

Report to the Future Melbourne Committee**Agenda item 6.1****Planning Permit Application: TP-2020-762
223-227 Canning Street, Carlton****30 November 2021****Presenter:** Larry Parsons, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for use of the land for an education centre, partial demolition, buildings and works to the existing building and reduction in car parking requirements at 223-227 Canning Street, Carlton (refer Attachment 2 – Locality Plan).
2. The applicant is Richard Stampton Architects on behalf of Fitzroy Community School Co-operative Ltd.
3. The site is located in the General Residential Zone Schedule 1 (GRZ1) and affected by the Heritage Overlay Schedule 1 (HO1 - Carlton Precinct), and Parking Overlay Schedule 12 (PO12).
4. The application seeks to use the existing Dan O'Connell Hotel which is a double storey brick building for an education centre primarily for primary school aged children. The proposed use is between the following hours:
 - 4.1. Monday to Friday between 8.00am and 6.00pm.
 - 4.2. On no more than two (2) evenings per week the use may operate until 9.00pm.
 - 4.3. On no more than four (4) occasions during a school term the use may operate on a Saturday or Sunday only between the hours of 9.30am and 10.30 pm.
5. The proposal indicated that the site could accommodate 110 students and 12 staff members. Objections received raised concerns with this amount and based on traffic modelling and potential amenity impacts it was considered appropriate to impose a condition on any permit limiting student numbers to 85, plus 10 staff. These numbers will still meet the requirements of the Fitzroy Community School group.
6. Public notice of the application was undertaken and 5 objections have been received as well as 17 letters of support.

Key issues

7. The key issues for consideration are the appropriateness of the land use, the parking reduction and the acceptability of the works to a building listed as 'Significant' under the Heritage Places Inventory 2020.
8. The proposal is consistent with all relevant State and Local Planning Policies, including Clause 22.14 Discretionary Uses in the Neighbourhood and General Residential Zones and Clause 22.17 Urban Design outside the Capital City Zone. An exemption from the required 10 parking spaces is acceptable given the difficulty of accommodation on the heritage site, and the 'credit' provided by the former use.
9. The proposed buildings and works to the existing building will require further amendments to ensure the outcome more appropriately responds to the Heritage Overlay and Clause 22.05 Heritage Places outside the Capital City Zone. This is outlined further under the relevant heritage sections of the report.
10. The proposed education centre use is considered to be an appropriate reuse of the heritage Dan O'Connell Hotel and represents an overall net community benefit for the area.

Recommendation from management

11. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions set out in the delegate report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 54)
2. Locality Plan (Page 3 of 54)
3. Selected Plans (Page 4 of 54)
4. Delegate Report (Page 28 of 54)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. Relevant planning considerations such as potential amenity impacts associated with the use that could impact on health and safety have been considered within the planning permit assessment process.

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

Relation to Council policy

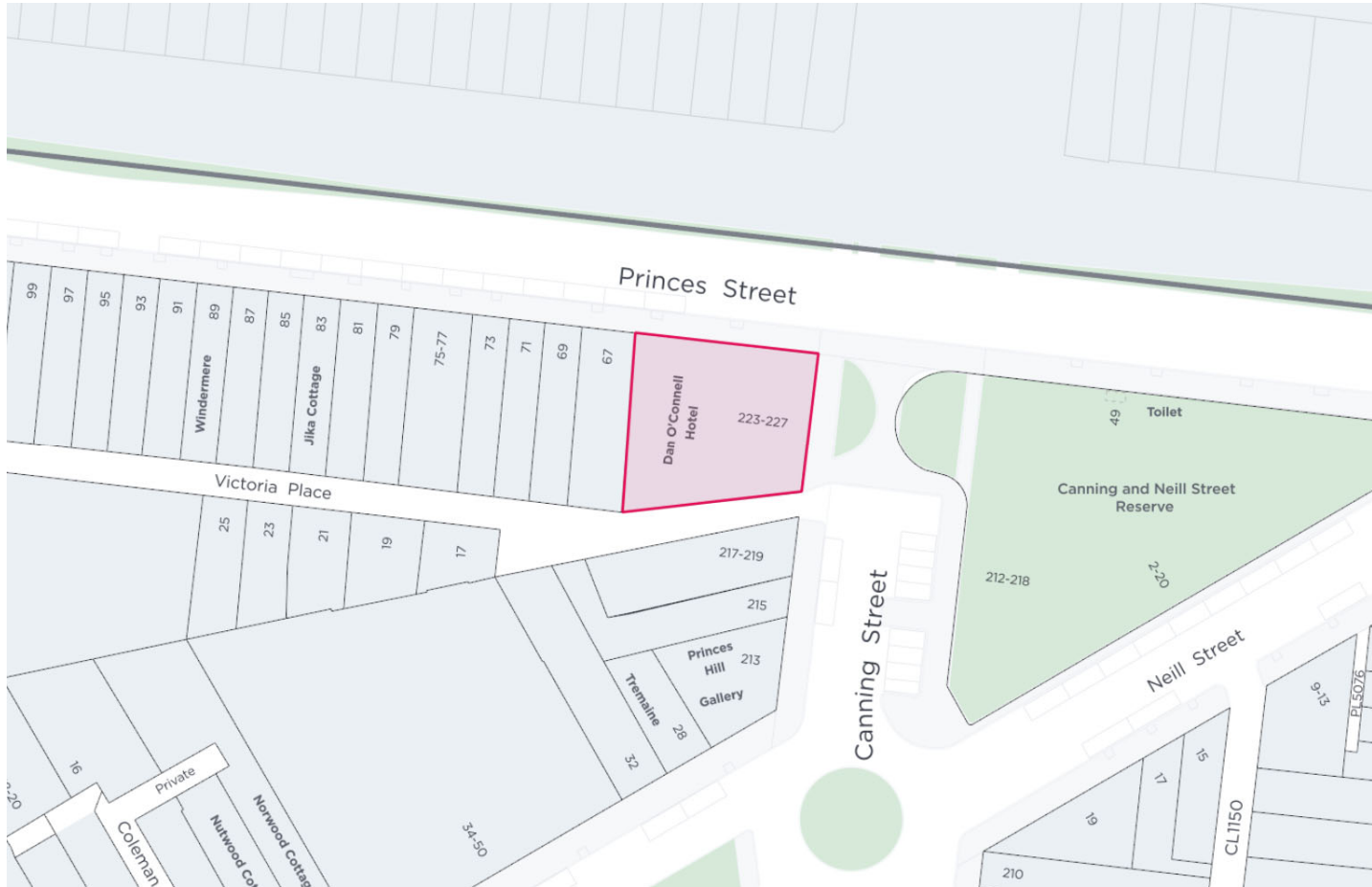
7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

8. The recommended conditions in the Delegate's Report (Attachment 4) provide for waste related management and environmentally sustainable development in response to Clause 22.19 Energy Water and Waste Efficiency and Clause 22.23 Stormwater Management.

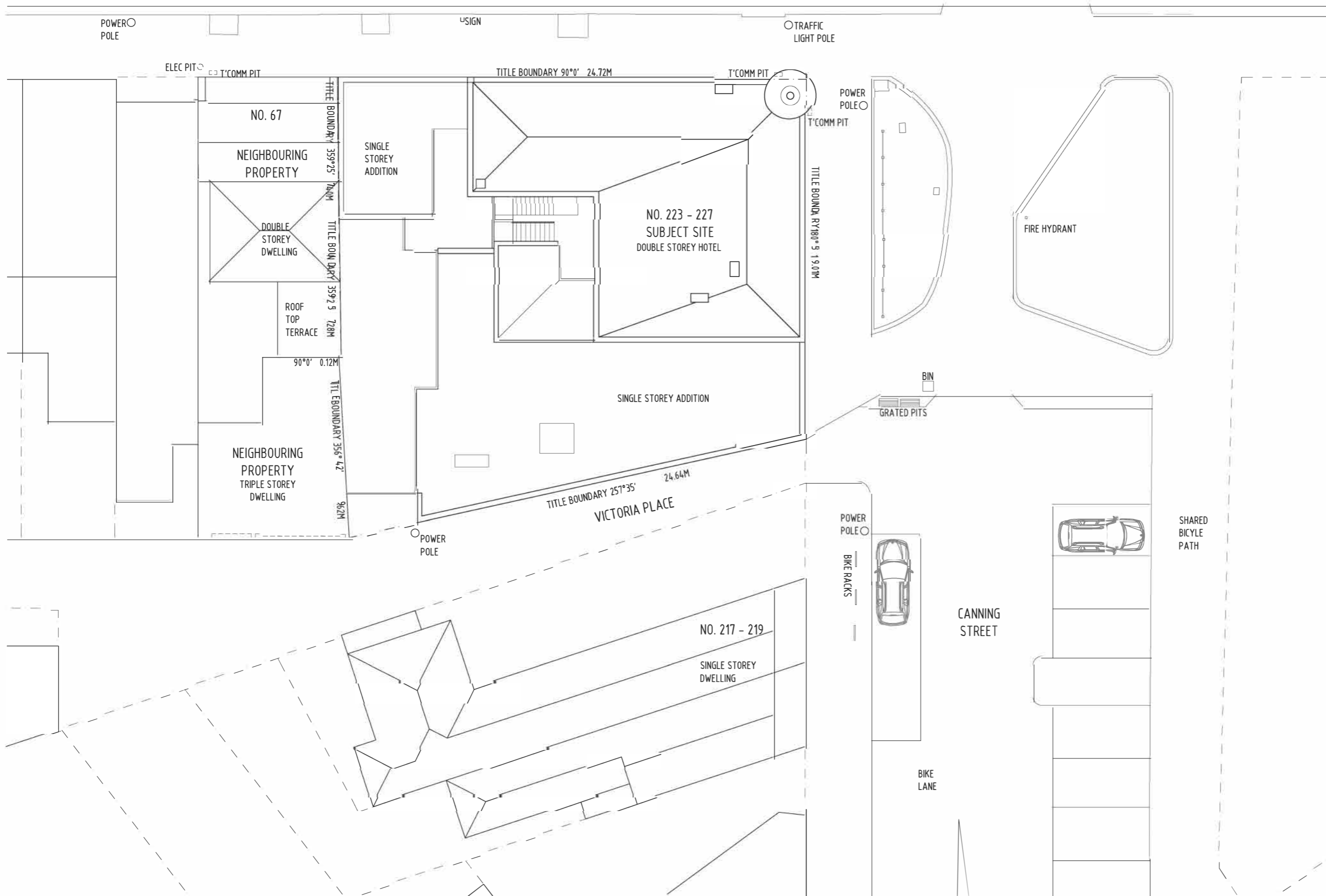
Locality Plan

223-227 Canning Street, Carlton





PRINCES STREET



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CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK

DO NOT SCALE OFF DRAWINGS - USE FIGURED DIMENSIONS ONLY

DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Existing site plan

SCALE : 1200

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

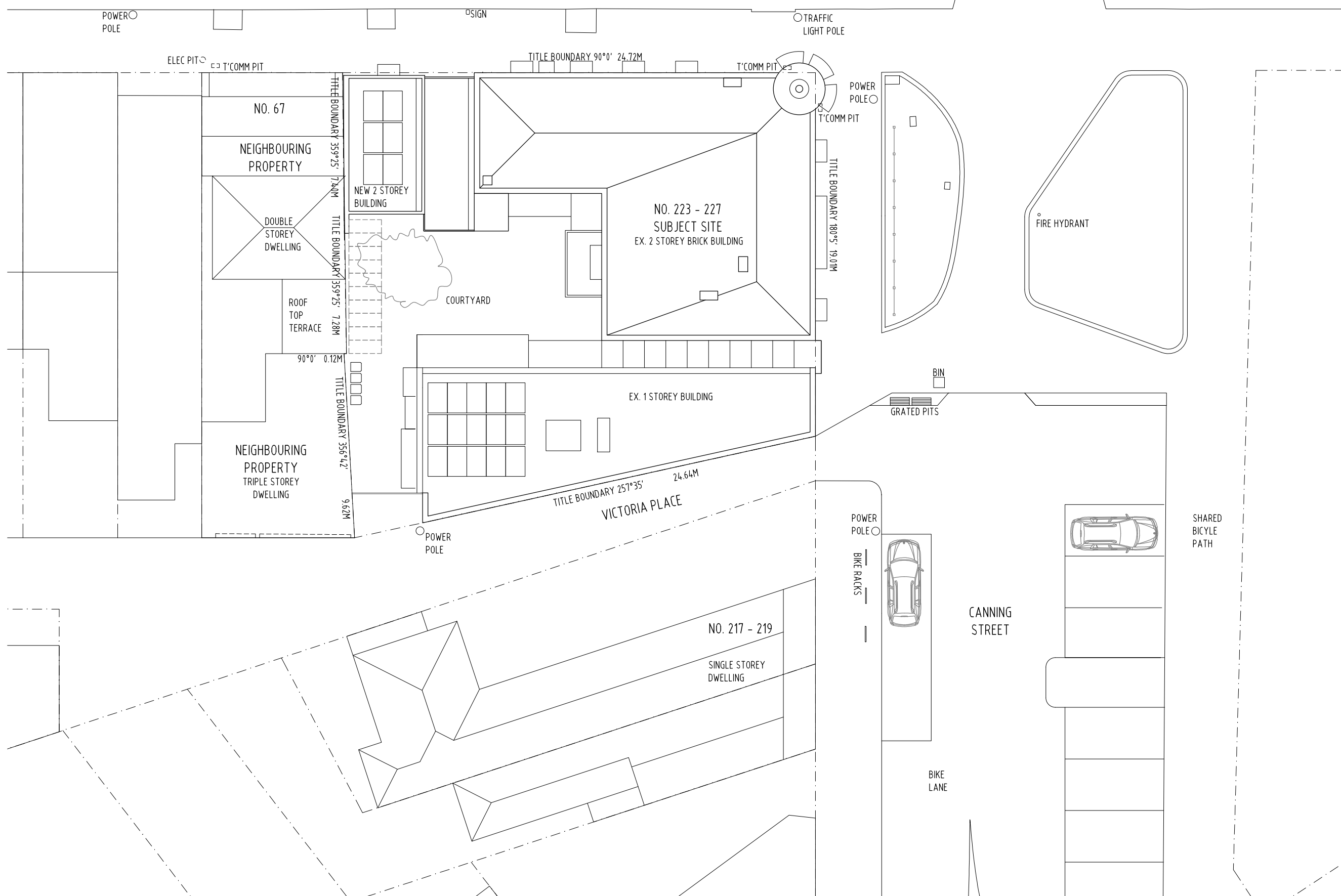
DRAWING NO :

