



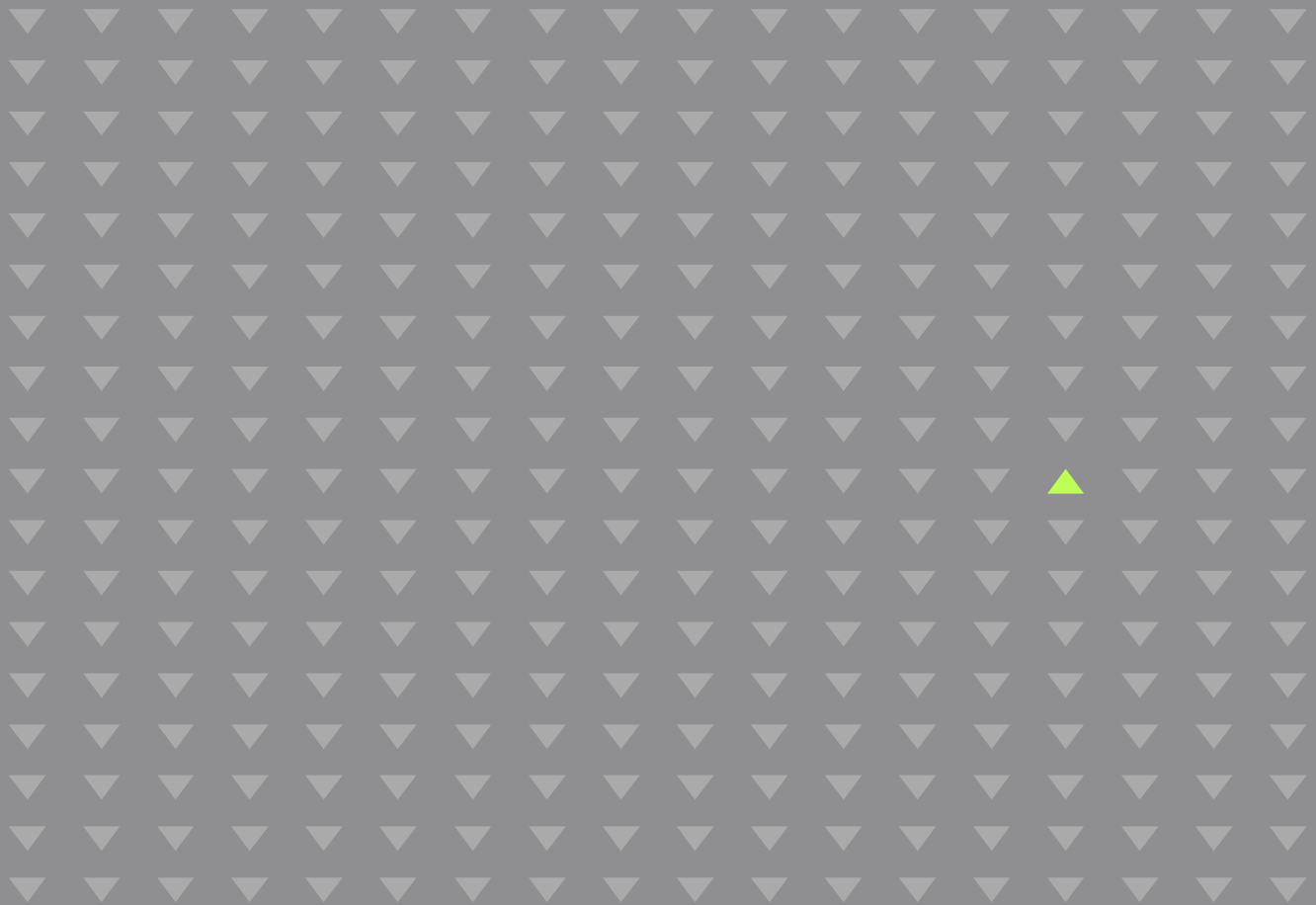
Urban Planning Collective

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## **ADVERTISED PLAN**

## **Planning Submission**

341 – 369 York Street, Sale (St Thomas Primary School – Sion Campus)  
20 October 2023



# Planning Submission

341 – 369 York Street, Sale (St Thomas Primary School – Sion Campus)

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## 1.0 INTRODUCTION

This planning submission has been prepared on behalf of Diocese of Sale Catholic Education Ltd (DOSCEL) for the staged use and development of the land at 341 – 369 York Street, Sale for the purposes of a Primary School.

The proposal seeks to essentially ‘re-establish’ an education centre on the site of the former Catholic College Sale (Sion Campus), which closed in November 2020. Prior to this, a school had operated from the land for nearly 130 years with the Sisters of Our Lady of Sion having established a school in 1891.

DOSCEL, with key stakeholders and an extensive project team, has been working on a new vision for the former Sion Campus since this time. This application is the next step in that process to realise the delivery of a new campus for St Thomas Catholic Primary School (currently located at 255-277 Guthridge Parade, Sale).

Pursuant to the Wellington Planning Scheme, the subject site is located within the General Residential Zone – Schedule 1 (GRZ1) and affected by the Design and Development Overlay – Schedule 6 (DDO6) and is partially affected by the Heritage Overlay – Schedule 94 (HO94). The land is **not** located within an area of aboriginal cultural heritage sensitivity.

This planning submission supports the granting of a Planning Permit for the staged use and development of a Primary School (for up to 600 Primary School students from Prep to Year 6 and 60 staff) incorporating refurbishment of the existing historic convent building and a new learning neighbourhood 1 as part of Stage 1 and a multi purpose hall and new learning neighbourhood 2 as part of Stage 2.

A planning permit is required for the following:

- Pursuant to Clause 32.08-2 and Clause 32.08-9, a planning permit is required for the use and development (staged) of a Primary School.
- Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building and to construct a building or construct or carry out works including a sign.
- Pursuant to Clause 52.05, a planning permit is required to erect business identification signage.

The following submission describes the subject site and the broader urban context in which it is located, the development proposal, the relevant planning controls and policies set out in the Wellington Shire Planning Scheme and provides an assessment of the planning merits of the proposal against these various policies and controls.

This application follows extensive background investigation (especially around heritage) and two (2) pre-application meetings with Wellington Shire – the initial meeting was held on 5 June 2023 and a subsequent heritage site visit was held on



14 June 2023 - with John Traa and Council's external heritage consultant during which the proposal was discussed and feedback received. This feedback has been considered incorporated (where relevant / appropriate) into the application.

In addition, a pre – application meeting was held with the Department of Transport and Planning (DTP) on 26 July 2023 with Julia Smith and Erin Baden-Smith during which the proposal was discussed and feedback received. Once again, where appropriate, this feedback has been incorporated into the proposal.

The following submission should be read in conjunction with the following documents:

- Certificate of Title:
- Architectural plans prepared by Y2 Architects.
- Feature and Level Plan prepared by Beveridge Williams.
- Heritage Impact Statement prepared by Trethowan.
- Traffic Impact Assessment prepared by Salt3.
- Waste Management Plan prepared by Salt3.
- Arboricultural Construction Impact Assessment prepared by Urban Forestry Victoria P/L.
- Stormwater Management Strategy prepared by RMG.
- Landscape Plan prepared by 3 Acres Landscape Architecture.

