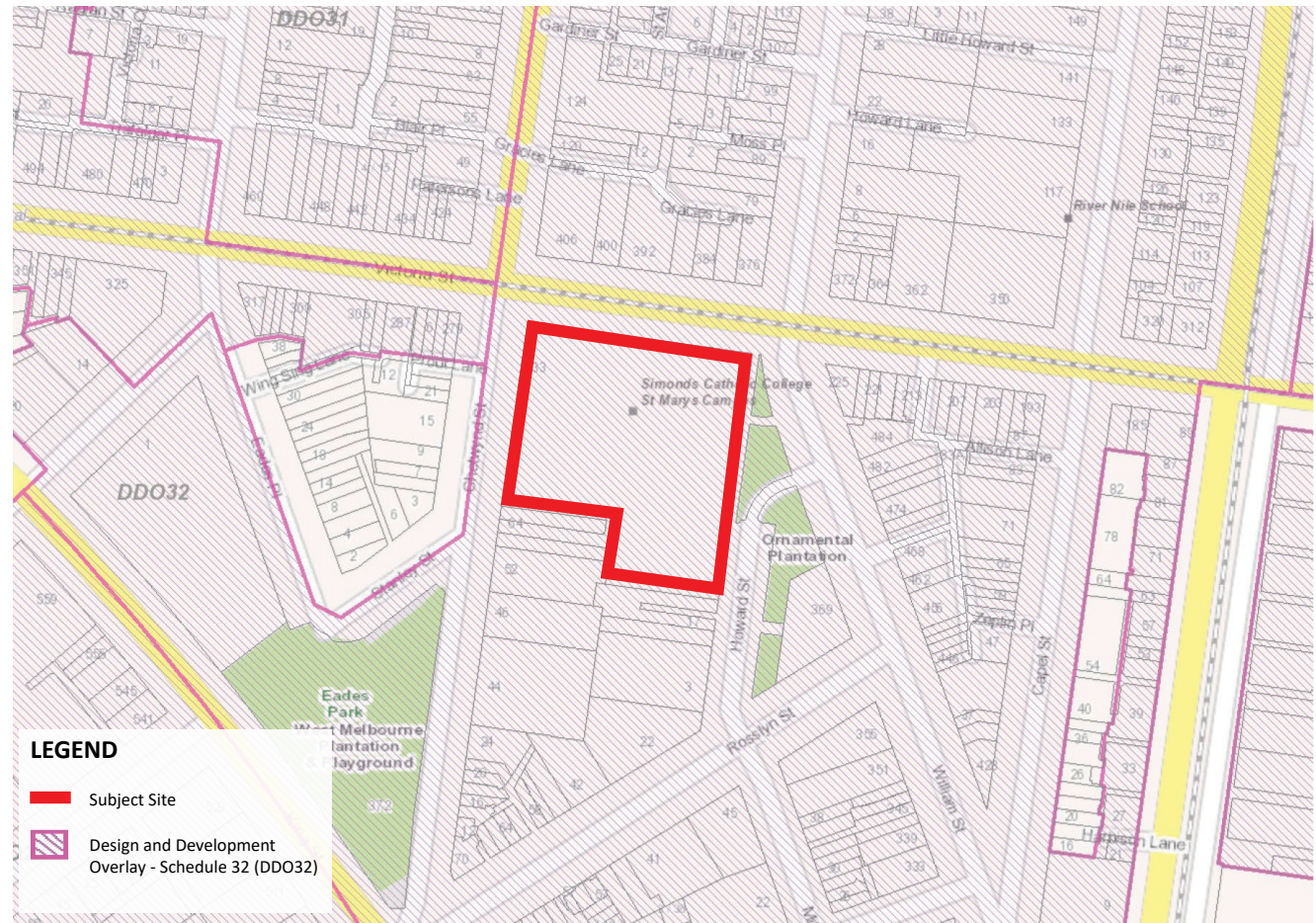
Figure 3. Overlay Plan 1

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Figure 4 shows the location of DDO32. The purpose of the DDO is to identify areas which are affected by specific requirements relating to the design and built form of new development. As per Clause 43.02-2, a permit is required to construct a building or carry out works. Key decision guidelines as at Clause 43.02-6 include:

- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.

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OVERLAY PLAN
235-273 Victoria Street, West Melbourne

Figure 4. Overlay Plan 2

Design objectives for DDO32 'North Melbourne Peripheral' include:

- *To maintain the predominant low scale nature of the area.*
- *To ensure that development retains views to significant landmarks.*
- *To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.*

In line with DDO32-2.0 – Building and works, an application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives and Built Form Outcomes of this schedule. These outcomes include:

- *New development respects existing built form especially low scale of the existing older building stock in the street.*
- *Development in streets with higher typical built form provides a transition in scale to the lower building forms.*

As per this schedule, a permit cannot be granted to vary the Maximum Building Height¹ of 14m.

¹ Building height is defined as: *the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.*

Additionally, in relation to Building height, DDO32 states that:

- *A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in the table, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.*

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The site is entirely covered by PO12 (see **Figure 5**).