A01





PRINCES STREET



AREA SCHEDULE

SITE AREA:	532m ²
EXISTING SITE COVERAGE:	435m ² (81%)
PROPOSED SITE COVERAGE:	368m ² (69%)
EXISTING FLOOR AREA:	635m ²
PROPOSED FLOOR AREA:	787m ²
PROPOSED AREA SCHOOL:	685m ²
PROPOSED CARETAKERS AREA:	102m ²

OCCUPANCY SCHEDULE

No STAFF	10 MAX
No STUDENTS	85 MAX

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Proposed site plan

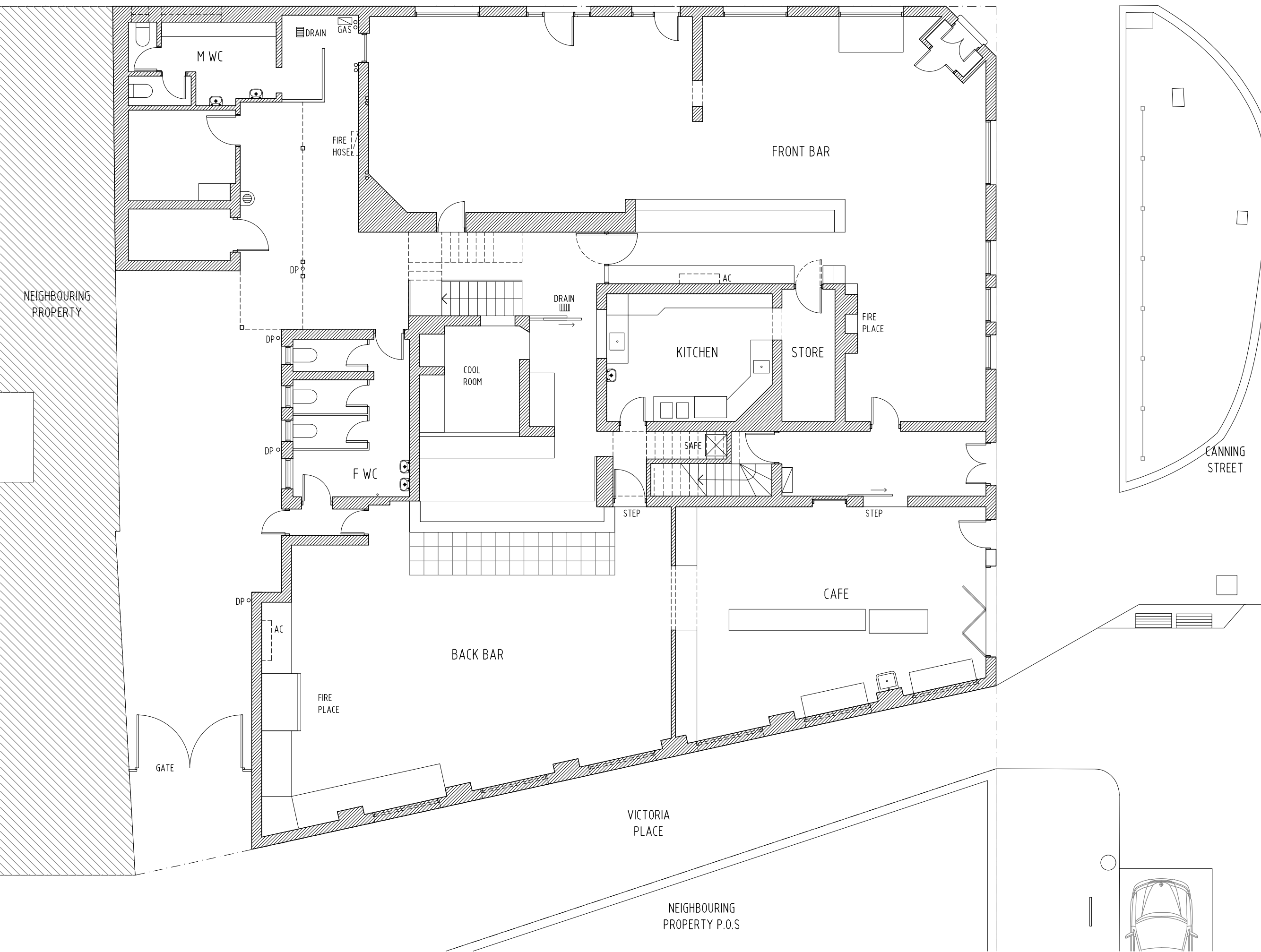
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DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A02 



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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Ex. ground floor plan

SCALE : 1:100

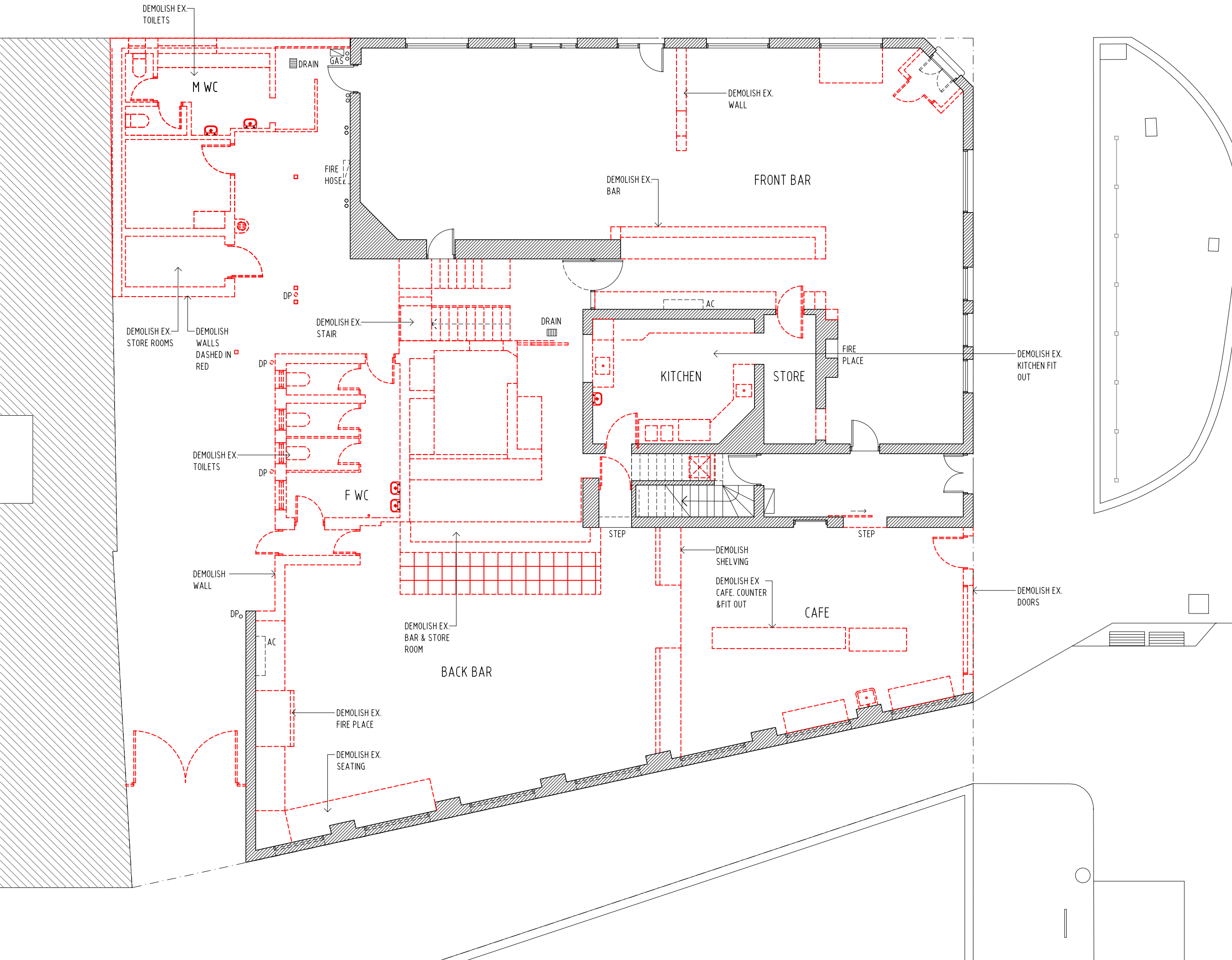
DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A03

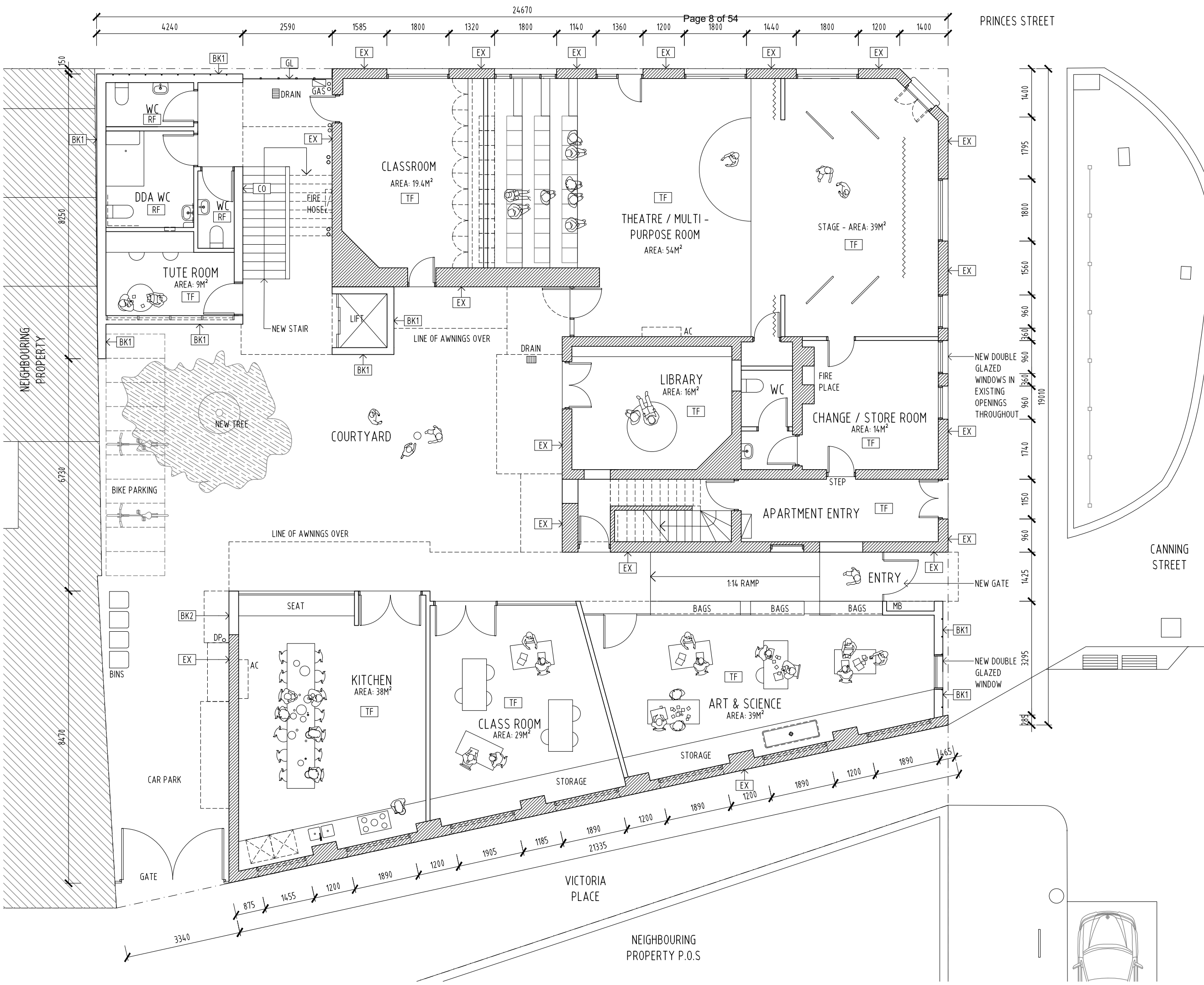




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DATE : 13 January 2021
 STATUS : Planning Application - RFI
 DRAWING : Ground floor demo plan
 SCALE : 1:100
 DRAWN : CB
 PROJECT : Fitzroy Community School
 Carlton Campus
 223-227 Canning Street
 Carlton VIC 3054