Matters of heritage, landscape opportunity and the net community benefits derived via the 'reactivation' of the site as a functional, contemporary Primary School for the Sale community have been key drivers underpinning this application.



## 2.0 SUBJECT SITE AND SURROUNDS

### 2.1 THE LOCALITY

The subject site is located in Sale, a regional city, situated in the Gippsland region of Victoria. Sale is the principal town and main growth settlement in Wellington Shire (Wellington). It is Wellington's main employment, education, medical and commercial centre and caters to a large catchment of smaller townships. Important attributes of Sale include its character which is derived from its heritage buildings; the Port of Sale Cultural and Civic Precinct; and its farming hinterland. Energy resources in Bass Strait and the RAAF Base East Sale support employment in Sale.

Sale has an estimated population of approximately 19,000 people.

The Princes Freeway provides the main transport route connecting Sale with Melbourne and runs centrally through the city. Sale's retail core extends along Raymond Street and adjacent streets to the east and west.

The Bairnsdale V/Line rail line bisects the town and provides a regional rail service between Bairnsdale and Southern Cross Station in Melbourne. The Sale railway station and carpark is located on the western side of Sale.

### 2.2 SUBJECT SITE

As noted above, the subject site has an extensive history of being used for educational purposes, with the Sisters of Our Lady of Sion having established a school on it in 1891.

The subject site is located on an 'island' site with four street frontages - Raglan Street (to the north), York Street (to the east), Codrington Street (to the south) and Raymond Street (to the west).

The subject site is generally rectangular in shape with a frontage to York Street of 128.29 metres and a frontage to Raglan Street of 205.58 metres, providing a total of 29,552 square metres. There are no restrictions registered on the Certificate of title and the land is formally described as follows:

- Crown Allotment 1 Section 62 Township of Sale
- Crown Allotment 2 Section 62 Township of Sale
- Crown Allotment 3 Section 62 Township of Sale
- Crown Allotment 4 Section 62 Township of Sale
- Crown Allotment 5 Section 62 Township of Sale
- Crown Allotment 6 Section 62 Township of Sale
- Crown Allotment 7 Section 62 Township of Sale
- Crown Allotment 8 Section 62 Township of Sale
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- Crown Allotment 10 Section 62 Township of Sale
- Crown Allotment 11 Section 62 Township of Sale
- Crown Allotment 12 Section 62 Township of Sale
- Crown Allotment 13 Section 62 Township of Sale
- Crown Allotment 14 Section 62 Township of Sale



- Crown Allotment 15 Section 62 Township of Sale Parish of Sale

The subject site, previously the Catholic College Sale (Sion Campus), comprises a complex of existing school buildings surrounded by trees, sheds, lawns, and hardstand areas including on-site car parking), sports courts, and pathways. Generally, buildings occupy the eastern portion of the site; and the western portion comprises an oval and hard courts. Trees surround the site boundary, and an avenue of trees extends from the west boundary to lawns in the centre of the site. A low brick and wrought metal fence, with central gate, runs along the east site boundary with short returns at the north and south.

The subject site contains the former Our Lady of Sion Convent building, a large, three-storey, red brick building with slate and metal sheet roofing. It is located centrally along the east site boundary, with the first stage of it opened in 1893 and reflected Sale's importance as a regional centre, as students came from throughout Gippsland. The Convent operated for several decades until it was amalgamated with St Patrick's College, an all-boys school, to form Catholic College Sale in 1977. In 2021 following an extensive renovation, students from the Sion Campus relocated to the main Catholic College Sale St Patrick's Campus where students from Years 7 to 12 were accommodated on the one campus. Since the end of the 2020 school year, the subject site has been vacant.

The subject site contains numerous large trees across the property, particularly within the front setback to York Street and along the 'Avenue'. See figure 1 below.







Figure 1: Aerial photo of subject site  
(Source: Nearmap, January 2023)



Figure 2: Photo of subject site as viewed from York Street





Figure 3: Photo of subject site as viewed from Codrington Street



Figure 4: Photo of subject site as viewed from Codrington Street towards the west





Figure 5: Photo of subject site as viewed from Codrington Street towards the west



Figure 6: Photo of subject site as viewed from Raymond Street





Figure 7: Photo of subject site as viewed from Raglan Street



Figure 8: Photo of subject site as viewed from Raglan Street



Figure 9: Photo of the subject site as viewed from Raglan Street towards the west

## 2.3 ADJOINING PROPERTIES

### 2.3.1 North

The subject site has four (4) public road frontages and does not have direct abuttal with any residential properties.

Directly north of the subject site is Raglan Street, a Transport Zone 3. It has a divided carriageway providing two lanes of traffic in each direction separated by a central median strip. On-street parking is available on either side of Raglan Street, however, a bus zone occupies a significant portion of the available space along the southern edge of Raglan Street precluding the use as public parking between 8:00am and 4:00pm Monday to Fridays. See figure 10 below.



Figure 10: Photo of Raglan Street as viewed from Raglan Street towards the east

Further north, on the opposite side of Raglan Street, are residential properties containing single dwellings on larger lots. See figure 11 below.



Figure 11: Photo of northern side of Raglan Street

### 2.3.2 East

Directly east of the subject site is York Street, a Transport Zone 2. It has a divided carriageway providing two lanes of traffic in each direction separated by a central median strip. A right-turn lane is provided at the intersection with Codrington



Street. Unrestricted parking is available at the frontage of the site along York Street. See figure 12 below.



Figure 12: Photo of York Street as viewed from York Street towards the north

Further east, on the opposite side of York Street, consists of a service station (354 – 363 York Street), a motel (342 York Street) and ABC Gippsland office / studios (336 – 340 York Street). See figure 13 below.



Figure 13: Photo of eastern side of York Street as viewed from the subject site

### 2.3.3 West

Directly west of the subject site is Raymond Street, a Transport Zone 3. It has an undivided carriageway with a width of approximately 11.2m, providing one lane of traffic in each direction plus parallel parking on both sides. A right-turn lane is provided at the intersection with Raglan Street.

Further east, on the opposite side of Raymond Street, are residential properties containing typical sized lots with single dwellings. See figure 14 below.



Figure 14: Photo of Raymond Street as viewed from Raymond Street as viewed towards the north

### 2.3.4 South

Directly south of the subject site is Codrington Street, a Local Access A Road. It is an undivided carriageway providing one lane of traffic in each direction, with a carriageway of approximately and parallel parking is available on both sides of the carriageway. A section of 90-degree parking is located at the eastern end near York Street. Further south, on the opposite side of Codrington Street, are predominately residential properties containing typical sized lots with single dwellings and a retail 'plumbing centre' with associated 90-degree car parking on Codrington Street.







Figure 15: Photo of southern side of Codrington Street as viewed from Codrington Street towards the west



Figure 16: Photo of southern corner of Codrington Street and York Street as viewed from the subject site

## 2.4 THE SURROUNDING CONTEXT

The subject site is located approximately 500 metres north of the Sale city centre and mall and is proximate to the following services and facilities:

- Sale city centre, comprising retail premises, food and drink premises, community facilities, offices, service businesses and personal services.
- Brennan Park approximately 200 metres south – west of the subject site.