Key purposes of the PO include:

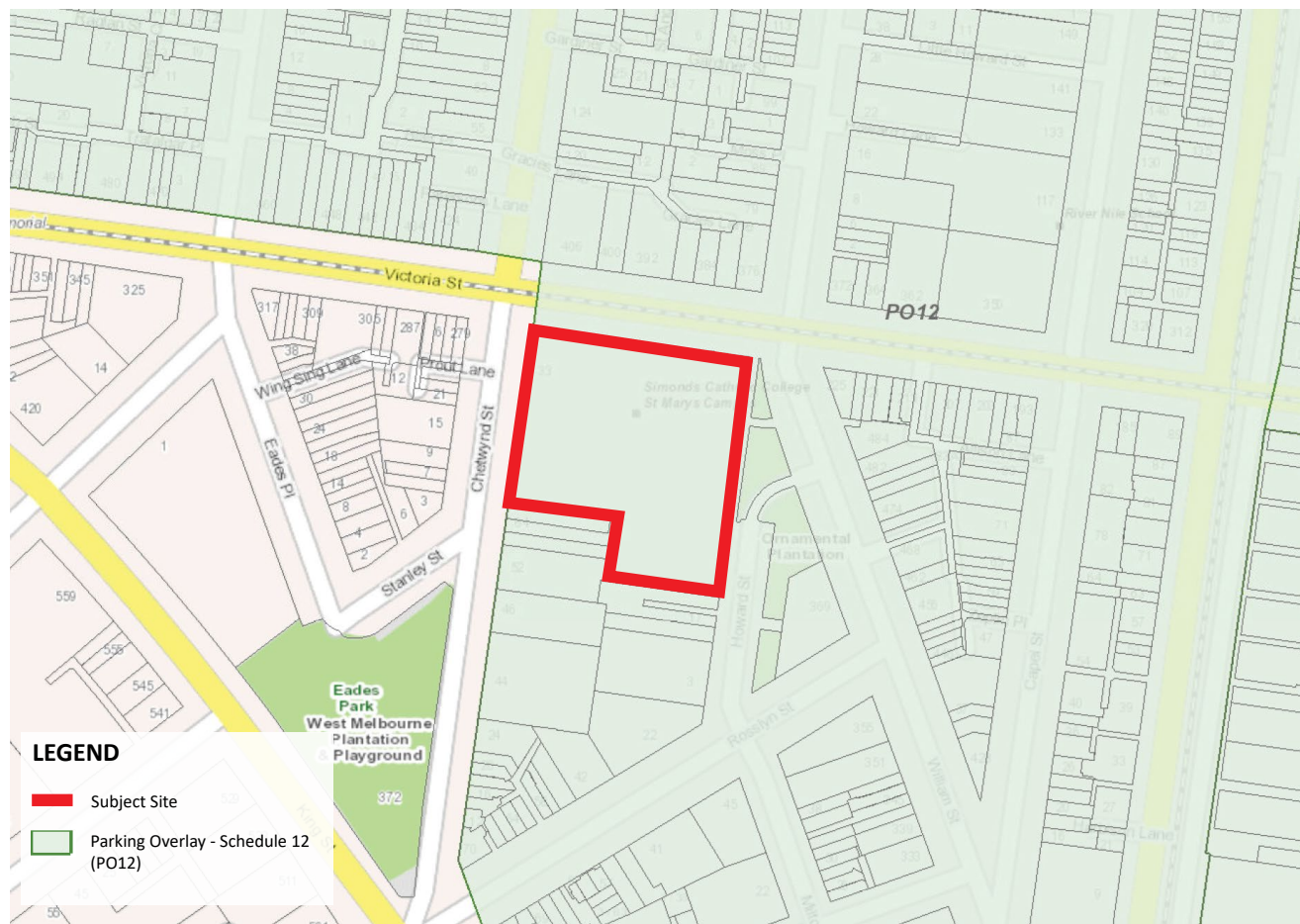
- To facilitate an appropriate provision of car parking spaces in an area.
- To identify areas and uses where local car parking rates apply.
- To identify areas where financial contributions are to be made for the provision of shared car parking.

Pursuant to PO12, parking objectives to be achieved include:

- To identify appropriate car parking rates for **residential development¹** in specific inner city areas of Melbourne.

PO12 hence carries no implication for the proposal given that it applies to residential development only.

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OVERLAY PLAN
235-273 Victoria Street, West Melbourne

Figure 5. Overlay Plan 3

1 Our emphasis.

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4.3 PARTICULAR PROVISIONS

The following Particular Provisions are relevant to the subject site:

Clause 52.06 – Car Parking

A Traffic and Transport Assessment has been prepared in support of **Stage 1 and 2** by Ratio (October 2021). This demonstrates that the proposal fully complies with the Melbourne Planning Scheme and Australian Standards for the provision of access and car parking spaces.

It is proposed to provide 23 car spaces within the new basement as per **Stage 2** and retain the 3 formal and 1 informal space near Building 4 as per **Stage 1** to cater for the 69 staff that will be present at any one time once the school is fully operational. This is an increase from 12 formal car spaces to 26 (ie. net increase of 14 spaces).

Given the assessment by Ratio calculates that 32 additional spaces are required to be provided by the proposal (refer to **Table 1**) and that just 14 additional spaces will be provided, a permit is needed for this reduction of 18 spaces pursuant to Clause 52.06-3.

It is also noted that 320 on-street car parking spaces are located within 200m of the site. There were never fewer than 37 publicly available spaces across the surveyed period undertaken by Ratio. Therefore, it is considered that ample spaces are located in close proximity to augment the on-site provision and can cater for drop-off and visitor parking.

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Some of the spaces directly fronting the site are subject to Council directed time restrictions, which will help to facilitate drop-off and pick-up activities. Consideration could be given to applying 2 minute parking restrictions in some instances during school drop-off (8am to 9:30am) and pick-up (2:30pm to 4pm) to ensure an adequate turn-over of space use.

Table 1. Statutory car parking requirements for the proposal prepared by Ratio (2020)

Stage	Students	Staff (assumed)	Car parking requirements
Existing	309	34	
1	+171	+13	+15
2 & 3	+188	+14	+17
Masterplan Total	+359	+27	+32

52.34 – Bicycle Parking

Based on the bicycle parking requirements of the Melbourne Planning Scheme, the staged development has a requirement to provide an additional 72 spaces for students (based on 359 additional students all being above year 4) at capacity and 1 additional space for staff (based on 27 additional staff) (refer **Table 2**).