DRAWING NO :
 A04



LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Ground floor plan

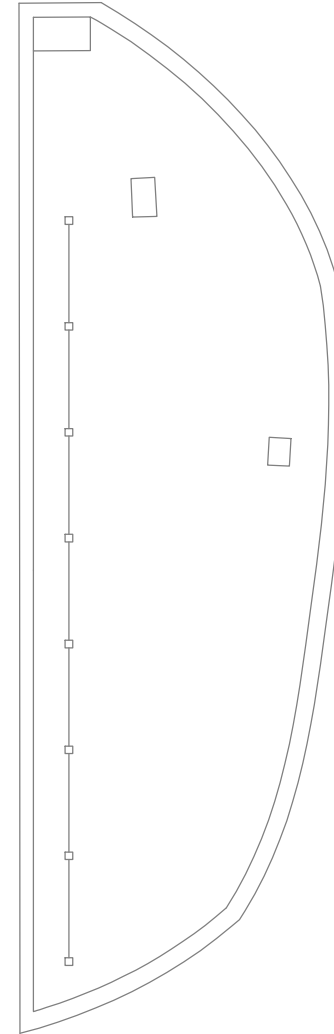
SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

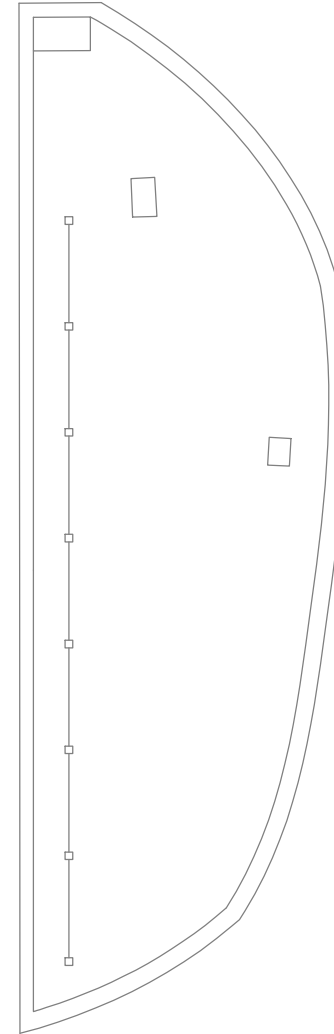
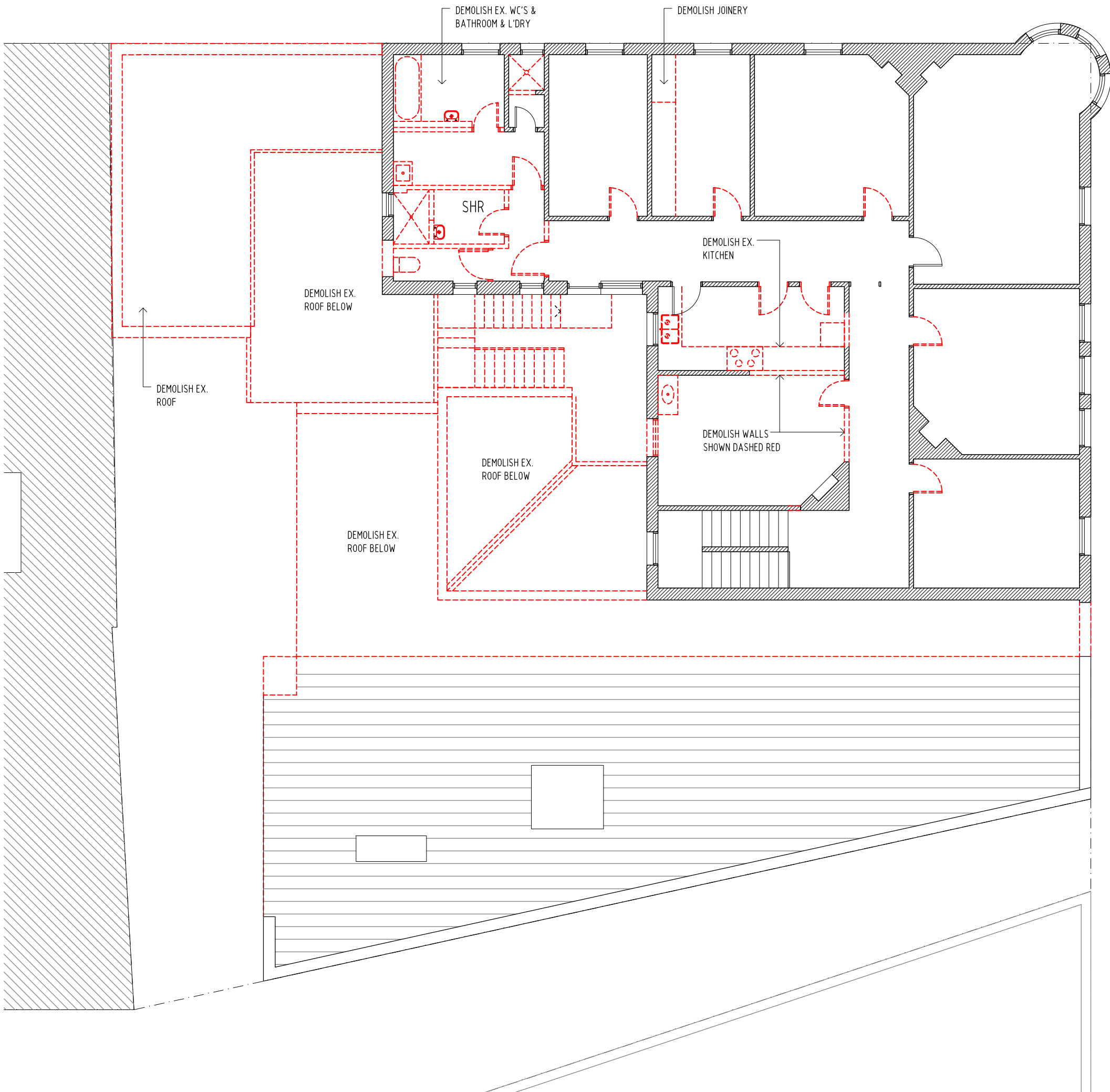
A05



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DATE : 19 November 2020
STATUS : Planning Application
DRAWING : Existing first floor plan
SCALE : 1:100
DRAWN : CB
PROJECT : Fitzroy Community School
 Carlton Campus
 223-227 Canning Street
 Carlton VIC 3054

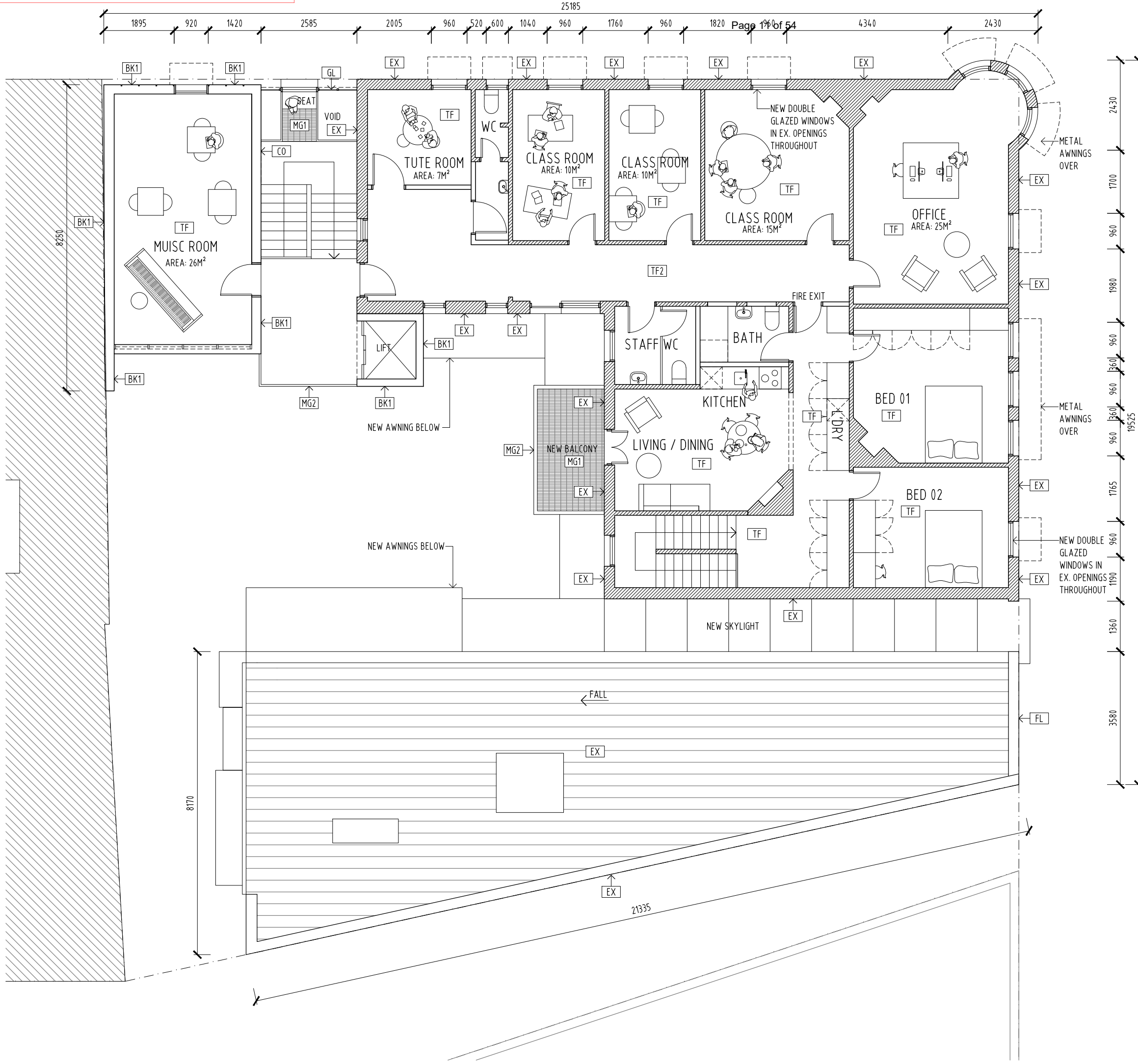
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DATE : 13 January 2021
STATUS : Planning Application - RFI
DRAWING : Proposed first flr demo plan
SCALE : 1:100
DRAWN : CB
PROJECT : Fitzroy Community School
 Carlton Campus
 223-227 Canning Street
 Carlton VIC 3054

DRAWING NO :
 A07 



LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Proposed first floor plan

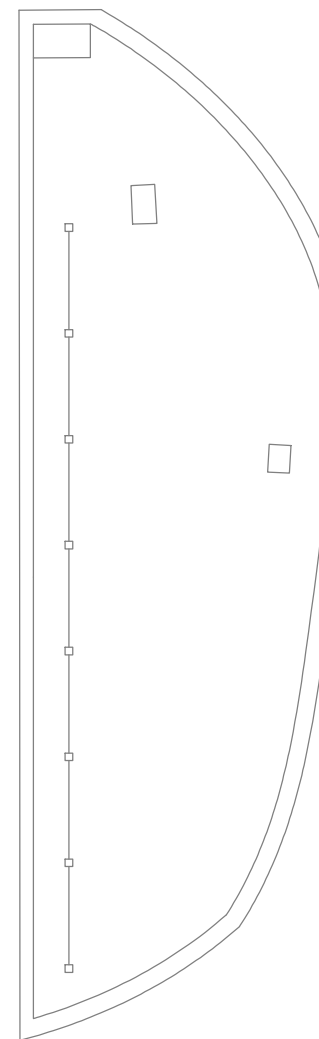
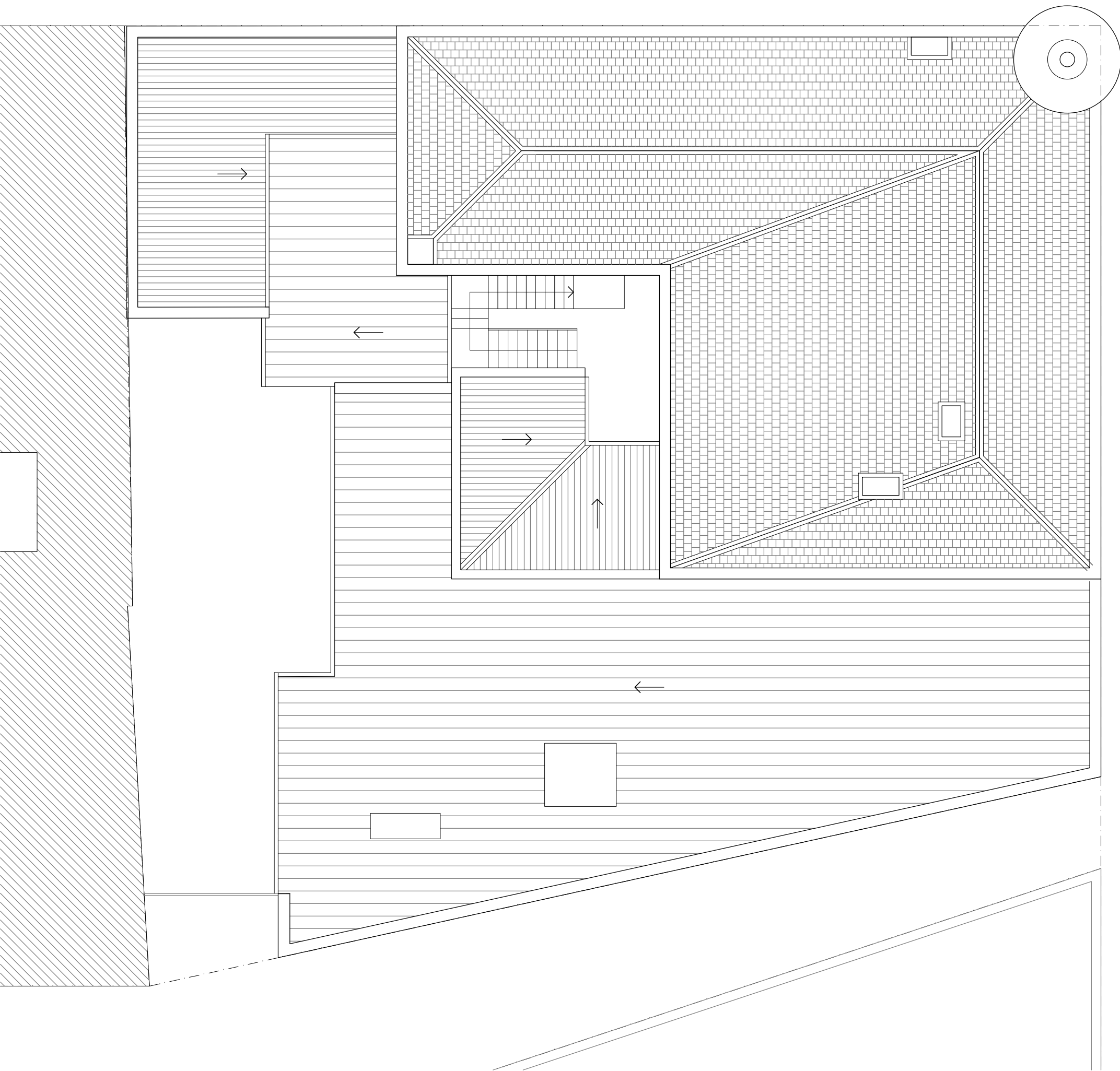
SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A08