- Bus stops located along Raglan Street approximately 200m from the subject site's main entrance with bus routes 2, 5 and 6 operating along the subject site's borders.
- Sale Hospital approximately 1.3 kilometres south – east of the subject site.
- Sale Train Station approximately 1 kilometre south- west of the subject site.



## 3.0 THE PROPOSAL - OVERVIEW

### 3.1 OVERVIEW

It is proposed to adaptively reuse the subject site to form the St Thomas Catholic Primary School – Sion Campus. Key elements proposed include:

- Alterations and additions to the former Convent building.
- Two new buildings / 'learning neighbourhoods'.
- A multipurpose hall.
- Outdoor netball and basketball courts with roof structure above.
- Two carparks providing a total of 73 on-site spaces and one bike shed providing 62 bicycle spaces.
- New entry gate and fence along Raymond Street.
- Associated soft and hard landscaping and signage.

### 3.2 HERITAGE CONTEXT

The former Our Lady of Sion Convent is a large, three-storey, red-brick building with a slate roof. It has a roughly H-shaped plan, with wings surrounding a courtyard to the rear and an attached Chapel projecting to the front (east). The building features a decorative porch, diaper-pattern brickwork, rendered mouldings, dormer windows, gable ends and buttresses. A brick and wrought iron fence runs along the York Street boundary and part of the Raglan and Codrington street boundaries. The first part of the building was designed by Reed, Smart & Tappin in the Victorian Gothic style and constructed 1892-1901 by local builders Wynn and Bragg.

The rear wings were added in the 1930s and 1950s. There are two small additions dating from the 1980s.

### 3.3 STAGING

The proposed use and development of the Primary School will be undertaken over two separate stages, with an implementation program coordinated between 2023 to 2030. The key staged elements of the program are summarised as follows:

- Stage 1 – balance of the works including alterations and additions to the Convent, learning neighbourhood 1, netball & basketball courts with a shade structure, bike shed and new car parks.
- Stage 2 - Multi – purpose hall & learning neighbourhood 2.





Figure 17: Staging Plan (Source: Y2 Architecture)

### 3.3.1 Program and approach to stages

The material forming part of this application includes detailed town planning drawings and supporting information around the specifics of Stage 1.

It is expected that the balance of the detail for Stage 2 of the Primary School approved under this primary consent will be ‘captured’ via suitably worded conditions in the planning permit requiring the lodgement, assessment and approval (to the satisfaction of the responsible authority) of more detailed town planning drawings and associated information prior to the commencement of any buildings and works.



## 4.0 THE PROPOSAL – STAGE 1

The description of Stage 1 of the proposed use and development of a Primary School below should be read in conjunction with the architectural plans prepared by Y2 Architecture.

### 4.1 OVERVIEW

Stage 1 proposes minor demolition and alterations and additions to the existing Convent building and construction of a new learning neighbourhood building, two car parks areas, netball and basketball courts with shade structure, bike shed, new entry gate and fence and associated soft and hard landscaping and signage.

### 4.2 PROPOSED USE

It is proposed to use to the subject site as a Primary School with the associated / ancillary DOSCEL education centre operating within part of the school administration building.

The proposed enrolment and staff numbers are indicated below:

- Stage 1:
  - 375 students
  - 40 staff
  - 9 DOSCEL staff
  
- Stage 2:
  - 600 students
  - 60 staff
  - 9 DOSCEL staff

#### 4.2.1 DOSCEL Education Centre

The ancillary Diocese of Sale Catholic Education Limited (DOSCEL) education centre (which directs and services 37 primary schools and 7 secondary schools in the Diocese of Sale) will operate on the ground and second floors of the school administration building. 633m<sup>2</sup> of floor area will be available, including staff areas, cultural centre, break out spaces, two conference rooms and amenities.

### 4.3 DEMOLITION

It is proposed to demolish all existing buildings / structure and some trees across the subject site - except for the former Convent building. Several trees will be retained on the site.





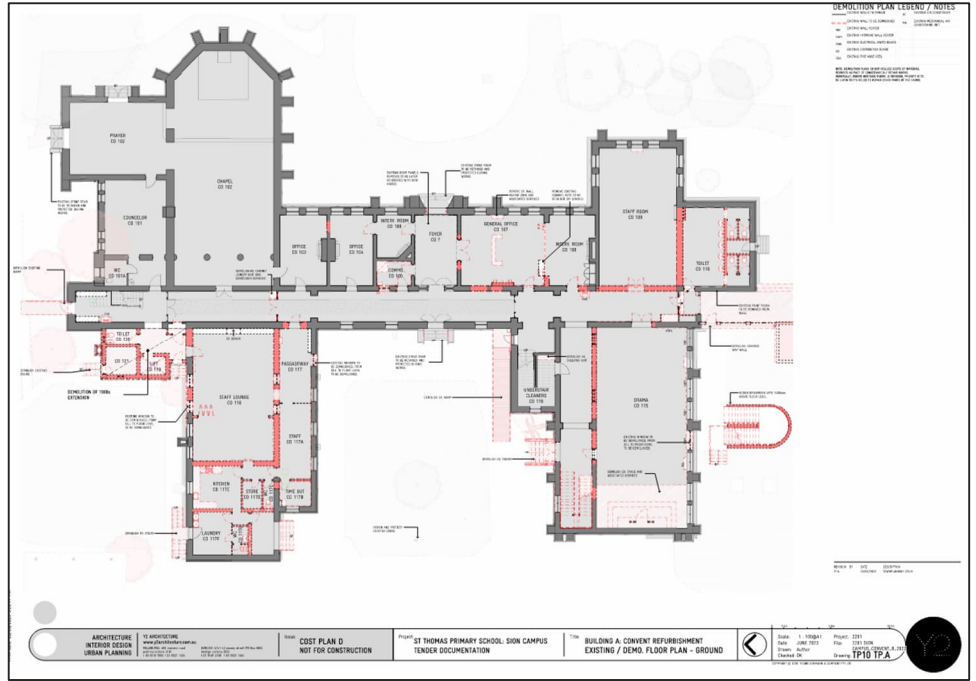


Figure 19: Ground floor demolition plan (Source: Y2 Architecture)