Given that 95 bicycle spaces will be provided following the development of **Stage 1** and **Stage 2** (74 spaces for students and 21 spaces for staff), the development does not require a reduction under the clause.

Table 2. Statutory bicycle parking requirements for the proposal prepared by Ratio (2020)

Stage	Students	Staff (assumed)	Bicycle parking requirements (students)	Bicycle parking requirements (staff)
Existing	309	34		
1	+171	+13	+34	0
2 & 3	+188	+14	+38	+1
Masterplan Total	+359	+27	+72	+1

Clause 53.19 – Non-Government Schools

This provision was introduced on 4 December 2020 by VC180 and helps to “stream-line” the process for development of new, and the upgrade and expansion of existing, non-government primary and secondary schools.

The amendment introduces permanent provisions into all Planning Schemes which will strengthen policy support for the establishment and expansion of non-government schools and importantly adopt a fast-tracked planning permit process. The key elements of the proposed planning provisions are:

- *Applying a fast-tracked process to all nongovernment primary and secondary school applications.*

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- *Appointing the Minister for Planning as the Responsible Authority for new school applications and projects on existing schools with an estimated cost of \$3M or more.*
- *Introduces new State Policy Clause 19.02-2S (Education facilities) to support non-government school applications.*

As per Clause 53.19-2, an application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

On the basis that the proposed works are for the expansion of an existing non-government school and the cost of works exceed \$3M, the proposal falls under the Clause 53.19 provision and is to be lodged with DELWP for a decision by the Minister for Planning.

There is no opportunity for the planning application to be appealed to VCAT by a third party.

Clause 55.04 (ResCode) – Amenity Impacts

While having no statutory affect, this provision is useful in its capacity to provide guidance with regard to the sensitive southern interface of the site. Guiding subclauses and their objectives include:

- 55.04-1 – Side and rear setbacks.
 - *To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*
- 55.04-2 – Walls on Boundaries
 - *To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*
- 55.04-3 – Daylight to existing windows
 - *To allow adequate daylight into existing habitable room windows.*
- 55.04-4 – North facing windows
 - *To allow adequate solar access to existing north-facing habitable room windows.*
- 55.04-5 – Overshadowing of open space
 - *To ensure buildings do not significantly overshadow existing secluded private open space.*
- 55.04-6 – Overlooking
 - *To limit views into existing secluded private open space and habitable room windows.*
- 55.04-8 – Noise impacts
 - *To contain noise sources in developments that may affect existing dwellings.*
 - *To protect residents from external noise.*

4.4 OPERATIONAL PROVISIONS

Clause 72.01 – Responsible Authority for this Planning Scheme

Pursuant to Clause 72.01-1 – Minister is responsible authority, The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:

- *Primary school or secondary 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, if any of the following apply.*
 - *The estimated cost of development is \$3M or greater.*

Thus, as discussed in Section 4.3, should Clause 53.19 apply to the project, the Minister for Planning will be the Responsible Authority for the planning application. This means that the application will be assessed by the planners at the Department of Environment, Land, Water and Planning (DELWP) as opposed to at Melbourne City Council.

While Council will be referred to in order to seek their advice on matters such as traffic, ESD and drainage (for example), Council will not be the RA for this application.

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5.

PLANNING POLICY CONTEXT

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5.1 PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to guide development in a manner which benefits local communities and the wider region.

PLANNING POLICY FRAMEWORK

State policy seeks to ensure that Melbourne remains a thriving city by encouraging development which contributes to Melbourne's liveability, economic viability and provides benefits to the wider community.

The following State Planning Policies are relevant to the proposal:

- Clause 11 – Settlement
- Clause 15 – Built Form & Heritage
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 – Infrastructure

The key policy objectives which emerge from these include:

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*
- *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
- *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*
- *To ensure the conservation of places of heritage significance.*
- *To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.*
- *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*
- *To assist the integration of education and early childhood facilities with local and regional communities.*
- *To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.*
- *Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities*
- *Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).*
- *Consider the existing and future transport network and transport connectivity.*

Assessment of the proposal against these objectives is provided in Section 6.

LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) provides localised direction in relation to land use and development objectives within the municipality.

The LPPF includes the Municipal Strategic Statement, which sets out the vision, objectives and strategies for land use and development within the City of Melbourne and is supported by the Local Planning Policies, which provide specific policy requirements for a range of land use and development.

Policies considered relevant to the proposal include:

- Clause 21.06 – Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
- Clause 21.16 – Other Local Areas
- Clause 22.02 – Sunlight to Public Spaces
- Clause 22.05 – Heritage Places Outside the Capital City Zone
- Clause 22.17 – Urban Design Outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Storm Water Management

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The key policy directions which emerge from the Municipal Strategic Statement (MSS) and other LPPF relevant to the application are outlined below:

Clause 21.06 – Built Environment and Heritage

- To ensure that the height and scale of development is appropriate to the identified preferred built form character of an area (21.06-1 – Urban Design, Objective 4).
- In areas where the existing built form is to be retained, ensure development is designed to maintain the generally low scale and character of those areas (21.06-1 – Urban Design, Strategy 4.3).
- To conserve and enhance places and precincts of identified cultural heritage significance (21.06-2 – Heritage, Objective 1).
- Support the restoration of heritage buildings and places (21.06-2 – Heritage, Strategy 1.2).
- Maintain the visual prominence of heritage buildings and landmarks (21.06-2 – Heritage, Strategy 1.3).
- Protect the scale and visual prominence of important heritage buildings, landmarks and heritage places (21.06-2 – Heritage, Strategy 1.7).
- To create an environmentally sustainable urban environment with reduced greenhouse emissions (21.06-2 – Sustainable Development, Objective 1).
- Support on-site renewable and low emission energy generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems in new developments (21.06-2 – Sustainable Development, Strategy 4.3).