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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Existing roof plan

SCALE : 1:100

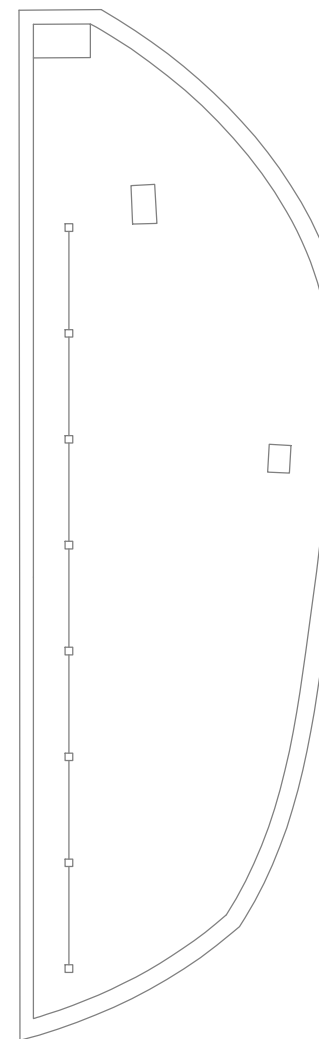
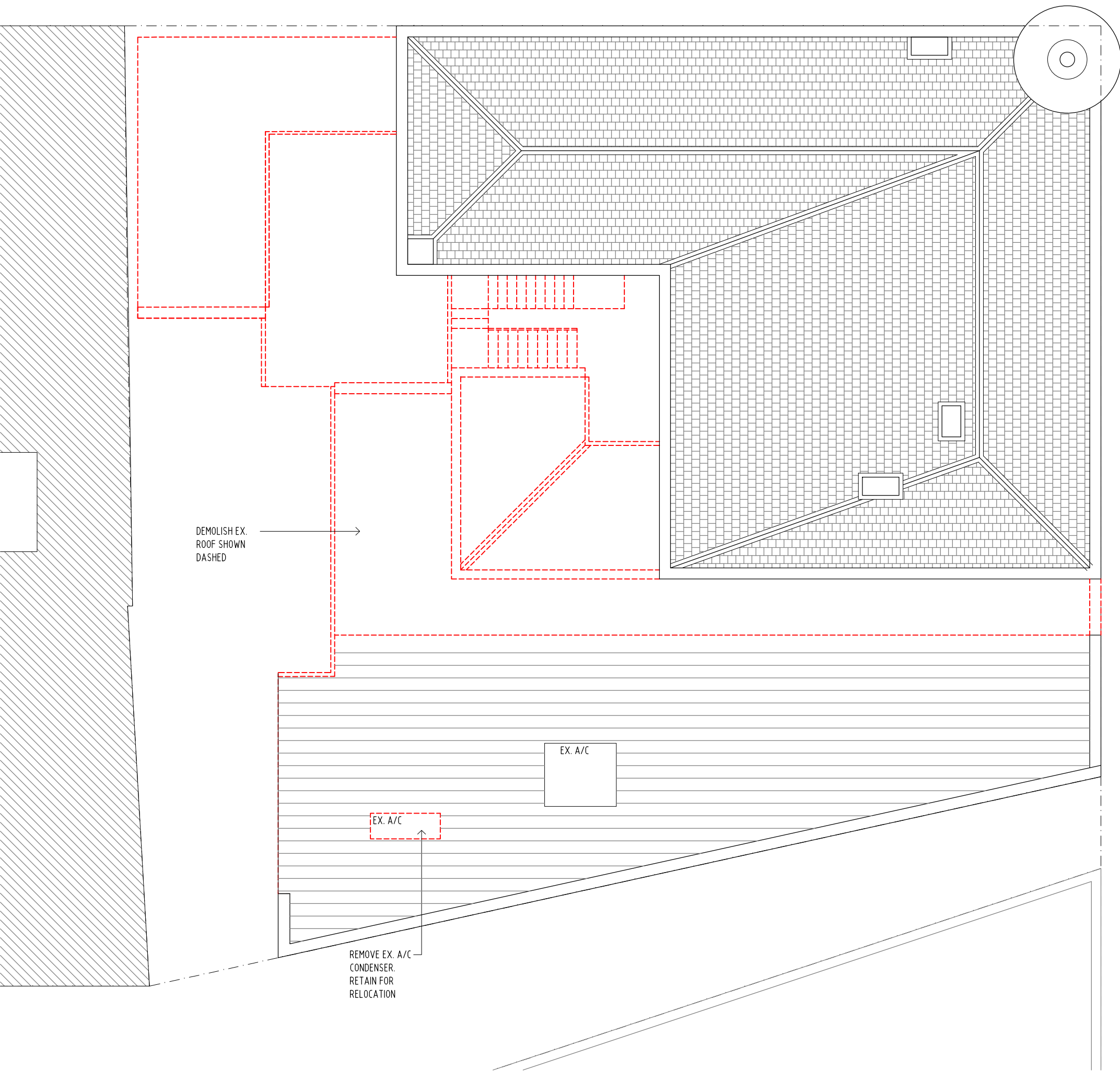
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PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A09





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DATE : 13 January 2021

STATUS : Planning Application - RFI

DRAWING : Proposed roof demo plan

SCALE : 1:100

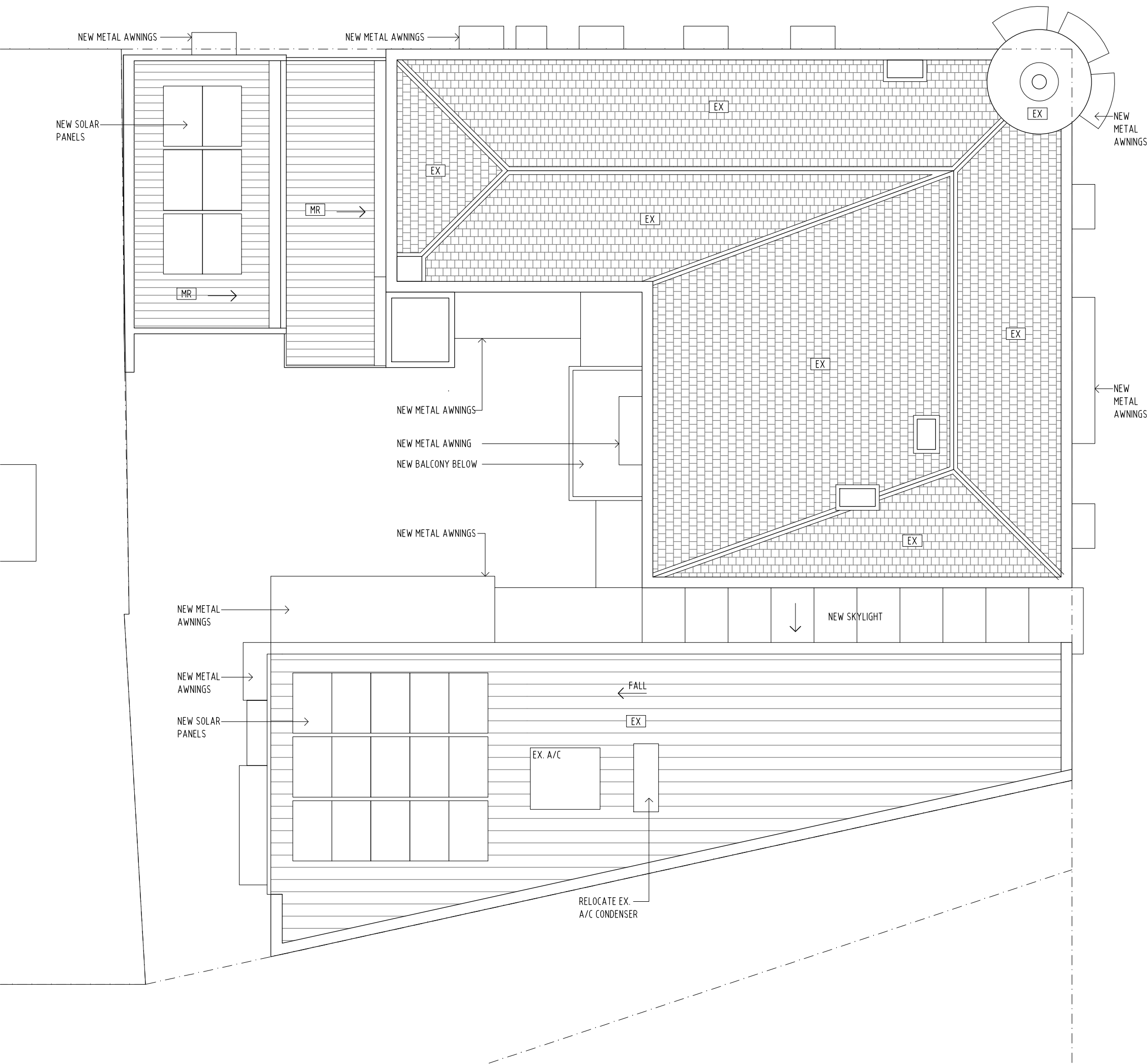
DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A10





LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW - TO MATCH EXISTING
- CO CONCRETE
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- PP PERMEABLE PAVING
- TF TIMBER FLOOR

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Proposed roof plan

SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A11





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DO NOT SCALE OFF DRAWINGS. USE FIGURED DIMENSIONS ONLY.

DATE : 13 January 2021

STATUS : Planning Application - RFI

DRAWING : Existing north elevation

SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A12



LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

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DATE : 13 January 2021

STATUS : Planning Application - RFI

DRAWING : Proposed north elevation

SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO:

A13





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DO NOT SCALE OFF DRAWINGS. USE FIGURED DIMENSIONS ONLY.