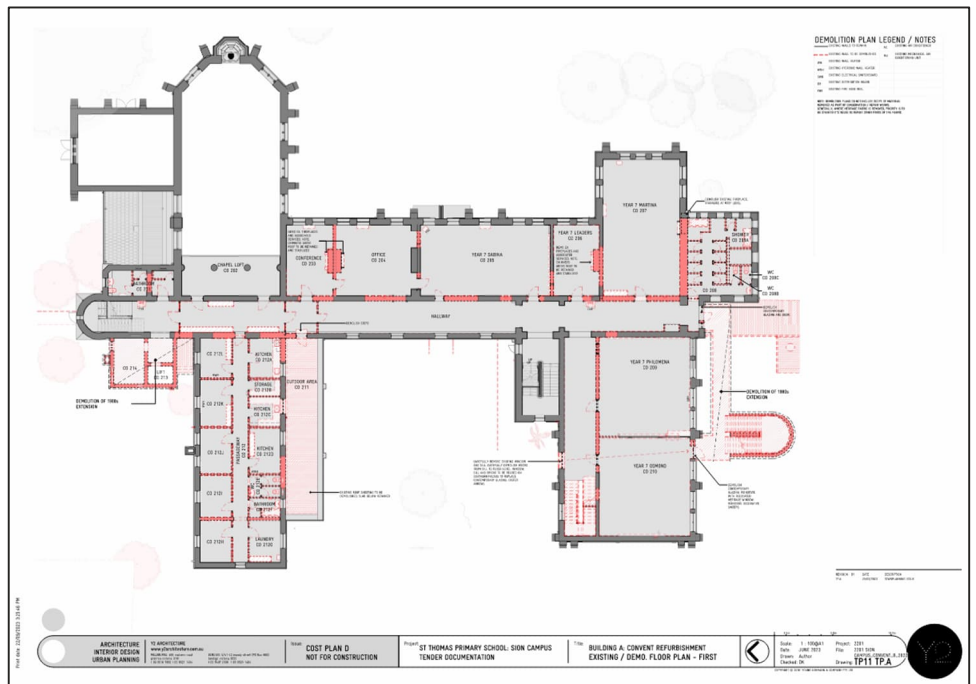


Figure 20: First floor demolition plan (Source: Y2 Architecture)



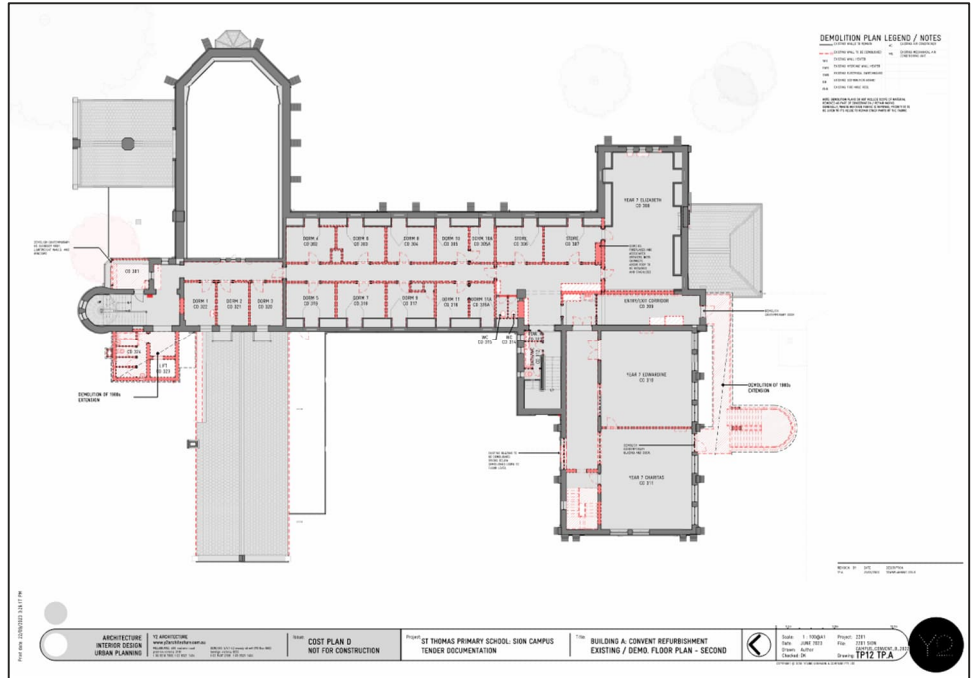


Figure 21: Second floor demolition plan (Source: Y2 Architecture)

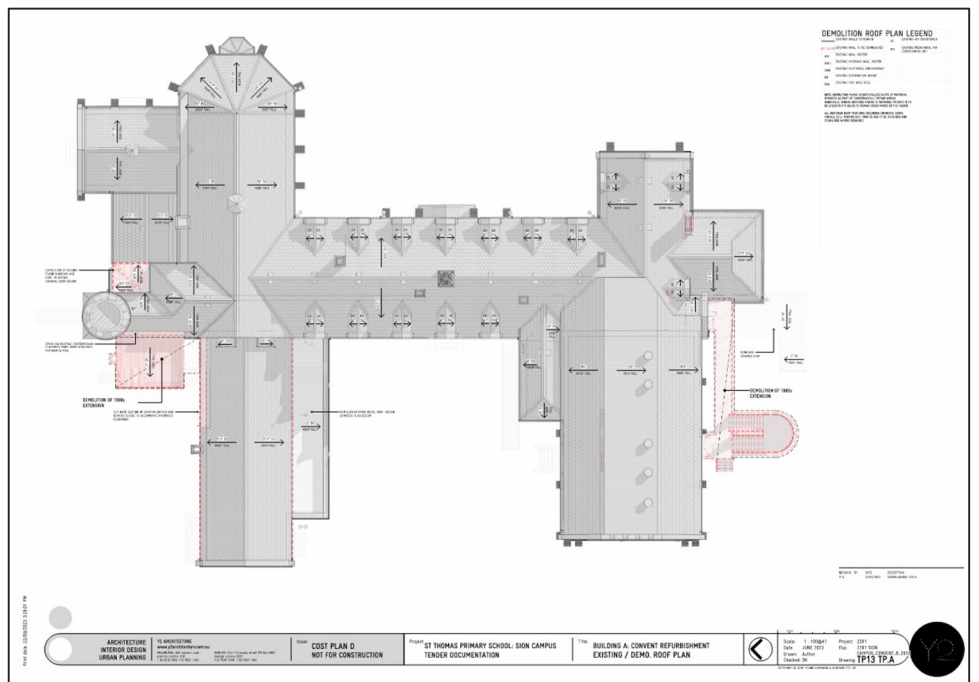


Figure 22: Roof plan demolition plan (Source: Y2 Architecture)

#### 4.4 BUILDINGS AND WORKS

Buildings and works includes the construction a new learning neighbourhood building centrally on the land, two car parking areas (to the north and south of the former convent building), new sports courts and resurfaced oval, play areas, services and infrastructure, paths and soft landscaping.



#### 4.4.1 Convent building

Alterations and additions to the former convent building include new entrances, ramps and circulation spaces, new landscaping and external deck and terraces. Internally, the building is to be reconfigured to provide a range of teaching spaces, staff and administration areas and the ancillary workspaces for DOSCEL’s Education Centre.



Figure 23: Render of the proposed Convent alterations and additions as viewed from the north (Source: Y2 Architecture)



Figure 24: Render of the proposed learning neighbourhood building (Source: Y2 Architecture)

#### 4.5 ARBORICULTURAL ASSESSMENT

In terms of construction impact on existing trees, we defer to the assessment provided by Urban Forestry Victoria P/L which provides details of existing trees on site (health, useful life expectancy and the like), construction methodology specifications and design revision recommendations.

Whilst there are no tree controls applicable to the site, the application / design approach has sought to retain trees where arboriculturally viable and/or where they can be practically and meaningfully retained as part of a contemporary and

functional primary school operation. A significant focus of tree retention has also been focussed around the 'heritage' setback of the former convent building to York Street and the retention and enhancement of 'Sion Walk' – the pedestrian link from the rear of the former convent building to the Raymond Street frontage of the site.