Clause 21.08 – Economic Development

- To encourage employment opportunities for local residents (21.08-2 – Business, Objective 2).
- Encourage a diversity of small to medium enterprises in the Capital City, Docklands, Commercial and Mixed Use Zones (21.08-2 – Business, Strategy 2.1).
- To support education, medical and research activities (21.08-5 – Knowledge Precincts, Objective 1).
- Manage the off-site impacts of education and research facilities such as car parking and traffic to protect the character and amenity, (including visual amenity) of adjoining areas (21.08-5 – Knowledge Precincts, Strategy 1.6).

Clause 21.09 – Transport

- Encourage development in locations, which can maximise the potential use of public transport (21.09-1 – Integrated transport, Strategy 1.2).

Clause 21.10 – Infrastructure

- Support primary, secondary and tertiary education facilities, whilst protecting the amenity of Residential and Mixed Use zoned areas and the heritage values of areas with cultural heritage significance, consistent with the local amenity (21.10-3 – Education facilities, Strategy 1.1).
- Support the provision of facilities and services for students and researchers. (21.10-3 – Education facilities, Strategy 2.2).

Clause 21.16 – Other Local Areas

- Maintain lower scale streetscapes in other parts of West Melbourne and North Melbourne. Ensure that development is sympathetic to the architecture, scale and heritage character of the lower scale areas (21.16 – North and West Melbourne, Built Environment and Heritage).
- Ensure infill redevelopment and extensions complement the architecture, scale and heritage values of the residential area, especially where it is in a Heritage Overlay (21.16 – North and West Melbourne, Built Environment and Heritage).
- Support the ongoing operation and establishment of small to medium enterprises and businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zone of North and West Melbourne adjacent to the Hoddle Grid (21.16 – North and West Melbourne, Built Environment and Heritage).
- Support light and service industry in the Mixed Use Zone in North and West Melbourne (21.16 – North and West Melbourne, Built Environment and Heritage).

Clause 22.02 – Sunlight to Public Spaces

- To ensure new buildings and works allow good sunlight access to public spaces.
- To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.

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Clause 22.05 – Heritage Places Outside the Capital City Zone

- *The facade height and position should not dominate an adjoining outstanding building in any streetscape, or an adjoining contributory building in a Level 1 or 2 streetscape. Generally, this means that the building should neither exceed in height, nor be positioned forward of, the specified adjoining building. Conversely, the height of the facade should not be significantly lower than typical heights in the streetscape. The facade should also not be set back significantly behind typical building lines in the streetscape.*
- *The height of a building should respect the character and scale of adjoining buildings and the streetscape. New buildings or additions within residential areas consisting of predominantly single and two-storey terrace houses should be respectful and interpretive.¹*
- *Ensure the height of buildings relate to the prevailing patterns of height and scale of existing development in the surrounding area; and reduce unacceptable bulk in new development.*

¹ Respectful and interpretive refers to design that honestly admits its modernity while relating to the historic or architecturally significant character of its context. 'Respectful' means a design approach in which historic building size, form, proportions, colours and materials are adopted, but modern interpretations are used instead of copies of historic detailing and decorative work. 'Interpretive' means a looser reference to historic size, form, proportions, colours, detailing and decoration, but still requires use of historic or closely equivalent materials (22.05 – Definitions of Words Used in the Performance Standards)

Clause 22.17 – Urban Design Outside the Capital City Zone

- *To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.*
- *To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area. To reduce unacceptable bulk in new development.*
- *To ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility.*
- *To ensure that building design including the use of materials and activities at the ground floor frontages of buildings creates and improves pedestrian interest and engagement.*
- *To ensure that development includes architecturally integrated building tops.*
- *To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.*

There are additionally relevant detailed policy considerations for each of the following categories:

- Scale
- Context
- Building height
- Building bulk

- ~~Street level frontages~~
- Fronts and backs of buildings
- Building tops
- Visible facades and blank walls
- Pedestrian Connect and Vehicle Access
- Building projections
- Protection from wind and rain
- Landscape.

Clause 22.19 – Energy, Water and Waste Efficiency

This clause provides guidelines to ensure that the design, construction and operation of buildings and urban renewal areas:

- *Minimise the production of greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water use and encourage the use of alternative water sources.*
- *Minimise waste going to landfill, maximise the reuse and recycling of materials and lead to improved waste collection efficiency.*

Additionally, pursuant to Clause 22.19-5, it is policy to assess an education centre of more than 5,000sqm against:

- *Same minimum energy, water & waste requirements as buildings over 2,000 square metres plus 5 star rating under a current version of Green Star - Education rating tool or equivalent.*

These requirements are:

- Energy Efficiency: 5 points for Ene-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
 - Water Efficiency: 3 points for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Education rating tool or equivalent.
 - Waste Efficiency: A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans.
- Total Phosphorus - 45% retention of typical urban annual load
 - Litter - 70% reduction of typical urban annual load.
 - To promote the use of water sensitive urban design, including stormwater re-use.
 - To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.
 - To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.
 - To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

Clause 22.23 – Storm Water Management

This policy applies to both new buildings and to extensions to existing buildings which are 50 square metres in floor area or greater. Policy objectives include:

- To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).
- Currently, these water quality performance objectives are:
 - Suspended Solids - 80% retention of typical urban annual load
 - Total Nitrogen - 45% retention of typical urban annual load

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5.2 RELEVANT PLANNING STRATEGIES

Plan Melbourne 2017-2050 (2017)

Plan Melbourne was released by the Victorian Government in March 2017. It is a 35 year blueprint for the future growth of Melbourne. It envisages that Melbourne will grow to a city of close to 8 million people by 2050.

A purpose of the plan is to address Melbourne's infrastructure, housing, employment and environmental challenges with an integrated approach to planning and development that includes land use, transport, and social and community infrastructure.

