

Ruby Dawes-Robb
Development Approvals and Design
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 8002

Sent by email to: ruby.dawes-robb@delwp.vic.gov.au

22 September 2022

**Re: Response to Request for Further Information pursuant to Section 54(1) of the *Planning and Environment Act 1987*
Planning Application PA2201797
145-153 Buckley Street and 2 Leslie Road Essendon**

Dear Ms Dawes-Robb

We act on behalf of St Columba's College, the permit applicant in respect of the above property.

We refer to your correspondence dated 8 September 2022 which requests submission of further information pursuant to Section 54 of the *Planning and Environment Act 1987*.

We are pleased to provide a response for the DELWP's consideration. We also seek to amend the application, pursuant to Section 50 of the *Planning and Environment Act 1987* to include permission required for the proposed signage pursuant to Clause 52.05 and confirmation that the proposed buildings and works pursuant to Clauses 32.08-9 and 43.01-1 include the four light poles adjacent to the corners of the competition court.

We confirm that the owner of the land has been notified.

In response to this request to amend the application and in response to the request for further information, we are pleased to provide DELWP with the following:

- a duly completed and updated application form (items 1 and 3) ;
- outstanding title information (item 2);
- further detail on the lighting proposed for the competition court (item 4);
- an amended set of plans prepared by CHT Architects (items 7, 8 and 10-14);
- an updated planning report, prepared by UPco; and
- an updated SMP, prepared by Frater (item 9).

SECTION 50 – REQUEST FOR AN AMENDMENT OF APPLICATION BEFORE ADVERTISING

Our client seeks to amend their current application as follows:

- Confirmation of lighting to the competition court; and
- Inclusion of all Business identification signs including all Internally illuminated signs.

The detail of the proposed sign is outlined below and should be read in conjunction with the drawing package prepared by CHT Architects.

Name	Display area (sqm)	Internally illuminated?	Permit required?
Business identification sign	2.95m X 3.56m (10.5 sqm)	yes	yes

ASSESSMENT OF SIGNAGE

There is existing Business identification signage on the buildings and fences of the College campus are detailed on Drawing TP2.700. The total area of existing signage is 17.25 square metres. No existing signage is internally illuminated.

The new sign is internally illuminated and made up of the College's logo and colours. It provides more and appropriate identification of the school and continues the co-ordinated approach taken by the school to signage Buckley Stre in accordance with Clause 02.03-4. It is best described as basic identification of the school and is wholly in keeping with the school's requirements where business identification and wayfinding signage is a reasonable expectation.

The signage will not adversely impact the character and appearance of the local area and is of appropriate proportion, size and location. It will be the only internally illuminated signage on the school site and is positioned in the upper northwest corner of the building, facing Buckley Street and will therefore not impact on the amenity of nearby residents nor road safety. It will not obscure or compromise views from the public realm and is relative to the scale and proportion of the host building.

ASSESSMENT OF LIGHTING

Installation of four light poles is proposed at each corner of the competition court. The enclosed report from Altitude includes the illuminance calculations for the lighting specifications from EWO (also enclosed).

The light poles are proposed to be 8.5 metres in height and constructed in a white aluminium steel. Each light will provide a minimum average Lux of 0.81. The lights have dimensions of 687mm by 189mm with a powder coated aluminium cladding and tempered glass cover. They will have various beam angle properties to control light spill and glare. A compliance report is enclosed.

The lights will allow evening play to occur. Restrictions on use of the competition court are not considered warranted however the College has confirmed it intends for the competition court to be used seven (7) days a week, 7am-9pm.

Clause 52.21 only applies to a private tennis court which is used in association with a dwelling.



The Code of Practice – Private Tennis Court Development Revision 1 (March 1999) does however provide guidance on illumination levels and distances from an adjoining dwelling. It encourages the level of light emanating outside the property to not exceed an illumination level of 12 lux and an average of 10 lux when measures 3 metres outside the property boundary. Light sources are also to be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling.