From the one – hundred and sixty-two (162) trees assessed, the following forty – eight (48) trees (Trees 39, 42, 51, 53, 55, 58, 67, 68, 69, 76, 77, 78, 83, 84, 85, 86, 87, 88, 89, 92, 94, 98, 101, 102, 103, 104, 134, 135, 136, 139, 140, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162) will require removal to support the proposal.

All trees located within the eastern 'front' setback between the Convent and York Street are proposed to be retained.

All street trees that are located within the road reserves surrounding the site will not be adversely affected by the proposal.

Please refer to the Arboricultural Construction Impact Assessment prepared by Urban Forestry Victoria P/L for further detail.

#### **4.6 BUILT FORM, HERITAGE AND LANDSCAPE DESIGN**

The scale, siting and design of the proposed buildings and extensions have been carefully considered having regard to the heritage character of the former convent building and facilitates the refurbishment of this building to be 'fit for purpose' for a contemporary primary school education environment.

The materiality is focused on the natural elements and tones found in the former convent building and will incorporate articulated brickwork elements which are highly reflective of the existing building. Overall, the proposed additions and extensions deliver a contemporary design that integrates with the existing heritage asset. The design includes a good amount of glazing to maximise natural light (incorporating doors and openable windows that are screened to break up building mass) but also to improve internal amenity of activity areas which are expected to be well-populated during the day.

The external areas are regarded as high importance for the student's welfare and will realise a major makeover and provide good separation between active and passive space.

The proposed Landscape Plan prepared by 3 Acres Landscape Architecture has been carefully designed to consider the context of the proposed use and development and specifically includes:

- Consideration and integration of existing trees (where appropriate);
- Soft and hard landscaping including renewal of the existing oval and sports courts, with new seating and decks provided throughout the site; and



- A variety of new canopy trees and shrubs across the land to complement and enhance existing vegetation retained.

## 4.7 CAR PARKING, ACCESS AND WASTE COLLECTION

### 4.7.1 Car parking and access

Existing on-site car parking to the site is principally provided via two separate car parks – one accessed from Raglan Street (via one crossover) and another from Codrington Street (via two crossovers).

New on-site car parking area will be provided in very similar / almost identical locations and serviced by the same number of crossovers to each.

In this regard, vehicle access to the subject site will be provided via two (2) new crossovers off Codrington Street and one (1) new crossover off Raglan Street – essentially replacing the existing crossovers which will be removed.

The new car parks will be fully sealed and provide 73 on-site car spaces for staff (27 spaces via Raglan Street and 46 spaces via Codrington Street), including 4 DDA-compliant car spaces.

The supply and distribution of parking is explained in further detail on the plans and in the Traffic Impact Assessment prepared by Salt3, which accompanies this application.

### 4.7.2 Waste

An area for the storage of bins will be provided at the eastern end of the southern car park; this area will be appropriately enclosed / screened. Commercial waste would be collected by private contractor as follows:

- 1 x 4,500L garbage bins collected once per week;
- 1 x 1,500L commingled recycling bins collected once per week;
- 1 x 240L organics bins collected once per week;
- 4m<sup>2</sup> hard waste area collected on an as required basis.

All waste bins would be stored on-site in the bin room provided within the car park space located off Codrington Street.

Waste collections would occur between 7am (one collection per week) to 8pm on Mondays to Saturdays and between 9am to 8pm on Sundays and public holidays, in accordance with EPA Victoria Noise Control Guidelines 2021. This is to ensure minimal noise impacts to the neighboring properties.

On weekdays, collections are to be scheduled to occur at off-peak times for the primary school to avoid conflict with student drop-off and pick-up activity. Weekday collections shall therefore take place between 7am to 8am and from 4pm



to 8pm. Hard waste collections would be performed by a utility vehicle or AustRoads B99 design vehicle equivalent.

Please refer to the accompanying Waste Management Plan prepared by Salt3 for further detail.

#### 4.8 BICYCLE FACILITIES

The proposal includes the construction of a bicycle shed along the western boundary of the subject site and which will accommodate 62 bicycle spaces.

#### 4.9 SIGANGE

The details proposed for signage are outlined below and should be read in conjunction with the drawing package prepared by Y2 architecture.

	Sign Type	Height above ground level	Display area	Illuminated	Reference
Entry Gate and Fence Signage	Business Identification Sign	Approx 600mm above ground level.	2.89 square metres	No	Refer to drawing TP07 TP.A
Convent East Signage	Business Identification Sign	At ground level.	5.18 square metres	No	Refer to drawing TP22 TP.A



### 5.1 ZONING

The subject site is located within the General Residential Zone – Schedule 1 (**GRZ1**) pursuant to Clause 32.08 of the Wellington Planning Scheme. Refer to figure 25.



Figure 25: Zoning Map (Source: Vicplan)

The purpose of the General Residential Zone is as follows:

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

Pursuant to Clause 32.08-2 and Clause 32.08-9, a planning permit is required for the use and development of a Primary School. The GRZ1 does not vary any Clause 54 or 55 requirements.

### 5.2 OVERLAYS

The site is affected by the Heritage Overlay – Schedule 94 (**HO94**) and the Design and Development Overlay – Schedule 6 (**DDO6**), pursuant to Clause 43.01 and Clause 43.02 respectively of the Wellington Planning Scheme.

### 5.2.1 Heritage Overlay – Schedule 94 (HO94)

The subject site is partially affected by the Heritage Overlay – Schedule 94 ‘Our Lady of Sion Convent’ (HO94) pursuant to Clause 43.01 of the Planning Scheme.



Figure 26: HO Map (Source: Vicplan)

The purpose of the HO as relevant, is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To conserve and enhance heritage places of natural or cultural significance.*

*To conserve and enhance those elements which contribute to the significance of heritage places.*

*To ensure that development does not adversely affect the significance of heritage places.*

*To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building and to construct a building or construct or carry out works including a fence and a sign.

The Schedule to the HO confirms that Heritage Place HO94 is not subject to any internal alteration controls, tree controls or outbuilding controls. The Schedule does apply the external paint controls and solar energy system controls.

The statement of significance for the heritage place is as follows:

*The Notre Dame de Sion College is a significant part of the heritage of Sale for reasons pertaining to its aesthetic, design and historical importance in the region.*

*As a landmark, the Sion Convent and chapel dominate the corner site which marks the traditional gateway into Sale from the north. The building's size and style are evocative of a past era and symbolise the importance of the Catholic Convent in the early development of Sale. (F.1, A.4)*

*The buildings have design importance as an outstanding example of a convent in Gippsland, exhibiting high architectural achievement. It is important as an example of the work of prominent Victorian architectural firm Reed, Smart and Tappin, and of local builders Wynn and Bragg. Comparable to Loreto Convent, Ballarat and Sisters of Mercy Convent, Fitzroy, it provides an outstanding example of Victorian Gothic convent design. (F.1, H.1)*

*The former convent and chapel have additional significance as evidence of the important role of the Sisters of Sion to the Catholic community, the largest serving of Catholic orders in Sale. (H.1, G.1)*

### 5.2.2 Design and Development Overlay – Schedule 6 (DDO6)

The subject site is affected by the Development Overlay – Schedule 6 (DDO6) pursuant to Clause 43.02 of the Planning Scheme.