The need to manage the projected growth of Melbourne's school-age population is cited as a key future challenge for the city. Direction 3.1 'Transform Melbourne's transport system to support a productive city' includes Policy 3.1.6, which aims to:

- *Locate schools and other regional facilities near existing public transport and provide safe walking and cycling routes and drop-off zones.*

Local schools are additionally a key facet within Direction 5.1 'Create a city of 20-minute neighbourhoods.'

Urban Design Guidelines (2017)

The State Planning Policies reference the Urban Design Guidelines at Clause 15.01 – Urban environment as Policy Guidelines that must be considered as relevant.

Issues covered by the Guidelines, such as building form, amenity and public space, are assessed in detail under DDO32. For this reason, this report does not provide an assessment of the proposal against the Guidelines.

West Melbourne Structure Plan (2018)

The West Melbourne Structure Plan (SP) was endorsed by the Future Melbourne Committee in 2018. The SP seeks to retain West Melbourne's heritage and characterful buildings whilst accommodating future population growth, diverse uses, and allowing the suburb to evolve as a counterpoint to the central city. The SP identifies five distinct places.

The subject site is within the Historic Hilltop place (see **Figure 6** overleaf), which is identified as *a distinct area based on its high value heritage, small allotment sizes, predominantly residential character, topography and relationship to North Melbourne* (P.125).

Key considerations for Historic Hilltop outlined by the SP include:

- Current built form controls in this area will remain as existing.
- New buildings will be subject to a maximum building height of 14m, in the interest of maintaining the predominant low scale nature of the area and to ensure that development retains views to significant landmarks.
- Development should respond positively to important interfaces such as:
 - Howard and William Streets Reserve in order to positively frame the open space and contribute to their sense of place.
 - Along Victoria Street, in order to provide active uses and coherent, well-designed streets connecting to North Melbourne and the Queen Victoria Market.

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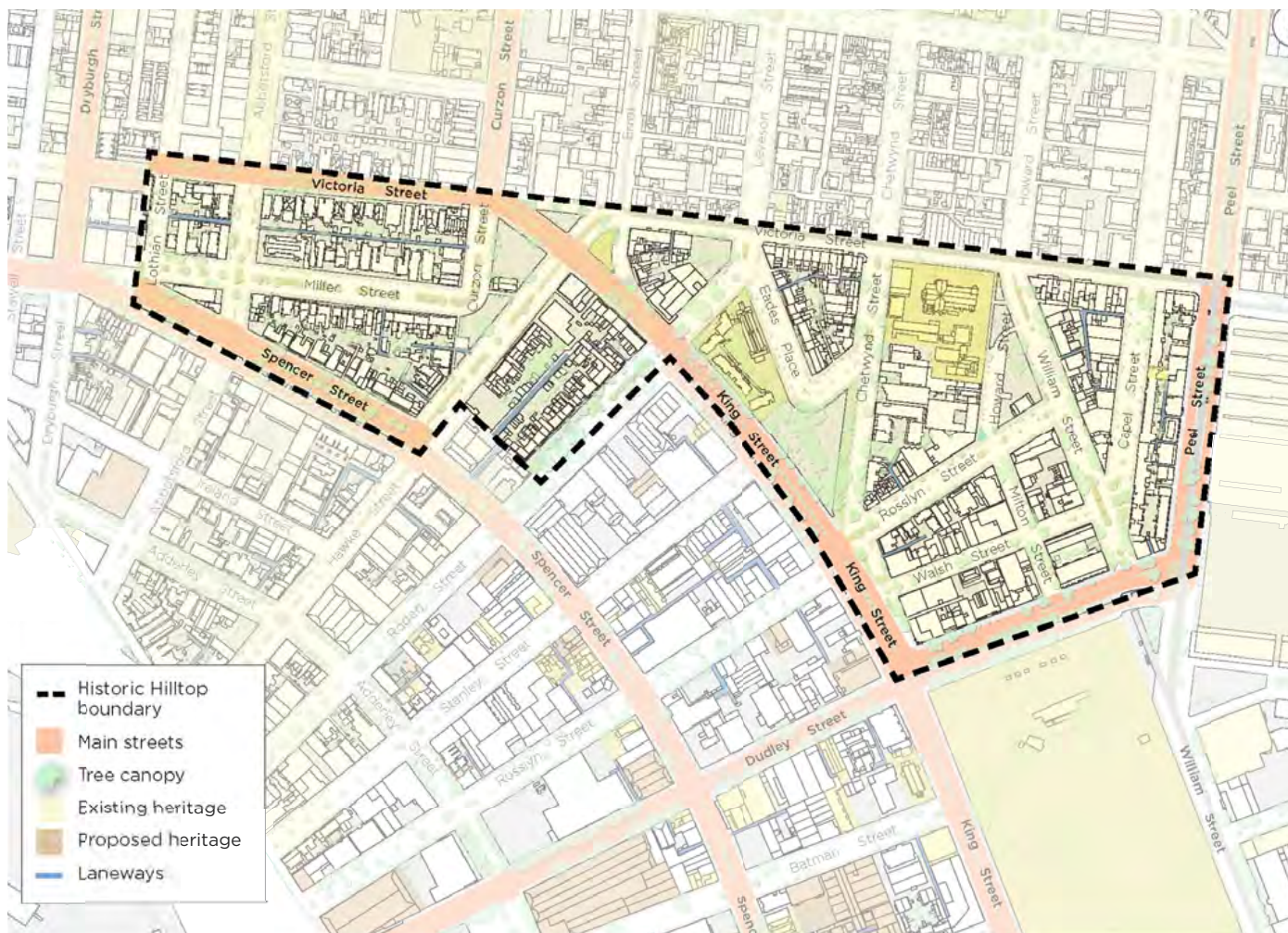


Figure 6. Location and characteristics of Historic Hilltop (P. 125 of SP).