DATE : 13 January 2021

STATUS : Planning Application - RFI

DRAWING : Existing east elevation

SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A14



LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
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DATE: 13 January 2021

STATUS: Planning Application - RFI

DRAWING: Proposed east elevation

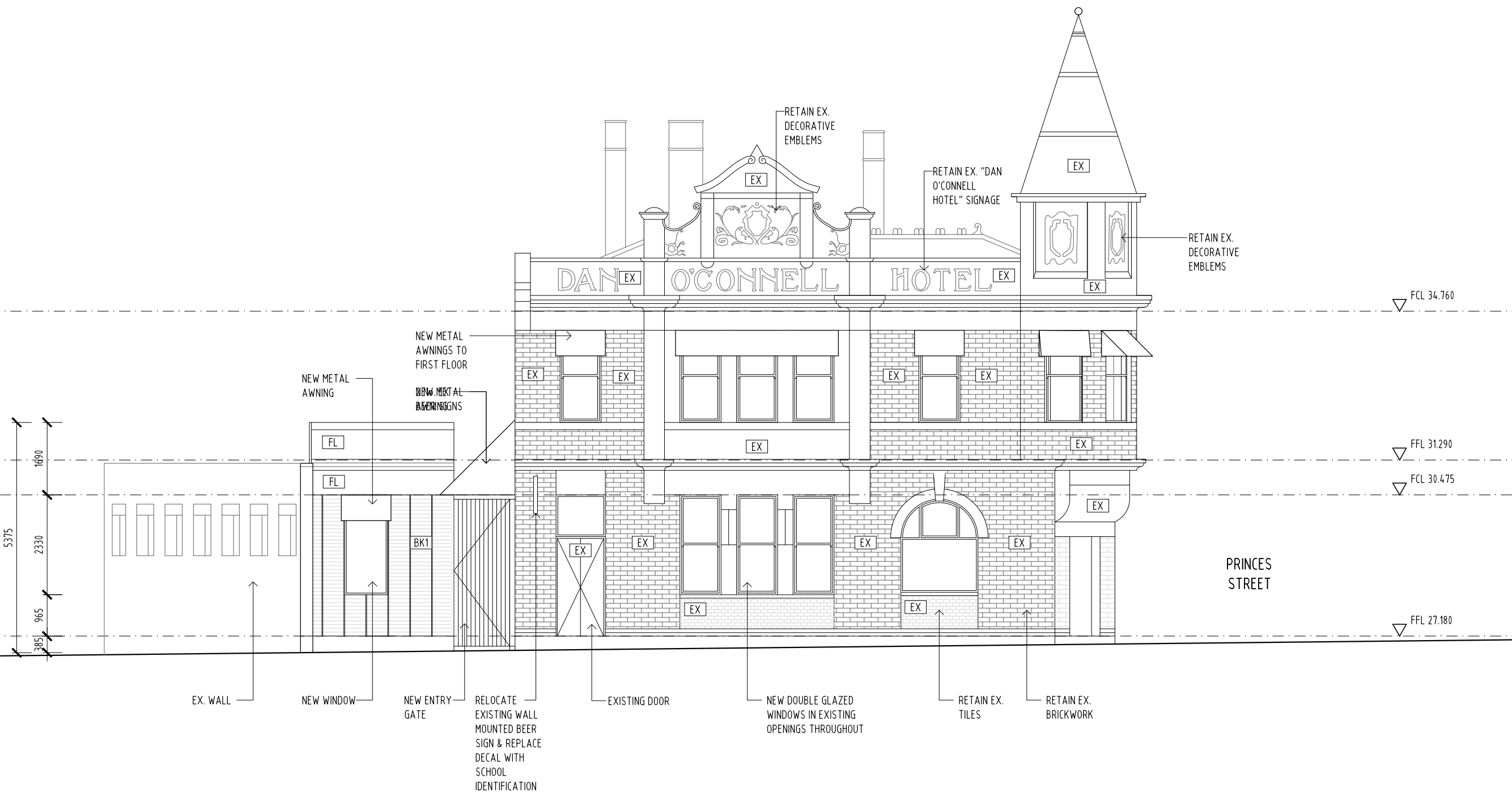
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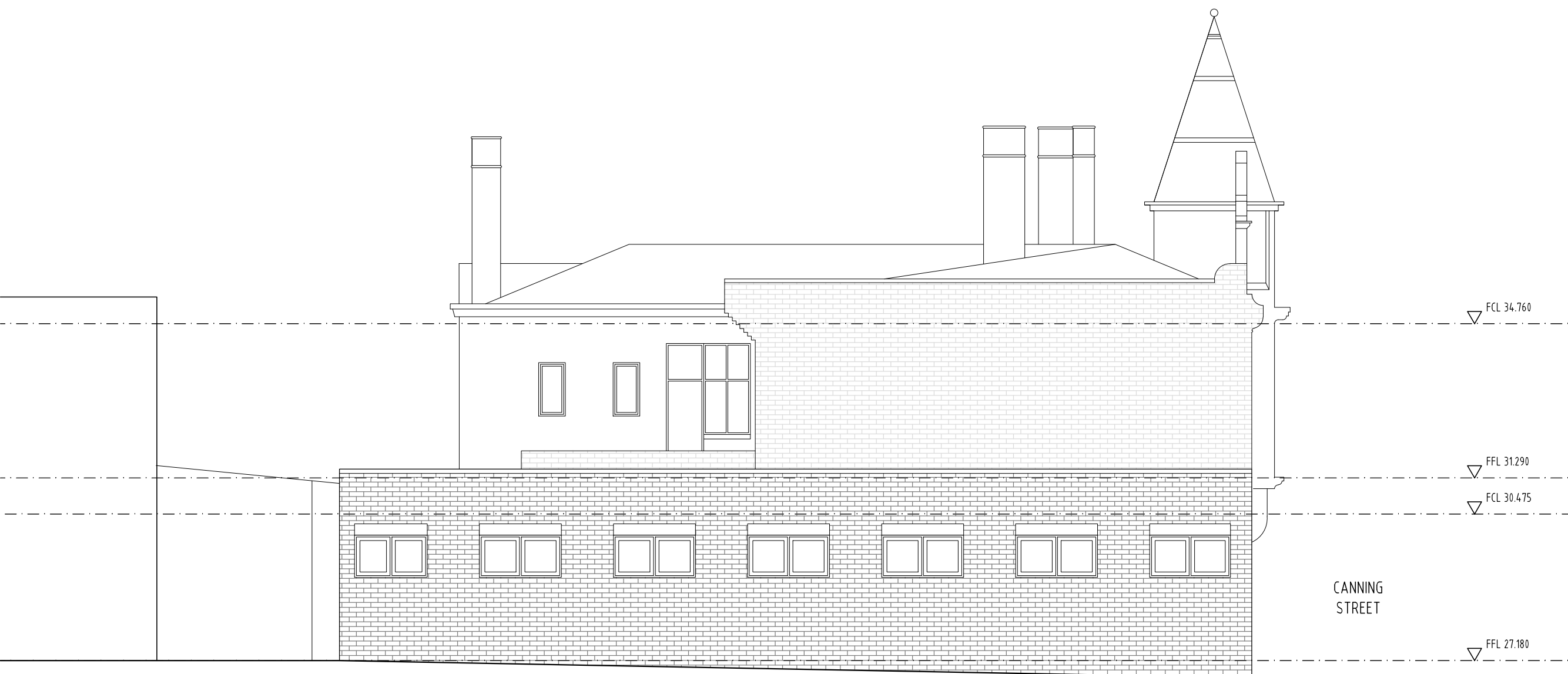
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PROJECT: Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO:

A15





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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Existing south elevation

SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A16



LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Proposed south elevation

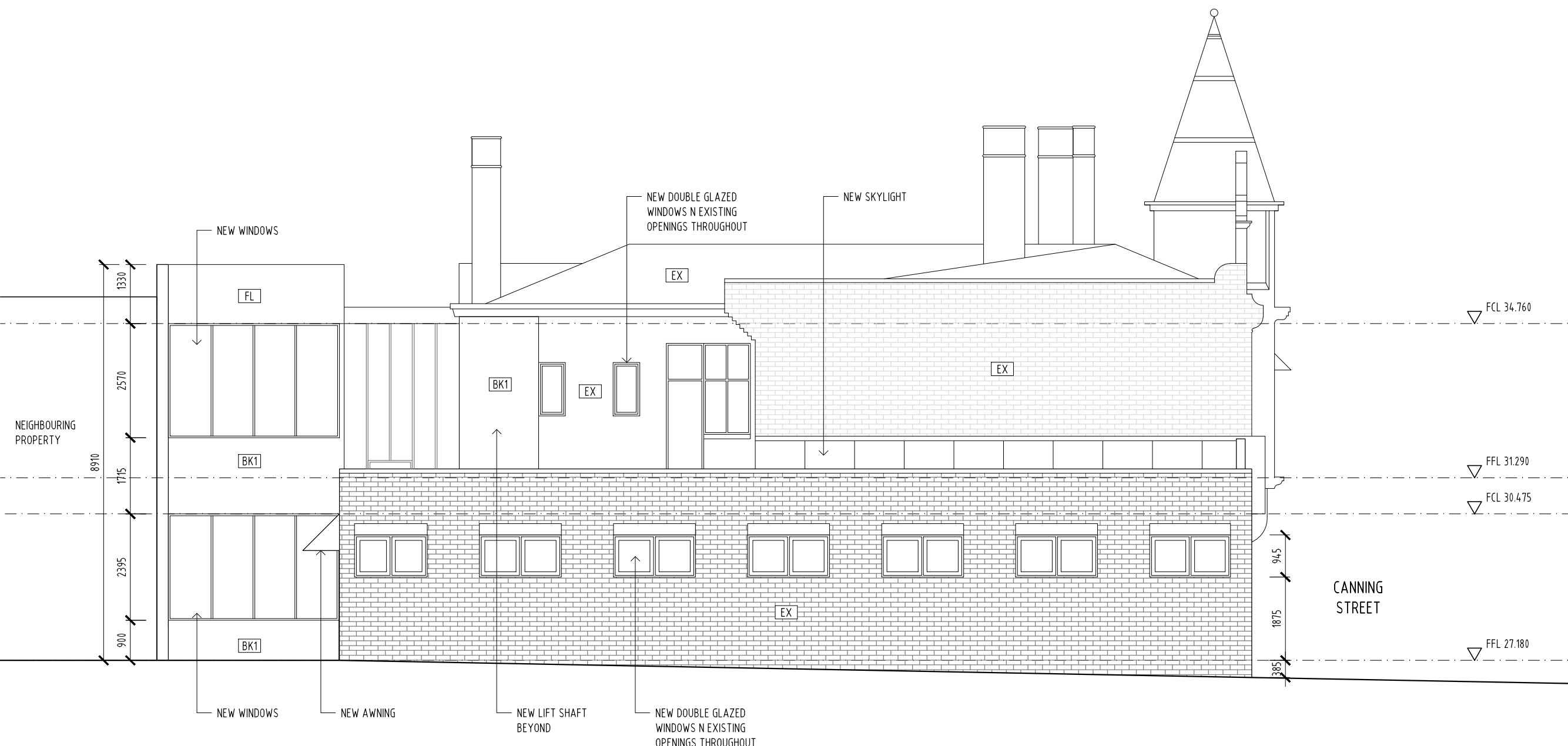
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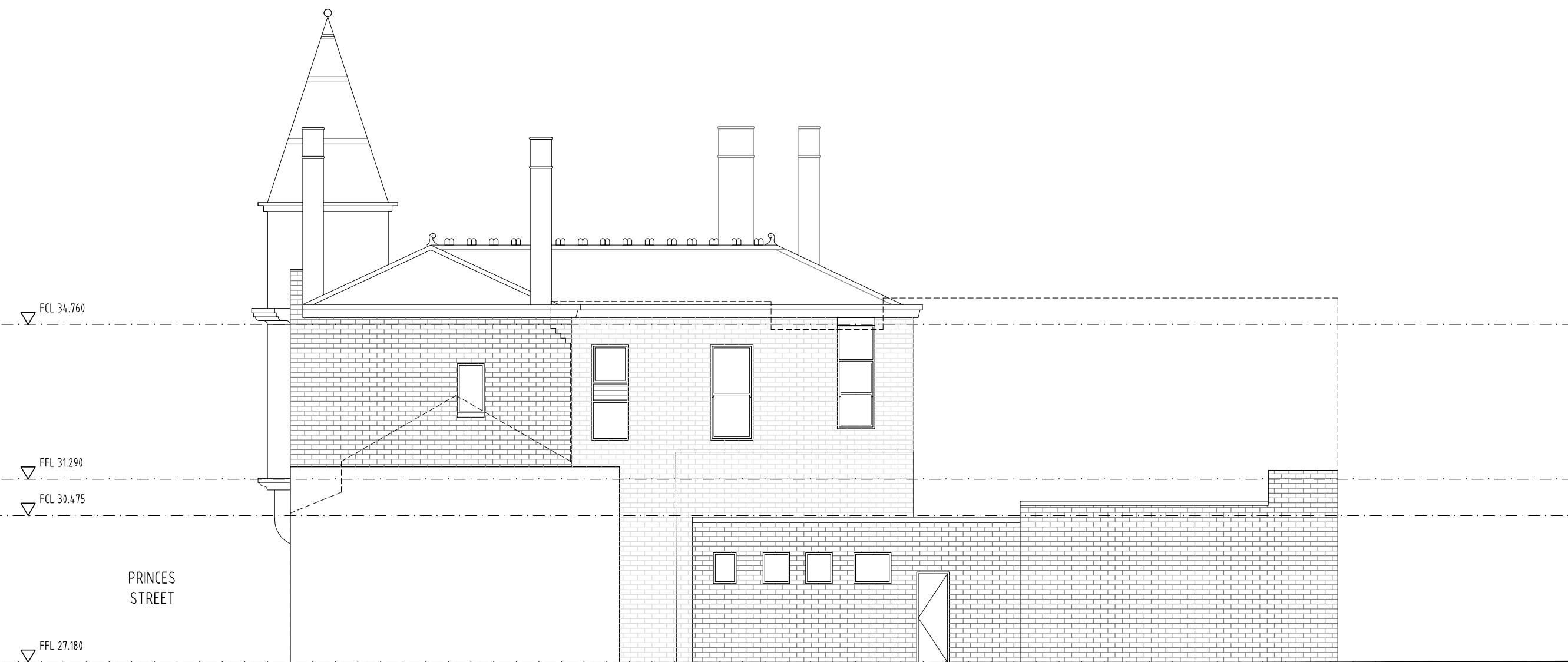
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PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A17





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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Existing west elevation

SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A18



LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Existing west elevation

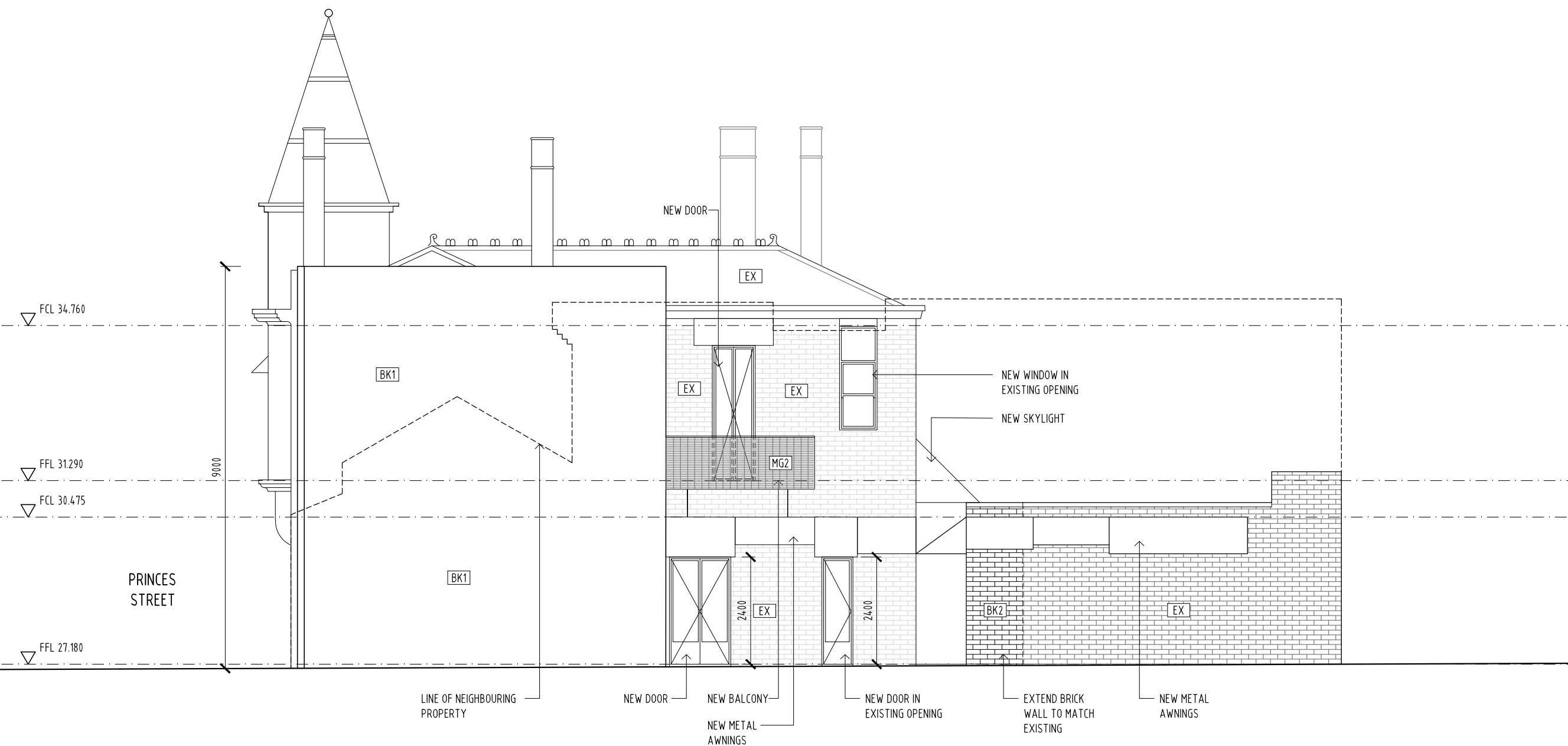
SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A19





LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

GENERAL NOTES:

THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS AND DRAWINGS.

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CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK.

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Section a

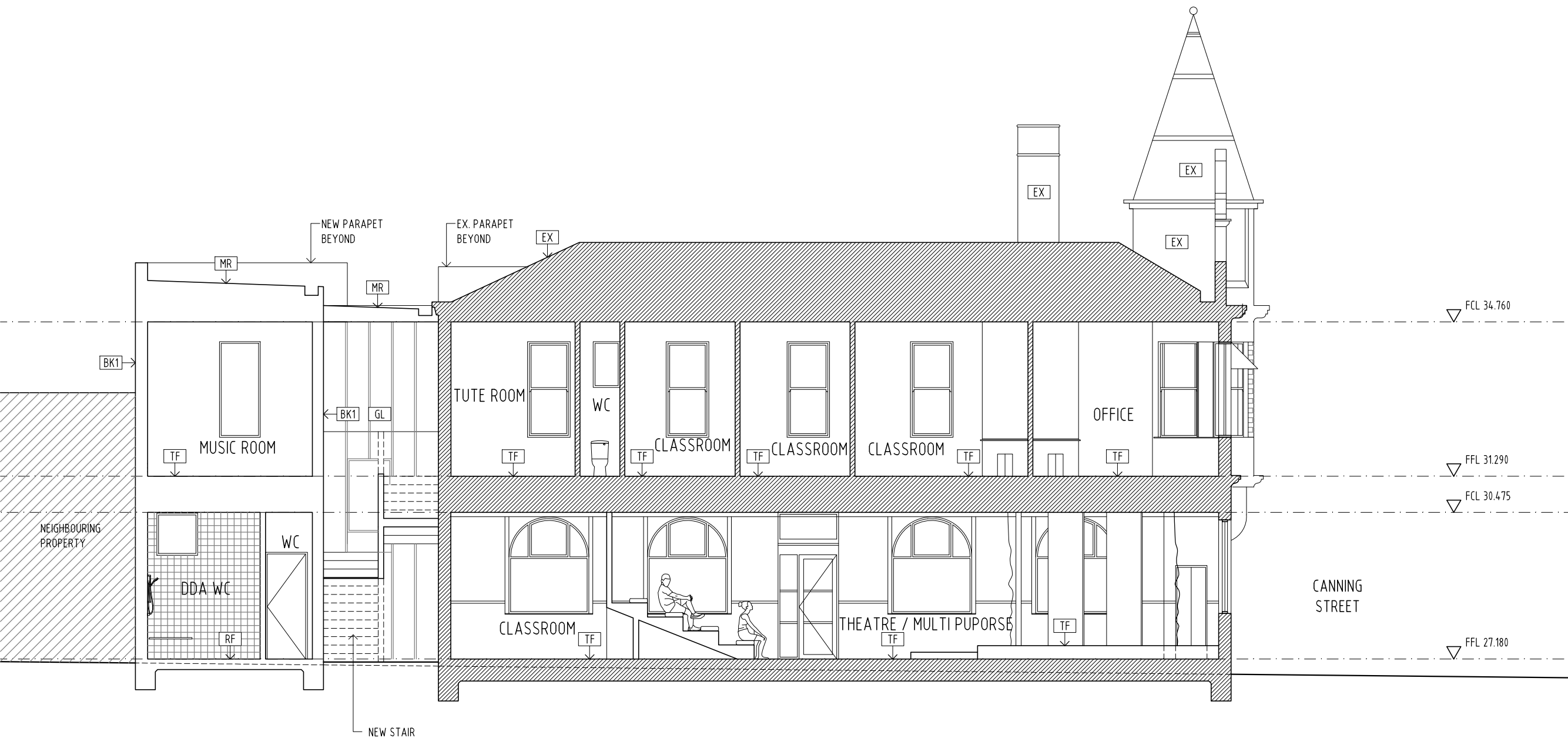
SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A20





LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Section b

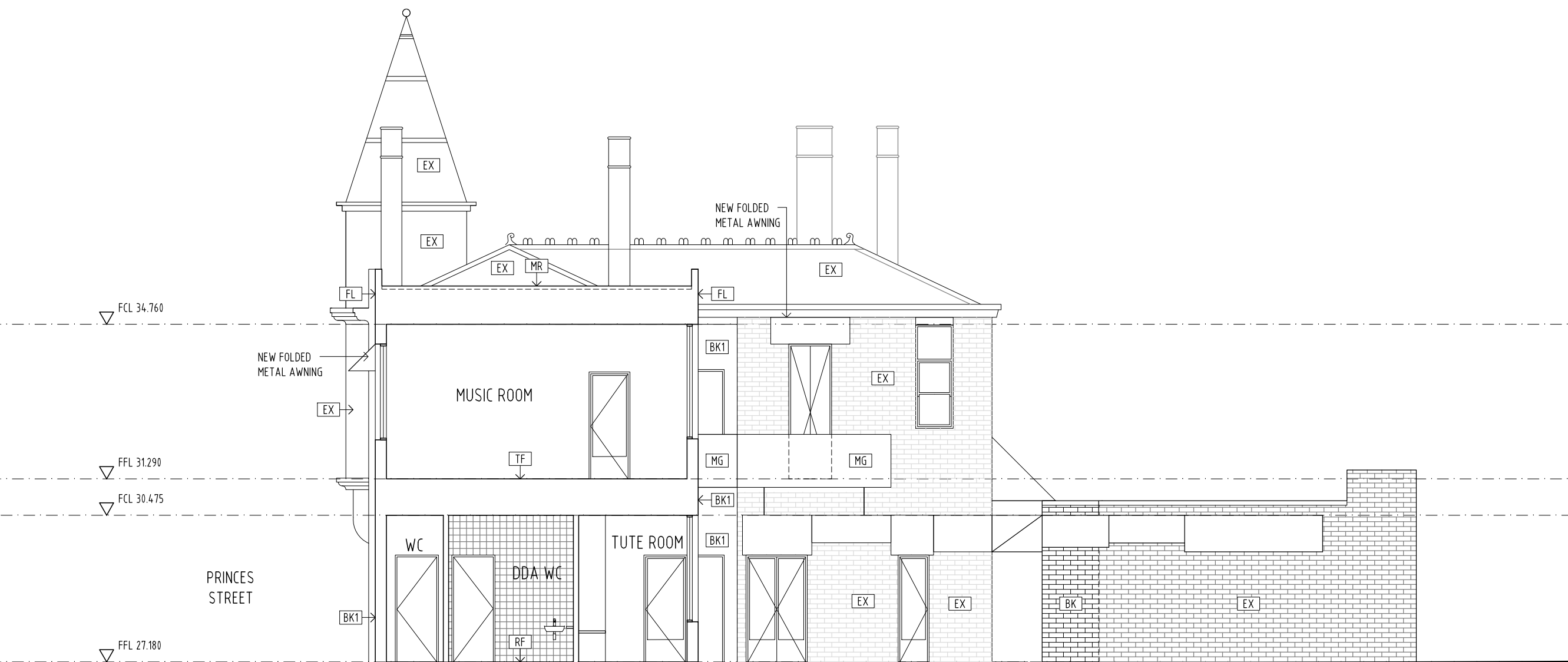
SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A21





LEGEND:

- DP DOWN PIPE
- SL SKYLIGHT

MATERIALS:

- BK1 BRICK NEW LIGHT RED COLOUR
- BK2 BRICK NEW TO MATCH EXISTING
- EX EXISTING FINISH
- FL FLASHING - ZINCALUME
- FM FOLDED METAL - POWDER COATED
- GL TRANSLUCENT GLASS
- MG METAL GRATE
- MR METAL ROOFING - ZINCALUME
- TF TIMBER FLOOR

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DATE : 19 November 2020

STATUS : Planning Application

DRAWING : Section c

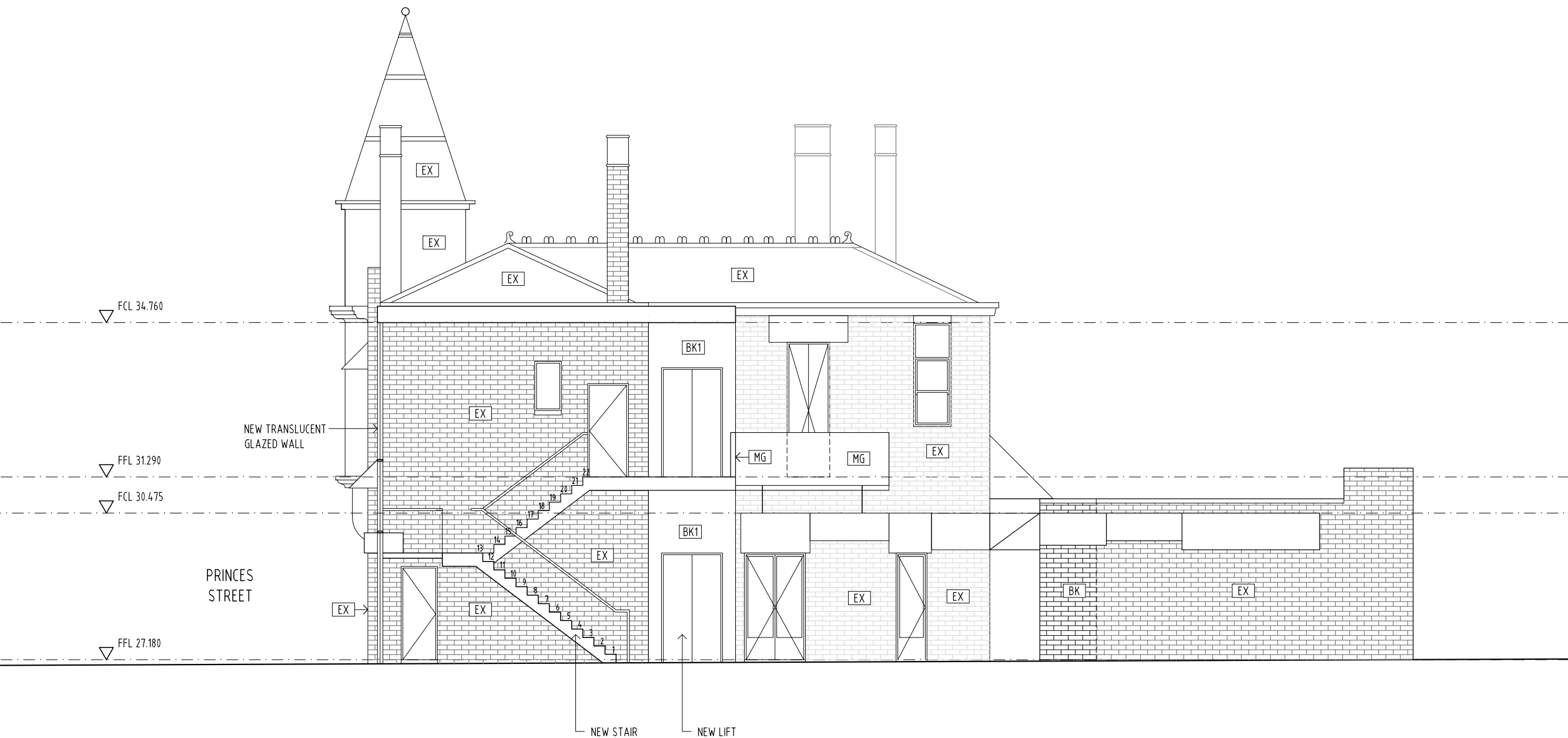
SCALE : 1:100

DRAWN : CB

PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A22





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CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK.