Figure 27: DDO map (Source: Vicplan)

The purpose of the DDO is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Pursuant to Clause 43.02 -2, a planning permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 6 to the DDO at Clause 2.0 specifies the following permit requirements:

- A permit is not required to carry out any works.
- A permit is not required for any building less than 15 metres in building height.

The proposed buildings have a height less than 15 metres and therefore a planning permit is not triggered under this overlay.

### 5.3 PARTICULAR PROVISIONS

#### 5.3.1 Clause 52.05 Signs

The following particular provisions are relevant to the site:

Clause 32.08 - 14 specifies that sign requirements are at Clause 52.05 and that the GRZ1 is in Category 3.

Pursuant to Clause 52.05-13, a planning permit is required for 'business identification sign'.

The proposal includes two (2) business identification signage zones and therefore, pursuant to Clause 52.05-13, a planning permit is required for these signs.

#### 5.3.2 Clause 52.06 – Car parking

The purpose of this Clause is to ensure the provision of an appropriate number of car parking spaces having regard to demand, the activities on the land and nature of the locality. It also supports sustainable transport alternatives and seeks to ensure car parking is of a high standard, creates a safe environment for users, enables easy and efficient use and does not adversely affect the amenity of the locality.

All car parking associated with a specified land use is required to be provided in accordance with Clause 52.06 of the Scheme (unless elsewhere specified) together with the requirements for aisle widths and dimensions of car spaces.

Use	Statutory rate	Required	Proposed
Primary School	To each employee that is part of the maximum	69	73





number of employees on the site at any time

The proposal will provide a total of 73 car spaces and therefore, a planning permit is not required to reduce the amount of car spaces provided for the Primary School use pursuant to Clause 52.06 -3 of the Planning Scheme.

The Transport Engineering Assessment prepared by Traffix Group provides further details in respect of the proposal’s car parking provision and its appropriateness.

### 5.3.3 Clause 53.24 Bicycle Facilities

A new use requires the provision of bicycle facilities in accordance with Clause 52.34 of the Scheme, together with the provisions of showers and changes rooms.

Table 2 to Clause 52.34 specifies the following statutory bicycle facility requirements for the proposed uses:

Use	Rate	Statutory Requirement
<b>Primary School</b>	1 to each 10 employees	3 spaces
	1 to each 5 pupils over year 4	36 spaces
<b>Total statutory requirement</b>		6 staff spaces
		36 student spaces
<b>Total proposed bicycle spaces</b>		62 bicycle spaces

The proposed bicycle parking arrangements and facilities are considered appropriate, and a permit is not triggered under this provision.

The Traffic Impact Assessment prepared by Salt3 provides further details in respect of the proposal’s bicycle parking provision and its appropriateness.

### 5.3.4 Clause 53.18 – Stormwater management in urban development

Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate any adverse impacts on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Stormwater management has been considered as part of the proposal. The Stormwater Management Strategy prepared by RMG provides further explanation of the appropriateness of the proposal’s stormwater management.

### 5.3.5 Clause 53.19 Non – government schools

Clause 53.19 seeks to facilitate new non-government schools and to facilitate upgrades and extensions to existing non-government schools.

This clause applies to an application under any provision of this scheme, other than a VicSmart application, to use or develop land for a primary school, secondary



school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school.

## 5.4 NOTICE REQUIREMENTS

Pursuant to 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.

## 5.5 DETERMINING AUTHORITY

Clause 72.01-2 provides that 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 [inter-alia] 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:

- There is no existing primary school or secondary school on the land.
- The estimated cost of development is \$3 million or greater.

As the estimated cost of development is in excess of \$3 million, the Minister for Planning is the responsible authority for this application.

### 5.5.1 Ancillary use

We have assessed the land uses proposed against relevant tests for characterising an ancillary use and have concluded that the DOSCEL education centre is ancillary to the primary use proposed on the site – a Primary School.

The test for characterising whether a use is ancillary was identified in *Lizzio v Ryde Municipal Council* [1983] CLR 211 where the High Court approved the statement of Glass JA in *Foodbarn Pty Ltd v Solicitor-General* (1975) 32 LGRA 157 that:

*“where a part of land is used for the purpose which is subordinate to the purpose for which another part is used, the whole of the land is regarded as being used for the dominant purpose. The subordinate purpose is merely incidental or ancillary to the dominant purpose.*

*where the whole of the land is used for more than one purpose, but the other purposes are subordinate, the whole of the land is regarded as being used for the dominant purpose.*

*where the whole of the land is used for more than one purpose, none of which subserves the others, it is irrelevant to ask which of the purposes is dominant. If any one of the purposes is operating in a way which is independent and not merely incidental to others and it is prohibited, it is “immaterial that it is overshadowed by others”.*



We submit that the test as outlined at *Lizzio v Ryde* are satisfied as follows:

- The DOSCEL education centre is subservient to the Primary School use and is principally designed to provide training and associated administration associated with other existing education centres within the Diocese of Sale.
- The area occupied by the DOSCEL education centre and associated administration space represents 24% of the total area of the former convent building and 16% of the total area of school buildings across the site.
- The DOSCEL education centre component forms an important part of the overall Primary School use and operates as an integral component of the DOSCEL operation as an educator across the Diocese of Sale and the coordination and delivery of training for its staff.

## 5.6 PERMIT TRIGGERS

A planning permit is required pursuant to the Wellington Planning Scheme as follows:

- Pursuant to Clause 32.08-2 and Clause 32.08-9, a planning permit is required for the use and development (staged) of a Primary School.
- Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building and to construct a building or construct or carry out works including a sign.
- Pursuant to Clause 52.05, a planning permit is required to erect business identification signage.



## 6.0 PLANNING POLICIES

### 6.1 MUNICIPAL PLANNING STRATEGY

The Municipal Planning Strategy (MPS) is outlined at Clause 02. Of the MPS, the following clauses are relevant to the proposed development:

- **Clause 02.03 – 1 Settlement** identifies Sale as the principal town and main growth settlement in Wellington. It is Wellington’s main employment, education, medical and commercial centre and caters to a large catchment of smaller townships. Important attributes of Sale include its character which is derived from its heritage buildings; the Port of Sale Cultural and Civic Precinct; and its farming hinterland. Energy resources in Bass Strait and the RAAF Base East Sale support employment in Sale.
- **Clause 02.03 – 1** further seeks to Support higher population and growth and reinforce the regional centre role of Sale.
- **Clause 02.03 -5 Built environment and heritage** identifies Council’s strategic directions for ‘Built environment and heritage’ are to:
  - *Promote the identification, protection and conservation of places of heritage significance and cultural value.*
  - *Protect and enhance the individual character of each township.*

### 6.2 PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) is outlined at Clauses 11–19 of the Wellington Planning Scheme.