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6.

ASSESSMENT

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6.1 ASSESSMENT UNDER THE PLANNING POLICY FRAMEWORK

STATE PLANNING POLICY FRAMEWORK

The proposal achieves a high level of compliance with the applicable State Planning Policies, particularly those seeking to provide high quality education facilities, community benefits, and integrated land uses. The following outcomes are realised by the proposal:

- By consolidating and enhancing existing educational infrastructure, the proposal exemplifies sustainable development and enables the school to expand its student numbers, functionality, and level of services.
 - Proposed building and works enhance the safety, vitality and functionality of the school, whilst simultaneously preserving the site's sense of place and cultural identity through a careful contextual design approach.
 - New buildings complement the evolving and diverse design character of the surrounding area, and enhance the existing public realm along the site's frontages to Victoria, Chetwynd, Howard and William Streets.
 - The proposal recognises, supports, and protects the existing neighbourhood character of the area and site through observing appropriate setbacks, building heights, and contextual and complementary materials. This is further achieved by the retention of the existing heritage brick wall facade at the south-western corner of the site as part of the new Building 2.
- The proposal is respectful of the site's recognised heritage values. Appropriate setbacks have been adopted between new development and the St Mary Star of the Sea Church and the Presbytery buildings.
 - Careful consideration has been given to the interface between new development and the church, and proposed additional landscaping and open space is intended to achieve effective separation between school and church buildings.
 - The extensive provision of refurbished and new classrooms as well as a range of indoor and outdoor learning areas allows the school to support innovation and the knowledge economy.
 - The proposal facilitates an increase in the offer and amenity of existing educational infrastructure at a location well-served by public transport and accessible to a large population catchment that can walk or arrive by bicycle.
 - The proposed additions and refurbishments deliver essential education facilities for the surrounding community in a timely and efficient manner given West Melbourne's projected population growth.

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LOCAL PLANNING POLICY FRAMEWORK

The proposal similarly achieves a high level of compliance with the relevant Local Planning Policies, as evidenced by the following:

Clause 21.06 – Built Environment and Heritage

- The height and scale of the proposed new building is appropriate in view of both the preferred low-scale built form character of the area, the heights and scale of existing buildings neighbouring the site and existing built form located on the site to be retained.
- Restoration works will help to enhance the offer and functionality of Building 1, and proposed removals and reconstructions will ensure that key elements of the building's character are preserved in the process of redeveloping the school.
- Building 2 is consistent with the scale of heritage places on site as well as the site's sensitive southern interface, particularly through adopting appropriate setbacks, sensitive architectural design, materials and colour selection, and by observing the maximum building height of 14m.
- As outlined in the assessment prepared by Sustainable Design Consultants (Nov 2021), the proposal creates a highly sustainable urban environment through numerous ESD measures.

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These measures include the use of a rainwater tank and raingarden, solar PV cells, energy efficient water, heating, cooling and lighting systems, and passive design principles.

Clause 21.08 – Economic Development

- The proposal will increase the school's infrastructure and capacity, supporting the provision of local employment opportunities in West Melbourne.
- The use and redevelopment of the site as a high quality educational facility ensures that the Mixed Use Zone continues to accommodate a range of diverse enterprises.
- Proposed refurbishments and additions allow the continuance of education on site and provide improved educational resources.

Clause 21.09 – Transport

- The proposal consolidates and enhances existing infrastructure, thus allowing an increase to future student numbers, and in this way maximises the subject site's proximity to convenient tram and bus services.
- As noted in Section 4.3, the proposal closely considers the potential impacts of the planned refurbishments and additions on on-street car-parking and traffic.

The modest additional traffic generated will not cause unacceptable impact to the surrounding area as detailed in the Ratio Traffic Impact Assessment supporting the proposal.

The facility will actively to encourage alternative modes of transport including walking, bicycle (90 additional spaces plus end of trip facilities are proposed) and public transport (again noting site's Walkability Score (97) and Transit Score (100)).

Clause 21.10 – Infrastructure

- New additions such as the expansive rooftop terrace and new science rooms as part of Building 2 provide students and teachers with high quality interactive learning facilities.

Clause 21.16 – Other Local Areas

- The proposed new Building is sympathetic to and closely observes the lower scale streetscape of the surrounding area.
- The scale and form of additions and refurbishments are sympathetic to and do not overwhelm neighbouring residential properties, such as the terrace homes located on Chetwynd and William Streets, and are appropriately subservient to the significant heritage fabric both on site and in adjacent streets.

• In its consolidation and enhancement of an existing education facility, the proposal supports the ongoing operation of a medium enterprise providing professional and educational services to the Capital City Zone within the Mixed Use Zone of West Melbourne.

In this way the proposal additionally supports the continuance of light service industry within the Mixed Use Zone of West Melbourne.

Clause 22.02 – Sunlight to Public Spaces

- As Architectural Drawings TP56-TP62 illustrate, the proposal will continue to allow public spaces excellent access to sunlight, particularly surrounding St. Mary Star of The Sea Church and in the garden areas of and abutting the site.
- The new Building 2 will create additional overshadowing, however as the architectural plans show, this will be minimal, particularly on and around pedestrian spaces.

Clause 22.05 – Heritage Places Outside the Capital City Zone

- The facade height and position of the proposed new Building 2 is subservient to the two buildings with heritage significance on site, as shown by Architectural Drawings TP09, TP11, TP13, and TP26.

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Whilst some features of Building 2 will exceed the height of heritage elements such as the presbytery, as Architectural Drawings TP14, TP47-50, & TP53 demonstrate, its facade height, positioning and scale are such that both these heritage elements and refurbished buildings (namely Buildings 1 and 4) will continue to be the most visually prominent elements from the site's frontages on Howard and Victoria Street, and of equal visual prominence with the new Building 2 from the site's frontage on Chetwynd Street.