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DATE : 13 January 2021

STATUS : Planning Application - RFI

DRAWING : Proposed materials - east

SCALE : 1:100

DRAWN : CB

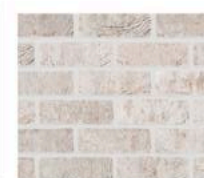
PROJECT : Fitzroy Community School
Carlton Campus
223-227 Canning Street
Carlton VIC 3054

DRAWING NO :

A23



POWDER COAT FINISH - COLOUR: RAL 6029



AUSTRAL BRICK - SAN REMO RECLAIMED LIME WASH



POWDER COAT FINISH - COLOUR: DULUX PINK PERSIMMON








ZINCALUME FLASHING



GENERAL NOTES :
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 CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK.
 DO NOT SCALE OFF DRAWINGS. USE FIGURED DIMENSIONS ONLY.

DATE : 13 January 2021
STATUS : Planning Application - RFI
DRAWING : Proposed materials - north
SCALE : 1:100
DRAWN : CB
PROJECT : Fitzroy Community School
 Carlton Campus
 223-227 Canning Street
 Carlton VIC 3054

				
POWDER COAT FINISH - COLOUR: RAL 6029	TRANSLUCENT GLASS PANELS	AUSTRAL BRICK - SAN REMO RECLAIMED LIME WASH	POWDER COAT FINISH - COLOUR: DULUX PINK PERSIMMON	ZINCALUME FLASHING

DRAWING NO :
A24

DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2020-762
Applicant:	Richard Stampton Architects
Address:	Dan O'Connell Hotel, 223-227 Canning Street, CARLTON VIC 3053
Proposal:	Use of the land for an education centre, partial demolition and buildings and works associated with the use
Date of application:	30 November 2020
Responsible officer:	Xavier LIVY

1 SUBJECT SITE AND SURROUNDS

The subject site (the Site) is located at the south-west corner of the intersection of Canning Street and Princes Street. Council laneway Victoria Place runs along the southern boundary of the Site. The Site has triple frontages to Canning Street, Princes Street and Victoria Place measuring approximately 19 metres, 25m, and 24m respectively. The Site has a total area of 380.9m².

Occupying the Site is the Dan O'Connell Hotel, a two storey brick building featuring a corner turret. The Hotel was designed in the Edwardian style and built for Carlton Brewery Limited in 1911. The subject site is considered to be 'Significant' under the Heritage Places Inventory 2020. The Hotel has historically only been used as a pub.

The surrounding area primarily contains one to two storey residential dwellings, many of which date to the Victorian and Edwardian era. The Site is also opposite Neill Street Reserve to the east.

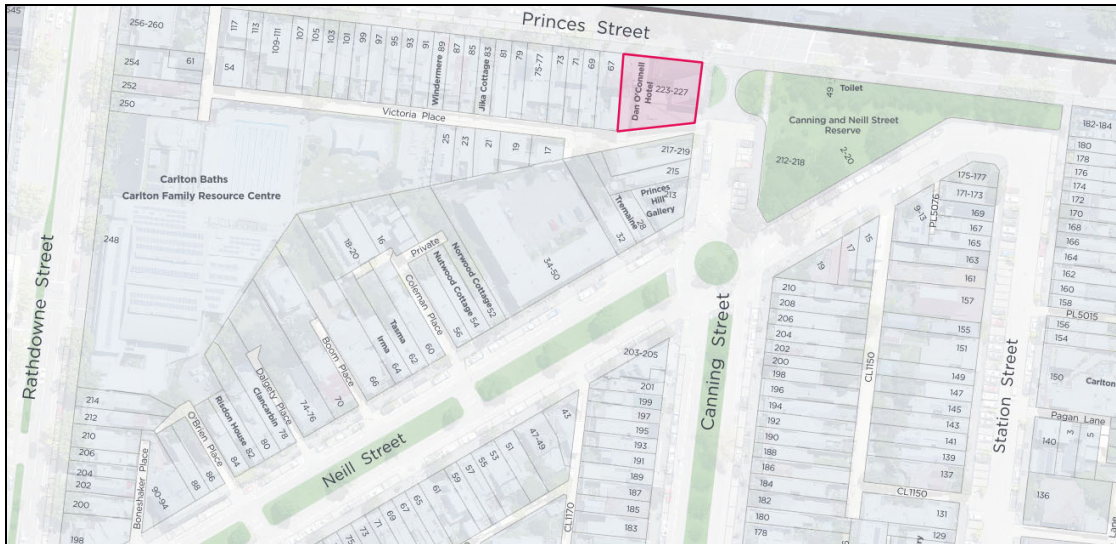


Figure 1: Subject site and surrounds (source: Compass)



Figure 2: View from Canning Street



Figure 3: View from Princes Street



Figure 4: View of Victoria Place

2 BACKGROUND AND HISTORY

2.1 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site:

Table 1: Permits of relevance			
TP number	Description of Proposal	Decision & Date of Decision	Officer Comment
TP-2015-1083	Use of land for the sale and consumption of liquor pursuant to a General licence issued under the Liquor Control Reform Act 1998 where the number of patrons allowed under the licence is to be increased	Permit Issued – 26/05/2016	Last permit issued for the Hotel for the sale and consumption of liquor associated with its use as a pub / bar
TP-2006-942	Modifications to existing openings of the hotel	Permit Issued – 29/11/2006	Works to alter the entry at the south-east corner of the Site

3 PROPOSAL

The application seeks approval for the change of use of the site to a primary school, partial demolition, buildings and works, and a reduction in the statutory car parking requirement.

3.1 Change of use to a primary school

The site is proposed to be used as a campus of the Fitzroy Community School Co-Operative. Details of the use are as follows:

- The school is to accommodate students from a primary school age to junior secondary school age (prep-year 8) as well as a caretaker's house which will be occupied by a supervisor of the education centre.
- The hours of operation are to be Monday to Friday between 8.00am and 6.00pm with staff being able to be present outside of these times for class preparation.
- On no more than two (2) evenings per week the use may operate until 9.00pm provided that all activity is contained within the buildings on the land.
- On no more than four (4) occasions during a school term the use may operate on a Saturday or Sunday only between the hours of 9.30am and 10.30 pm.
- The proposed use employs a maximum of 12 staff, with a maximum of 10 staff expected to be on site at any given time.
- The proposed works comprise 12 teaching spaces of various sizes that could accommodate a maximum of 110 students at any one time although 85 students maximum per day is expected.

3.2 Partial demolition and buildings and works

The application seeks partial demolition at the rear and north-west and a section of the façade on the east elevation of the Site. The demolition is primarily contained to later additions to the Hotel however some minor demolition at the rear of the Hotel for the installation of new entries is also proposed.

The existing glazing in all of the windows at the site are to be replaced with double glazing however no alterations to the framing are proposed.

The buildings and works proposed consist of additions to the west of the existing hotel building and to its south, as well as balcony and lift central to the site connecting the additions to the remaining Hotel building and existing remaining addition.

The addition to the north-west corner of the Site is to be a double storey addition connected to the Hotel by a translucent glass wall. The addition is to be the same height as the existing Hotel.

The southern addition is to be fixed between the existing addition and the Hotel.

The works also include the installation of solar panels and the re-location of the existing air conditioning condenser at the Site. The solar panels are to be located on the roof of both the north-west and southern additions at the Site and the condenser to the roof of the southern addition.

None of the services are expected to be seen from the Canning Street or Princes Street frontage given they are to be obscured by parapets of the new additions, as well as due to their location within the Site.