Of the PPF, the following clauses are relevant to the proposed development:

- **Clause 11.01 -1S Settlement** seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.01 -1R Settlement – Gippsland** seeks to support urban growth in Latrobe City as Gippsland’s regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns.
- **Clause 11.01 -1 Sale, Wurruk and Longford** includes the following strategies, as relevant:
  - *Maintain settlement growth boundaries to protect to operation of the RAAF Base East Sale.*
  - *Facilitate establishment of lower order neighbourhood activity centres that include community services in the general locations identified in the Sale & Wurruk Strategy Plan.*
- **Clause 11.01 -1** also includes the Sale & Wurruk Strategy Plan which identifies the subject site as ‘Service/Community/Civic use’



- **Clause 12.01 -1S Protection of biodiversity** seeks to protect and enhance Victoria’s biodiversity.
- **Clause 12.01 -1L Protection of biodiversity – Wellington** seeks to encourage development that reduces stormwater runoff to minimise environmental impacts, habitat loss and destruction and facilitate retention of native animal habitat areas.
- **Clause 12.01 -2L Native vegetation management – Wellington** includes the following strategies:
  - *Conserve native vegetation on private land, Crown land, declared water stream-side reserves and roadsides.*
  - *Encourage development to protect and maintain indigenous coastal vegetation, particularly at the coastal edge of the Ninety Mile Beach and adjoining inland lakes, south of Seaspray and within coastal settlements.*
  - *Encourage planting of indigenous vegetation for rehabilitation works and landscaping.*
- **Clause 13.05 -1S Noise management** seeks to assist the management of noise effects on sensitive land uses.
- **Clause 13.07 -1S Land use compatibility** seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- **Clause 15.01 -1S Urban design** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01 -2S Building design** seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- **Clause 15.01 -4S Healthy neighbourhoods** seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.
- **Clause 15.01 -5S Neighbourhood character** seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.01 -6S Design for rural areas** seeks to ensure development respects valued areas of rural character.
- **Clause 15.03 -1S Heritage conservation** seeks to ensure the conservation of places of heritage significance.



- **Clause 15.03 -1L heritage conservation – Wellington** applies to all land within a Heritage Overlay and includes the following strategies:
  - *Discourage demolition on the basis of the poor condition or low integrity of a heritage place, whether this is through deterioration, neglect, damage or for any other reason.*
  - *Support the use and development of significant heritage places for tourism.*
- **Clause 17.01 -1S Diversified economy** seeks to strengthen and diversify the economy.
- **Clause 17.01 -1R Diversified economy – Wellington** as relevant seeks to support use and development that will increase employment opportunities and diversify industry in the Wellington, consistent with the Latrobe Valley Economic Growth Sub-Region Strategic Framework Plan to Clause 02.04.
- **Clause 18.01 -1S Land use and transport integration** seeks to facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.
- **Clause 19.02 -2S Education facilities** seeks to assist the integration of education and early childhood facilities with local and regional communities.
- **Clause 19.03 -3S Integrated water management** seeks to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.
- **Clause 19.03 -3L Integrated water management – Wellington** includes the following strategies:
  - *Encourage the use of innovative water management infrastructure, including reed-beds and composting toilets.*
  - *Discourage development in coastal areas that generates and disposes of wastewater on-site within setback distances of waterways and wetlands as set out in Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016).*



## 7.0 PLANNING CONSIDERATIONS

The Decision Guidelines of the Wellington Shire Planning Scheme require responsible authorities to decide whether a proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65 of the planning scheme. Having regard to these decision guidelines, the key planning considerations raised by the proposed development are:

- Is the proposal consistent with the Planning Policy Framework?
- Is the proposed land use appropriate in the General Residential Zone?
- Will the proposal avoid unreasonable off-site amenity impacts?
- Does the built form response meet the requirements of the Heritage Overlay and Clause 15.03 -1L?
- Is the proposed vehicle access, provision of car and bicycle parking and waste collection appropriate?
- Is the proposed vegetation removal acceptable?

These matters are considered in further detail in the following sections of this report.

### 7.1 IS THE PROPOSAL CONSISTENT WITH THE PLANNING POLICY FRAMEWORK?

The proposed use and development is appropriate when assessed against relevant planning policies, as shown by the following considerations:

- The proposed facilities provide a well-considered, active design response to the urban environs, with design excellence forming the underlying design mantra for the built form context and service elements such as car parks are conceived with an integrated landscape design approach. The siting of the buildings has particular regard to both site functionality, but equally protection of and enhancement of heritage assets of the site, namely around the south-eastern portion of the site (Clause 15.01 -1S, Clause 15.01 -2S and Clause 15.03 -1S).
- The configuration and design of the proposed built form is appropriate to the subject site's setting, which benefits from four road interfaces with no 'sensitive' external conditions directly abutting with the subject land. The new buildings provide an appropriate transition, being single storey buildings, which is consistent with the precinct setting and many of the existing school buildings (to be demolished) that currently exist on the site.
- The site plan has been designed to minimise the loss of canopy trees by ensuring that the design and development phase has been informed by a comprehensive understanding and analysis of existing vegetation (based upon arboricultural advice), which has subsequently fed into the site layout and configuration.



- The design proposes a well-landscaped and vegetated character with a substantial quantity and variety of plantings throughout the site. The proposed landscape design and architectural finishes will create a welcoming, safe and visually appropriate response to the surrounding public realm (Clause 15.01 -1S, Clause 15.01 -2S and Clause 15.01 -5S).
- Car parking is provided to meet the needs of future employees and students to the development, as well as promoting sustainable transport modes through the provision of bicycle parking spaces in accordance with Clause 52.34 and providing connections to existing public transport and walking infrastructure (Clause 18.01-1S, Clause 18.02 -1S and Clause 18.02-2S).
- The subject site is identified for ‘Service/Community/Civic’ in Clause 11.01 - 1 and previously contained a secondary school, the proposal therefore has a sound strategic basis and represents an efficient use of land in support of the identified settlement patterns for Sale and the infrastructure investments associated with urbanisation of this location. It will deliver social infrastructure in line with the existing and future needs of the community (Clause 19.02-2S).

## 7.2 IS THE PROPOSED LAND USE APPROPRIATE IN THE GENERAL RESIDENTIAL ZONE?

The General Residential Zone – Schedule 1 (GRZ1) acknowledges the potential role non-residential uses in residential zones can play. A key purpose of this zone seeks to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposed use is considered to satisfy the decision guidelines for non-residential use and development in the GRZ1, as follows:

- The proposed Primary School is compatible with the existing residential uses. It will not prejudice or preclude the ongoing use of nearby land in the GRZ1 for residential use.
- The proposed use will directly service local community needs.
- The proposal will not result in any unreasonable amenity impacts on neighbouring properties.
- There are extensive opportunities for meaningful landscaping around the perimeter of the site which will make an improved contribution to the streetscape.
- Sufficient on-site car parking, safe access and appropriately designed accessways are provided.
- The proposal incorporates sufficient waste storage and collection facilities onsite.





### 7.2.1 Neighbourhood character

The subject site is located to the northwest of existing industrial / commercial uses which front York Street (Princes Highway). Given the previous use of the land for a Education / Secondary School purposes, there is a reasonable expectation that that historic use can or will be continued.

The substantial setbacks from all title boundaries provide sufficient depth and breadth for planting and separation to the existing residential interfaces ensuring that the proposed buildings responds to the existing landscape and built form character of the surrounding area.