Further, Building 2 is appropriately subservient to the facade height, position and scale of the St. Mary Star of the Sea Church. While a building of modern architectural design, it is considered highly contextual and responsive so that it sits harmoniously within the existing built form and character of the school and neighbouring/adjacent streetscapes. Proposed additional landscaping and fencing at the interface between the church and Building 2 will further ensure that the visual prominence of the church within the school site is effectively preserved.

- The height of Building 2 is in keeping with the varied building heights present along Victoria, Chetwynd, and Howard Streets. Setbacks adopted at the site's southern interface with 62-66 Chetwynd Street ensure that development is sympathetic to the low-scale character of these residences.

The bulk of the proposed new building is acceptable in view of these and other setbacks (refer TP11-TP13), as well as the varied character of the surrounding area.

Clause 22.17 – Urban Design Outside the Capital City Zone

- The scale, siting, bulk and massing of Building 2 represents a modest increase from the existing school buildings. However, this increase is not incongruous to the scale, siting, bulk and massing of nearby and adjoining building form, and is thus complementary to the streets-capes of Victoria, Chetwynd and Howard Streets.
- The retention of the heritage brick wall facade and an accompanying setback to this as part of Building 2's design will further ensure that the building's form and scale sit harmoniously within the existing street-scape and maintain (to a degree that is appropriate) existing viewlines.
- The overall design is of a suitably high quality given the prominent hilltop location occupied by the subject site. The new building makes use of and enhances the subject site's amenity, and ensures that the site's existing landmarks retain their visual prominence from afar.

- Proposed building design will create accessible, functional, and enjoyable pedestrian spaces at ground level frontages. The use of open and glass facades at ground level will further facilitate activation, interaction, and interest.
- Building roof forms are well-integrated with the building facades in terms of design, materials, and setbacks.
- As Architectural Drawings TP36-TP41 & TP47-TP53 illustrate, the proposed design ensures that all visible facades and view corridors are visually interesting, and contribute positively to the public realm.

Clause 22.19 – Energy, Water and Waste Efficiency

- The proposal will maximise energy efficiency on-site whilst minimising potable water usage and the production of greenhouse gas emissions. Hot water will be provided via electric instantaneous systems, minimising heat distribution losses.

Buildings will be heated and cooled by means of highly energy efficient air-conditioning systems. On-site water and energy systems will be one star within best available. Additionally, the use of efficient fittings, fixtures, the rainwater tank, raingarden, and water sensitive landscaping will ensure that the development reduces its potable water usage.

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6.2 ASSESSMENT AGAINST RELEVANT STRATEGIES

Plan Melbourne 2017-2050

- The proposal responds to key issues identified within the strategy, such as population growth, integrated land use, and consolidation of existing infrastructure, and strengthens opportunities for '20-minute neighbourhood' living in West Melbourne.
- In view of Policy 3.1.6, the proposal facilitates an existing school to capitalise on its advantageous location close to existing public transport, and provide safe walking and cycling routes, as well as convenient drop-off zones.

West Melbourne Structure Plan

The proposal responds to the stated objectives of the West Melbourne Structure Plan (WMSP) by:

- Enabling an existing education facility in West Melbourne to respond to projected future population growth through expanding.
- Consolidating and enhancing existing infrastructure and facilities.
- Enabling a diverse land use in the Mixed Use Zone to continue to remain viable through upgrading and improving facilities.
- Contributing to the evolution of West Melbourne as a counterpoint to the CBD.

In response to the key considerations of the WMSP, the proposal achieves the following:

- The proposed new buildings observe the maximum building height of 14m for the parts of the Historic Hilltop precinct subject to the DDO32, and maintain the prominence of the St Mary Star of the Sea Church, as well as existing viewlines to other significant landmarks.
- The proposal maintains the school's principal entry from Victoria Street and enhances the amenity and accessibility of this entrance. The important heritage contribution that existing buildings provide to Victoria Street will be protected.

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6.3 ASSESSMENT AGAINST RELEVANT CONTROLS

Clause 32.04 – Mixed Use Zone

In view of the stated purposes and decision guidelines of the MUZ, the proposal achieves the following:

- The proposal implements the objectives and policies of the Municipal Planning Strategy and the Local Planning Policy Framework, particularly those aimed at maximising sustainable transport modes, consolidating existing infrastructure, and respecting neighbourhood character.
- By increasing the capacity and amenity of the existing school facility, the proposal allows this area of West Melbourne to continue to provide for a high quality mixed-use function.
- Proposed development is sympathetic to both the existing low-scale character of the surrounding neighbourhood, as well as the preferred low-scale but mixed character sought by the West Melbourne Structure Plan. Building 2 observes the height, scale, bulk, and massing of surrounding residential and non-residential buildings, whilst enabling a diverse use in the MUZ to be consolidated and enhanced.
- As the Architectural Drawings TP55-TP61 (September Equinox Shadow Study) demonstrate, no overshadowing of the solar panels present on 62 and 64 Chetwynd Street will occur.

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Overshadowing to neighbouring properties will occur only to a minor extent above that currently occurring from school related development and only for small periods. The impacts are considered to be wholly acceptable.

It is noted that the approved second storey additions for 66 Chetwynd may nullify any overshadowing caused by the school proposal to 64 Chetwynd.

Clause 43.02 – Design and Development Overlay

Pursuant to the guidelines of DDO32, the proposal achieves the following:

- Although the new building adopts a contemporary style that departs from both the two heritage places on site and surrounding residential properties, it is considered that it remains in keeping with the character and appearance of adjacent uses and the surrounding area. This is achieved through observing appropriate setbacks, facade positions, building heights, and siting. The design of this building also directly complements the design of Building 3, approved as part of **Stage 1**.