The second purpose of Clause 52.21 is to ensure that the use of tennis courts in association with the dwelling does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.

The competition court is effectively enclosed on all sides by school buildings whereas the previous VCAT approved layout had an interface with adjacent residential properties in Lorraine Street, to the south and west. It is otherwise more than 38 metres away from the closest residents to the north (No's 140 and 142 Buckley Street). Buckley Street is a high-capacity urban road that is well served by street lighting spaced along both sides of the carriageway and within the central median. There are streetlights within the central median, immediately adjacent to these residential properties. It is considered that the intervening road and the existing streetlights provide a sufficient buffer from the court.

The performance standards outlined in the Code of Practice – Private Tennis Court Development Revision 1 (March 1999) are comfortably met. The light poles have been specifically designed to a maximum height of 8.5 metres and concentrates the light spill to the playing area of the courts as shown below and detailed in the enclosed Altitude report.

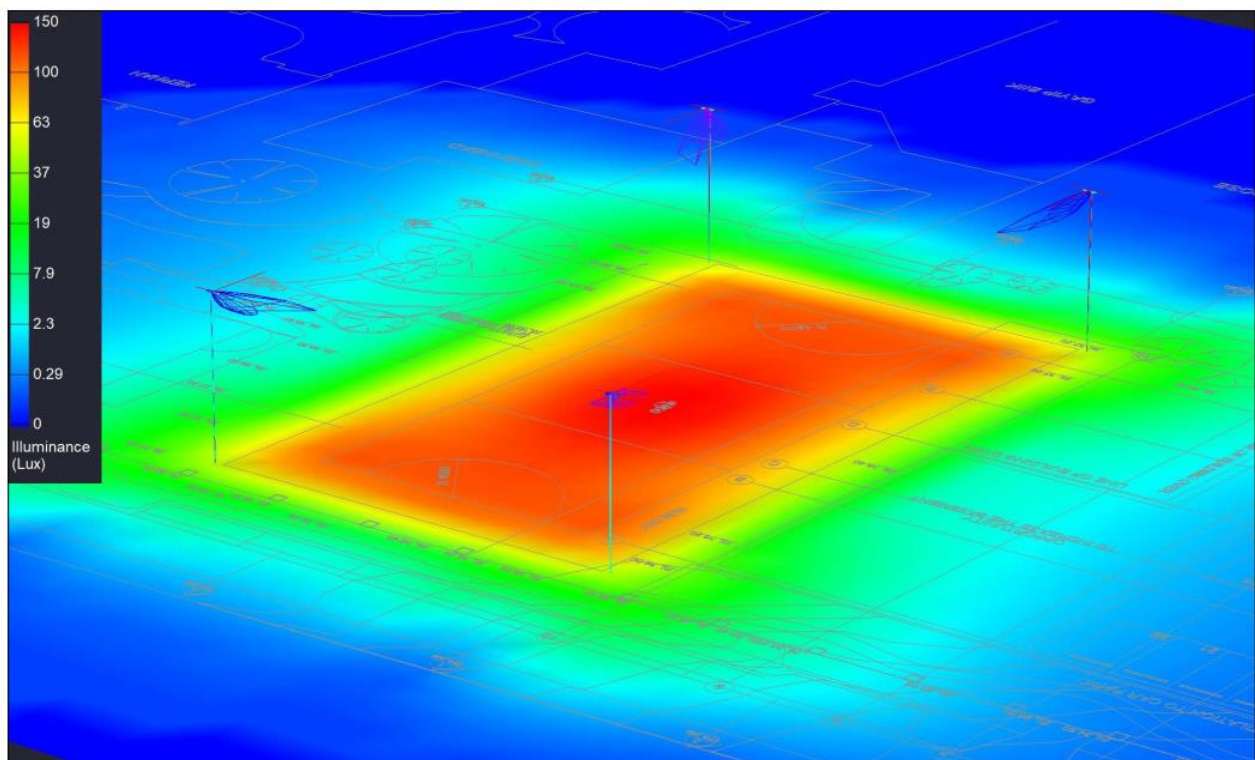


Figure 1: Illumination levels of the lights proposed: Altitude report



We draw attention to VCAT decision *Michelmore v Mornington Peninsula*¹ with relation to use of the competition court:-

They would appear to comply with Clause 52.21 and the Code of Practice therefore there is no permit required for their use so the issue of light spill is not one to be addressed in this proceeding.