### 7.3 WILL THE PROPOSAL AVOID UNREASONABLE OFF-SITE AMENITY IMPACTS?

In considering the development's potential amenity impacts, it must be recognised that not only does the proposal have unequivocal planning policy support, but it also proposes a high-quality architectural outcome that makes a positive contribution to the public realm on a site that does not have any immediate residential neighbours. It is also noted that:

- The subject site operated as the Catholic College Sale until 2021 when the College relocated to its main St Patrick's Campus and the subject site was vacated. The application proposes to essentially reinstate and reinvigorate the site to its historic educational use.
- The alterations and additions to the former convent building have been designed to integrate into the existing built form and will have no further adverse visual impacts on the surrounding streetscape.
- The proposed new buildings are separated by existing roads to the closest dwellings, which allows a suitable transition to these sensitive interfaces; and
- The generous setbacks to each boundary allows planting along boundaries which screens and filters the proposed buildings.

### 7.4 DOES THE PROPOSAL MEET THE REQUIREMENTS OF THE HERITAGE OVERLAY AND CLAUSE 15.03-1L?

In keeping with the objectives under the Heritage Overlay at Clause 43.01 and the Local Heritage Policy at Clause 15.03-1L, the proposal seeks to conserve and enhance this heritage place and the underlying design elements that contribute to the significance of this heritage place, in particular through a sympathetic and integrated design response.

The heritage response has been significantly informed by the expert advice of expert heritage advisors in Trethowan and Council's own heritage advisor.

The proposed extent of demolition (under the Heritage Overlay) is limited to minor or 'non-original' additions to the former convent building to allow the continued use of the site as a school. This includes demolition of all post 1970s additions including the round level external stairs and ramps, the North Wing lift tower the South Wing fire escape staircase and associated walkways and the 1910s building to the south of the Convent which has been substantially modified.



The proposed overall architectural expression, composition and massing of the development is commensurate to the site and the broader heritage context.

The resultant design is one that clearly differentiates from the original heritage context of the place, but equally, provides a series of contemporary design cues that are themselves interpretative design solutions aimed at providing a correlation to this historical context.

This has been achieved with equal measure through the form and composition of the building, as well as in relation to the materiality, in-keeping with the above policy expectations.

Please refer to the Heritage Impact Statement prepared by Trethowan for a detailed assessment of heritage considerations and impacts.

## **7.5 IS THE PROPOSED VEHICLE ACCESS, PROVISION OF CAR AND BICYCLE PARKING AND WASTE COLLECTION APPROPRIATE?**

A Traffic impact Assessment has been prepared by Salt3 for the proposed development. The report provides a detailed assessment of the car and bicycle parking, servicing, access and traffic impact associated with the proposed development. The assessment concludes that the proposal is an acceptable outcome for the site and provides the following summary to support its position:

- *The Planning Scheme car parking requirement is 69 spaces, which is exceeded by the proposed provision of 73 on-site parking spaces;*
- *The proposed car park access and layout complies with the Planning Scheme and will facilitate safe, convenient and efficient parking for staff and visitors;*
- *Sufficient on-street parking is available to facilitate parents and guardians dropping off and picking up children;*
- *The provision of student bicycle parking (62 spaces) exceeds the required provision of 36 spaces. The requirement for staff parking (3 spaces) can be accommodated within the building/s;*
- *Sufficient provisions are made for on-site waste vehicle access and collection arrangements;*
- *The additional traffic generated by the primary school will have no significant adverse impact on the safety and operation of the surrounding road network, when taking into consideration the site's former use as a high school.*

### 7.5.1 Car parking

The proposed design and provision of 73 car spaces complies with the statutory car parking requirements under Clause 52.06. Traffic associated with the development will be moderate, spread across the peak periods and will be accommodated by the surrounding road connections.



### 7.5.2 Vehicle access

Vehicle access to the site will be provided via a new 6.2 metre wide crossover to Raglan Street and two (2) new 8.5 metre crossovers to Codrington Street.

The existing crossovers will be removed, and the nature strip and footpath reinstated to Council's satisfaction.

### 7.5.3 Waste

A detailed Waste Management Plan has been prepared by Salt3 for the proposed development. The report concludes that the proposed waste area of 25 square metres accommodating a 1x 4500L garbage bin, 1x1500L commingled recyclings bins and 1x 240L organics bins would sufficiently address waste requirements for the proposed use.

It is proposed for waste to be collected by a private contractor at appropriate times when the car parking is not heavily utilised by staff and parents (i.e. outside of peak drop off and pick up times).

## **7.6 WHETHER THE PROPOSED SIGNAGE IS CONSISTENT WITH CLAUSE 52.05?**

Having regard to the relevant objectives and policy requirements of Clause 52.05 of the Planning Scheme, the proposal is considered to be consistent with relevant expectations for signage for the following reasons:

- The display area of the business identification signs (the 'signs') is compatible with the scale of existing development in its immediate surrounds and proportionate to the scale and design of the proposed development. The signs are non-reflective and complementary to development in the existing surrounds, ensuring any potential visual clutter and associated impacts are mitigated.
- The signs are wholly contained within the identified property boundaries, ensuring that pedestrian and vehicle safety on the adjacent streets is maintained. The signs do not project above the roof line of adjacent buildings and do not obstruct the skyline.
- The business identification signage is located at the entrances of the proposal and will assist with directing visitors. Furthermore, the signs are located just above ground level and will assist with providing a safer streetscape environment.
- The 'signage zone' / display area approach explained in the accompanying material is typical of large developments. The content within the display area will be strictly limited to business identification information (such as the business name and/or logo), noting that the content may need to change from time-to-time (i.e. should logo be update for the Primary School).

For these reasons, it is considered that the business identification signage proposed is of a responsive scale, thoughtfully integrated into the architectural design and will be respectful of the character of the surrounding character.



## 8.0 CONCLUSION

Clause 71.02-3 of the Scheme establishes that.... *‘Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations’.*

The development proposal duly responds to policy to support the delivery, expansion and upgrade of non-government schools, planning controls and relevant provisions of the Scheme and very clearly meets its obligation to establish and provide net community benefit.

In summary, the proposal represents a high-quality development that appropriately responds to the context of the site, as follows:

- The proposal is consistent with planning policy which supports the delivery, expansion and upgrade of non-government schools and assists in strengthening their integration with surrounding transport networks and activity centres.
- The proposed site planning and design takes advantage of land previously used for a Secondary School and identified at Clause 11.01 -1 for ‘Service/Community/Civic’. It has been thoughtfully conceived and integrates successfully with the existing Convent and will provide a substantial community benefit.
- The overall architectural expression, composition and massing of the development is commensurate to the site and the broader heritage context.
- Traffic and parking impacts associated with the development are appropriately managed by providing increased car parking on-site and providing adequate access and egress arrangements for vehicles and pedestrians expected to utilise the site.
- The subject site will be landscaped to enhance the presentation of the building, consistent with policy imperatives and the context of the site. The removal of existing trees will be balanced by the opportunity to deliver new landscaping that complements the site layout and design. Without the removal of these trees, the project (and its policy imperatives to support the expansion and upgrade of non-government schools) will not be possible.



- The proposed use will not adversely affect the amenity of the area by way of the transportation of goods to/from the land, the operation of the use and any associated plant/equipment.

For the reasons outlined in the preceding sections of this submission, it is submitted that the development is worthy of a planning permit, subject to standard planning permit conditions.