- With regard to form and materials, the new building is clearly distinct from on-site and adjoining heritage buildings. It is considered however, that the design, layout, proportion and scale of this building is highly compatible with these heritage places. Further, particularly in terms of proportion, recession and layout, the design of the new building maintains the amenity and visual prominence of these properties.
- The proposal provides safe and functional areas for car parking (on-site and on-street), access, egress, loading and unloading. Additionally, the proposal continue to provide appropriate space for service vehicle access, as detailed as part of the application for Stage 1.
- The proposed development is sited and massed such that both the school's recreational and passive spaces as well as neighbouring streetscapes are afforded high levels of pedestrian amenity, solar access, and sky views. Additionally, new and refurbished buildings remain pedestrian friendly in scale, and through setbacks and sympathetic form provide a transition in scale from higher to lower building forms, particularly to the south and south-east.

- Building 2 observes the specified maximum building height of 14m, with the exception of some architectural features and building services (refer TP09).
- Refer to **Appendix B** for the Best Hooper Legal Advice that provides an interpretation of site frontage. With regard to the point of measurement for building height, the advice prepared by Best Hooper Lawyers found that Building 2 has a frontage to Chetwynd Street.
- The height of Building 2 is thus to be measured from the centre of the frontage on Chetwynd Street. Measured from this location and interpreted in this way, Building 2 complies with the maximum height of 14m under the DDO32.

Clause 52.06 – Car Parking

- The car parking reduction of 18 spaces sought by the proposal can be supported in view of the ample bicycle parking and end-of-trip facilities provided, the site's excellent public transport links, and the improvements proposed for pedestrian access and amenity.
- Refer to the Traffic Impact Assessment prepared by Ratio (October 2021) for a comprehensive assessment of the proposal that finds ample justification for the reduction under the clause.

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Clause 52.34 – Bicycle Parking

As discussed in detail in the Traffic Impact Assessment prepared by Ratio (October 2021), the proposal exceeds the statutory requirements for bicycle spaces through providing 95 spaces (including the provision of 74 spaces for students and 21 spaces for staff as part of **Stage 1** and **Stage 2**). This provision will encourage staff and student to arrive at the school via bicycles as opposed to cars.

Clause 55.04 – Amenity Impacts

In relation to the objectives of this clause (which is relevant as guidance only, given that the subject and the neighbouring properties are located within the MUZ), the proposal achieves the following outcomes:

- As shown in TP56-62, the new building does not create an increase in the level of overshadowing of the private open space of neighbouring residences. The objective of clause 55.04-5 is met.
- Owing to the setbacks adopted for Building 2, and the careful design and orientation of windows and outdoor spaces proximate to the school's sensitive southern boundary, the proposal will not cause unreasonable overlooking into the secluded private open space and habitable room windows of neighbouring residences. The proposal avoids direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres as demonstrated on TP46 (views at 9m will be forced above neighbouring POS through built form preventing a downward viewsheds). Standard B22 is met.

- Boundary walls and appropriate soundproofing measures will ensure that the proposal does not create detrimental noise impacts for neighbouring residences, noting that impacts are expected to be improved from current conditions. Standard B24 is met.
- It is an important consideration that the proposal does not represent a new use, but rather a consolidation of an existing use, and hence many of the typical noise impacts of a school are already present at the site. Additionally, the land is within a Mixed Use Zone, both the subject site and the land adjoining, meaning that while residential amenity is an important consideration, there is a reasonable expectation that some impacts will result from the use.
- Standard B19 & B20 will be met. The existing light courts of adjacent habitable and north facing windows of dwellings will be maintained.
- Where new walls are to be located on boundaries, these are to replace existing and will not be of a greater height. Standard B18 is met.

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TP10 provides B17 setback analysis and shows that only a minor encroachment will occur for new Building 2 (the southern first level wall to the southern boundary). The building is highly respectful of neighbourhood character and the impacts to the neighbouring dwellings at 62-66 Chetwynd are reasonable for the inner-city urban context. The Objective of Clause 55.04-1 is met.

Clause 65.01 – Decision Guidelines (Approval of an Application or Plan

The application is supported by the relevant decision guidelines of Clause 65.01 for the reasons previously discussed.

The proposal furthers the orderly planning of this area of West Melbourne and will not unreasonably impact the amenity of neighbouring residences or businesses.

The proposal will retain and re-use stormwater. Through appropriate waste management, and the implementation of the Leigh Design WMP, the proposal will actively prevent polluted sediments from existing the site.

The loading and unloading of vehicles to service the use will continue to occur from abutting streets and has been found to be appropriate from a traffic impact perspective by the Ratio Traffic Impact Assessment.

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7. CONCLUSION

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The proposal supports the implementation of the State and Local Planning Policy Framework, is in accordance with the West Melbourne Structure Plan, and the purpose, guidelines, and requirements of the MUZ, DDO, and DDO32.

This project is an excellent opportunity for the consolidation and expansion of an existing education facility within West Melbourne, catering for the needs of a growing population, whilst simultaneously preserving the low-scale character of the Historic Hilltop precinct.

The proposed refurbishments and additions as part of Stage 2 of the redevelopment will enable the school to increase its capacity, deliver high quality educational services, and promote interactive, engaging and safe learning.

The proposed design is sympathetic to on-site and adjoining significant heritage fabric, and will allow landmarks such as the St. Mary Star of Sea Church to retain their visual prominence. Additionally, the design observes best practice environmentally sustainable development and encourages the use of alternative and active transport options.

Having regard to the above considerations, it is submitted that this proposal is strongly supported by the planning assessment framework and accordingly should be approved.

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APPENDICES

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APPENDIX A – TITLE

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APPENDIX B – BEST HOOPER LEGAL ADVICE

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