Notwithstanding, the amenity of adjoining properties will not be adversely impacted by the lighting and the use appropriately contributes to the wellbeing of the community and the co-location of services, thus meeting Clause 02.03-8 of the Moonee Valley Planning Scheme.

Lights would enable the competition court to be used for extended hours until 9.00pm. Expectations of quiet enjoyment of residential properties should be tempered in the context of the competition court's abuttal to Buckley Street.

FURTHER INFORMATION

We understand the attached package of material responds to all the additional information sought pursuant to Section 54 of the *Planning and Environment Act 1987* and request the application proceed to advertising as soon as possible.

Below is a detailed response to each of the items referenced in DELWP's request for further information.

ITEMS 1 AND 3

The enclosed planning application form confirms all the planning permit triggers including:

- Clause 52.05-13 - advertising signage;
- Clauses 32.08-9 and 43.01-1 - buildings and works for the light poles pursuant to; and
- correct identification of all parcels of land that form part of the site.

ITEM 2

Title documents (searched within the past 30 days) for Lot 1 on TP370851, Lot 15 on LP1075 or Lot 1 on TP554090 are enclosed. We can confirm there are no section 173 agreements and/or covenants listed on the registered search statements.

ITEM 4

Drawings TP1.600 and TP1.700 show the location of the four light poles positioned at each corner of the competition court. The enclosed planning application form confirms the buildings and works that are required for the light poles and now forms part of the application.

ITEM 5 AND 6 – LAND USE

The College has confirmed it intends for the competition court to be used seven (7) days a week, 7am-9pm. It is also intended for the competition court to be available to the broader school community during school holidays for example, school holiday programmes.

¹ VCAT 1655 (5 November 2003)



ITEM 7

Drawing TP0.010 includes a schedule with the following information:

- Existing and proposed gross floor area of buildings;
- Existing and proposed site coverage of buildings;
- Existing and proposed site permeability of the site (taking into account buildings, basement and hard surfaces);
- The number of existing and proposed car parking spaces; and
- The number of existing and proposed bicycle parking spaces.

ITEM 8

- Drawing TP1.500 confirms no fence is proposed to the northwest corner and western boundary of the site; and
- Drawing TP2.200 includes details of the height above natural ground level of the proposed front fencing to Buckley Street.

ITEM 9

Section 5.4 of the enclosed SMP now includes an assessment of WSUD against the application requirements of Clause 53.18 Stormwater Management in Urban Development of the Moonee Valley Planning Scheme.

ITEMS 10-14

Drawings TP1.900, TP2.00, TP2.100, TP2.600 and TP2.700 include details of the proposed and existing advertising signage including:

- Drawing TP1.900 shows the location and setbacks of the proposed signs from the front northern boundary and side western boundary to Lorraine Street;
- Drawing TP2.700 includes a schedule of existing signage including the area, location and type of sign on the College land;
- Drawings TP2.000 and TP2.100 includes details of the overall height of the proposed sign above existing ground level; and
- Drawing TP2.600 confirms the proposed sign is to be internally illuminated and includes details of its supporting structure shown at scale of 1:20.

PRELIMINARY MATTERS

For a full response to the use of the competition court, we refer you to our discussion and assessment on pages 2 and 3 above.

With respect to Clause 53.18, an explicit and comprehensive response to clause 53.18 has not been provided within the SMP.



CONCLUSION

We believe the information and documents provided satisfy Council's request for information and look forward to receipt of the notice requirements.

Of course, should you require further clarification in relation to our client's application, please do not hesitate to contact me on 8648 3500.

Yours sincerely



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encl.