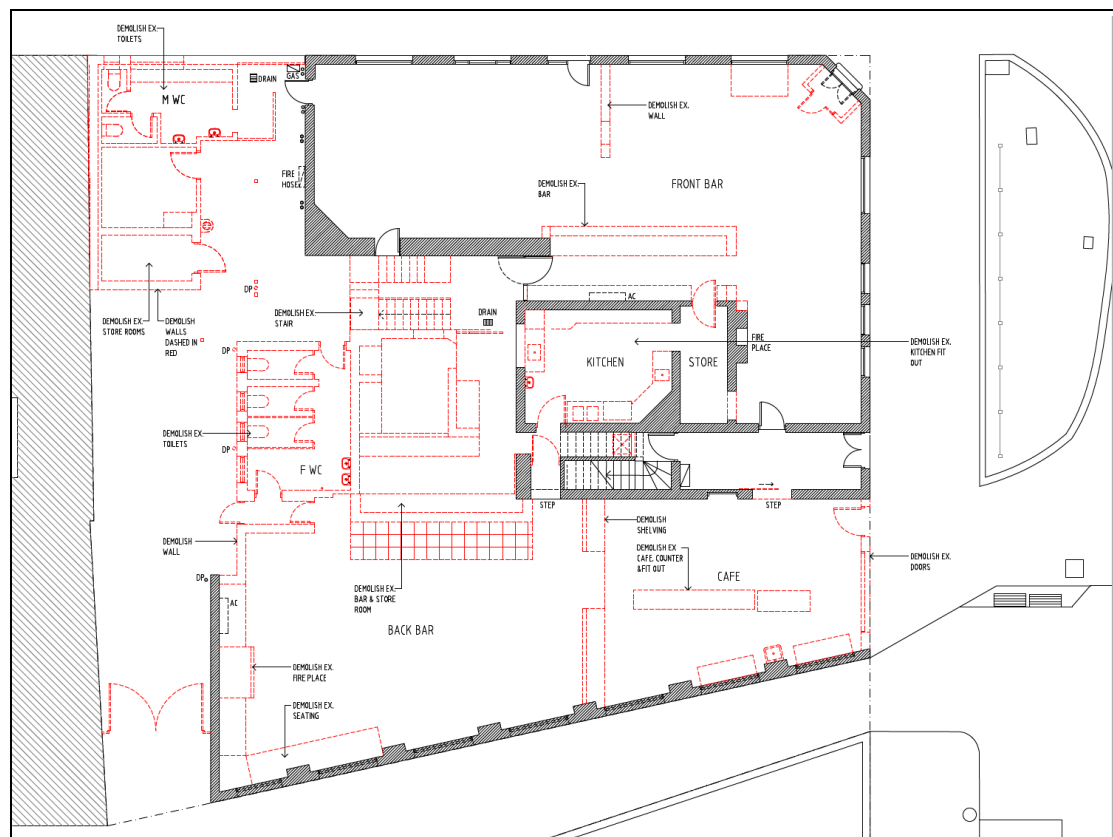


Figure 5: Ground floor demolition plan

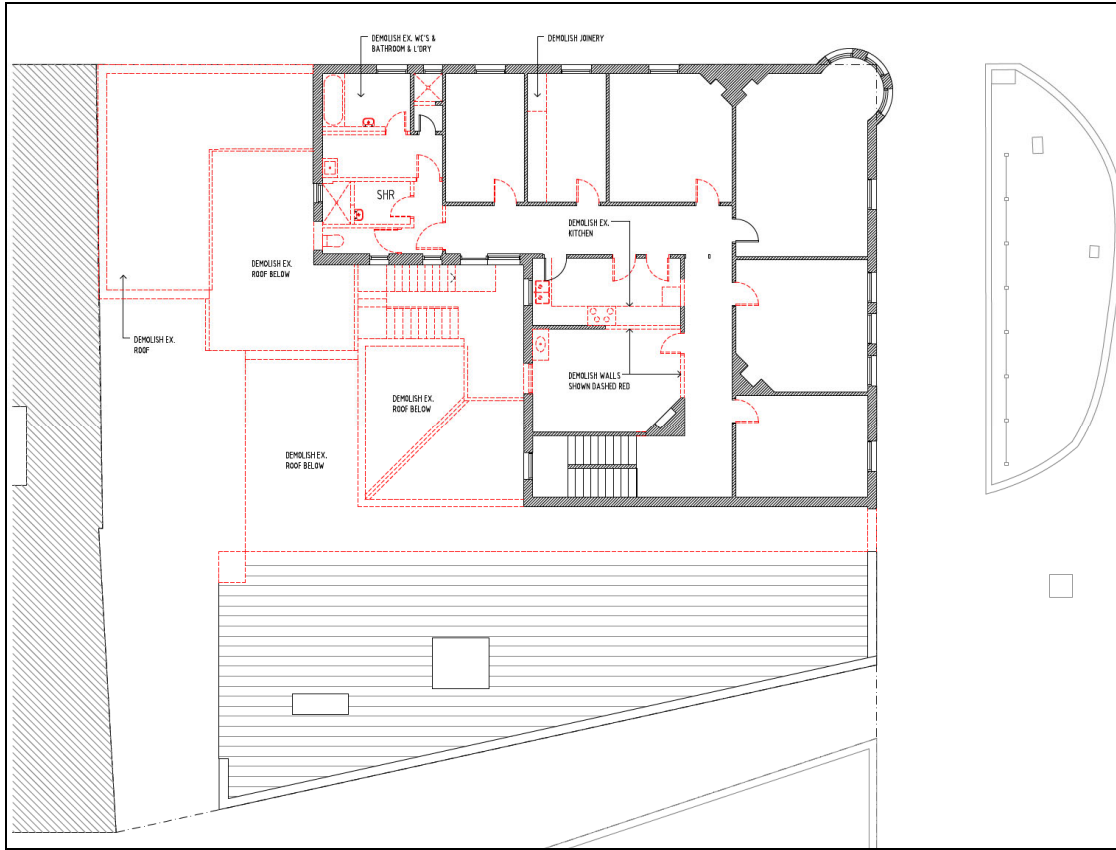


Figure 6: First floor demolition plan

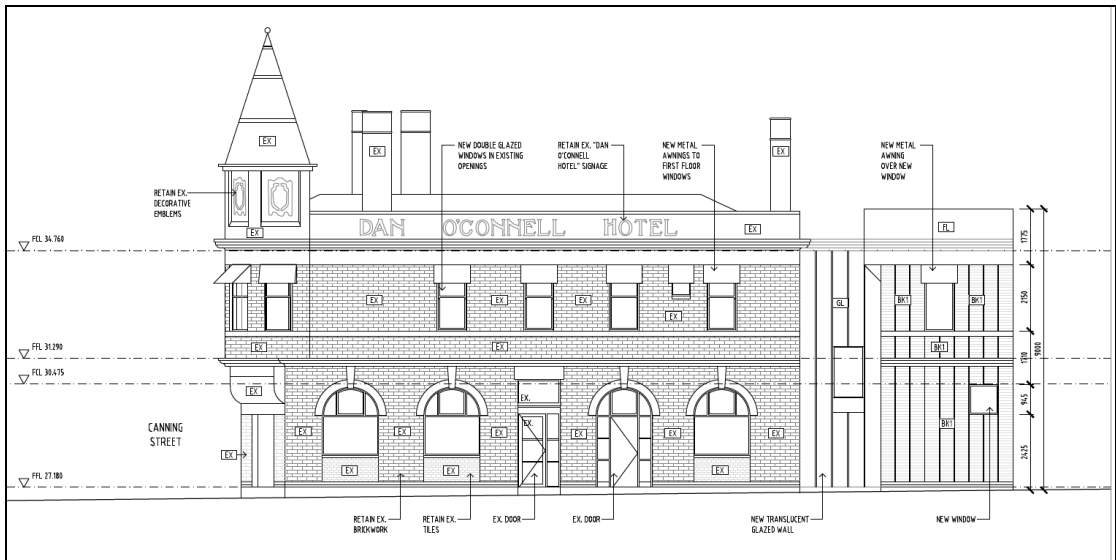


Figure 7: Proposed north elevation

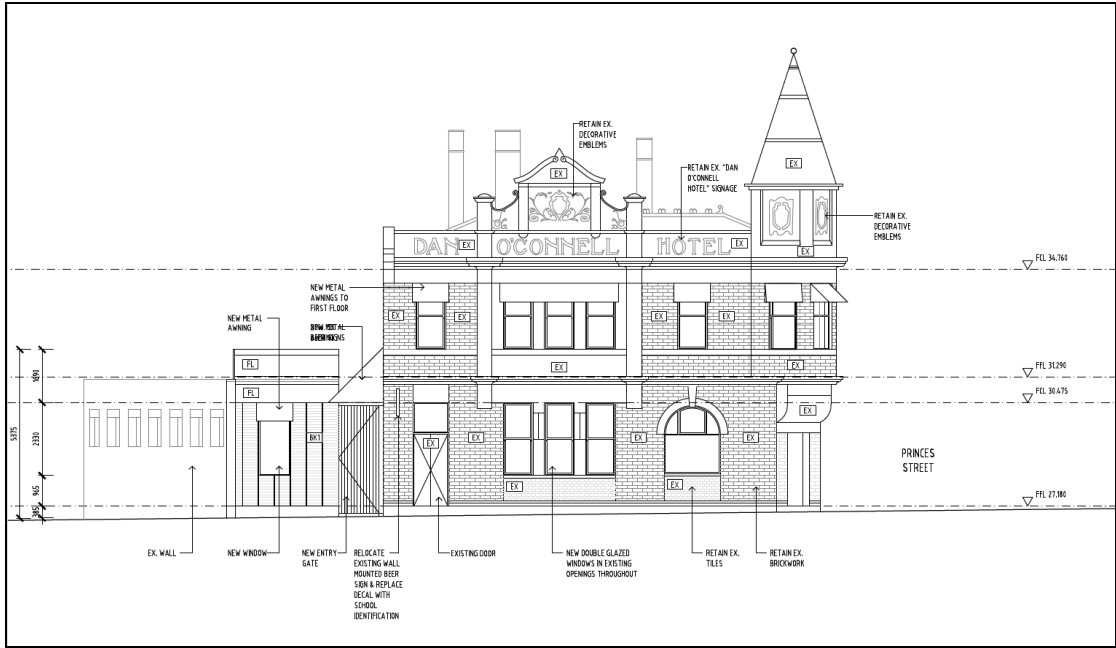


Figure 8: Proposed east elevation

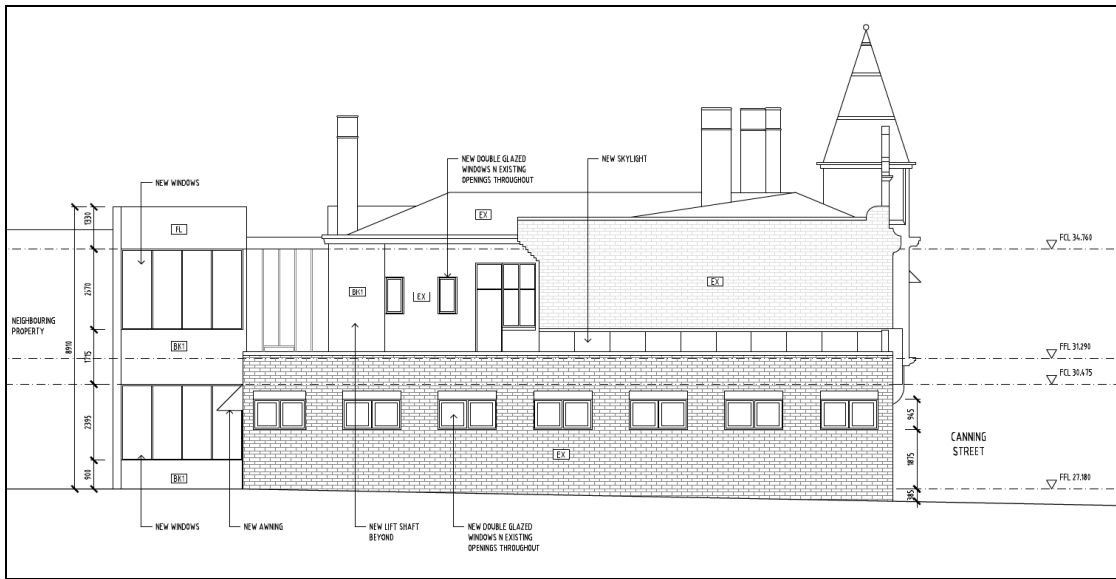


Figure 9: Proposed south elevation

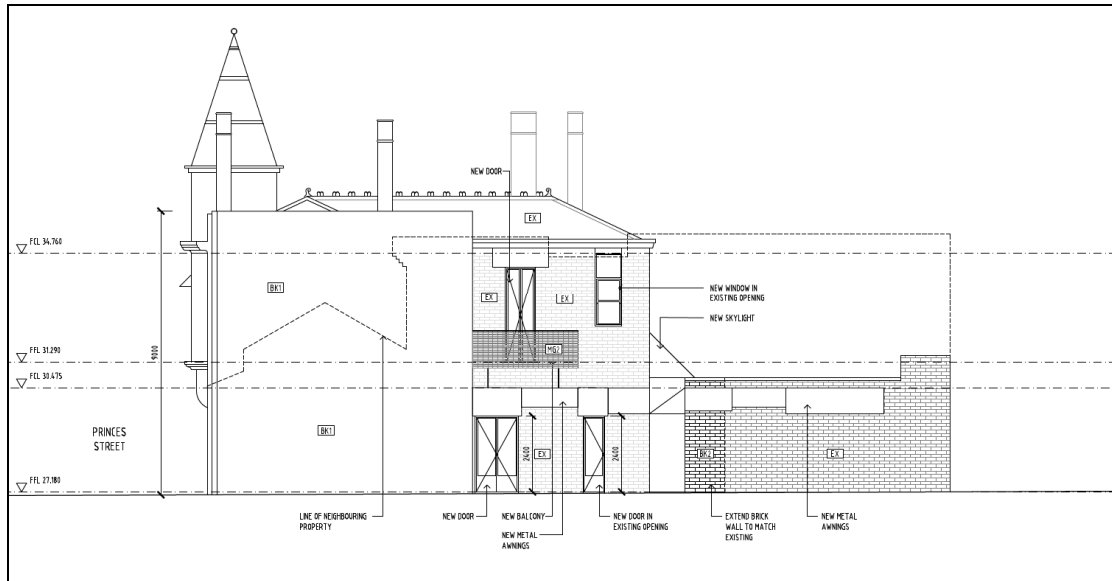


Figure 10: Proposed west elevation

3.3 Reduction of the car parking requirement

There is no existing on-site car parking facilities available and no car parking is proposed associated with the change of use and works.

Further discussion on the proposed reduction is outlined later in the report.

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Table 2: Relevant Planning Controls	
Clause	Permit Trigger
<p>Clause 32.08 General Residential Zone Schedule 1 – General Residential Areas (GRZ1)</p>	<p><u>Change of use</u> Pursuant to Clause 32.08-2, a permit is required for any other use not in Section 1 or 3 of the table. As education centre or primary school are not specified in the table, the use is therefore considered a Section 2 use and a permit is required.</p> <p>Note the use of the ancillary caretaker’s house (dwelling) does not require a planning permit as it is as of right under Clause 32.08-2 of the General Residential Zone.</p> <p><u>Partial demolition</u> Pursuant to Clause 62.05 a permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.</p> <p>Given neither Clause 32.08 nor Schedule 1 specify that a permit is required for demolition, a permit is therefore not required.</p> <p><u>Buildings and works</u> Pursuant to Clause 32.08-9, a permit is required to construct a</p>

	building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
<p>Clause 43.01 Heritage Overlay Schedule 1 – Carlton Precinct (HO1)</p>	<p><u>Change of use</u> Given Clause 43.01 does not specify a permit is required for the change of use, a permit is not required.</p> <p><u>Partial demolition</u> Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building.</p> <p><u>Buildings and works</u> Pursuant to Clause 43.01-1, a permit is required to construct a building or construct or carry out works.</p>
<p>Clause 45.09 Parking Overlay Schedule 12 – Residential Development in Specific Inner City Areas (PO12)</p>	<p><u>Reduction of Car Parking</u></p> <p>Pursuant to Clause 45.09-3, a schedule to this overlay may specify variations to the requirements of Clause 52.06.</p> <p>Schedule 12 states that a permit is required to provide car parking spaces in excess of the maximum number specified in the Table.</p> <p>Given the table specifically relates to car parking requirement variations for dwellings, the parking overlay and its associated schedule do not apply and a permit is not required. Parking requirements are therefore at Clause 52.06 and are detailed below.</p>
<p>Clause 52.06 Car Parking</p>	<p><u>Reduction of Car Parking</u></p> <p>Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.</p> <p>Clause 52.06-3 specifies that the parking requirement for a primary school is 1 space to each employee that is part of the maximum number of employees on the site at any time.</p> <p>Given there is to be a maximum of 10 staff on site at any given time, 10 spaces are therefore required.</p> <p>It is worth noting that Clause 52.06-3 stipulates that a planning permit is not required under Clause 52.06-3 if:</p> <ul style="list-style-type: none"> • The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land; and, • The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences. <p>The existing use on the site is a Hotel (Dan O’Connell Hotel) which had been operating until April 2020. The statutory car parking rate for a Hotel in the Principal Public Transport Network Area (Clause 52.06 Column B) is 3.5 to each 100 square metre of leasable floor area. The area associated with the former use was 635m² which generates the need for 22 car parking spaces.</p> <p>On this basis, no permit is required under Clause 52.06 as the proposed number of spaces required for the education centre use is less than the number of spaces required for the existing use.</p>

	Whilst the car parking area for a Hotel is measured by leasable floor area in the PPTN it is worth noting that the existing approval on the land allows for a maximum number of 300 patrons.
Clause 52.34 Bicycle Facilities	<p><u>Provision of Bicycle Facilities</u></p> <p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>Clause 52.34-2, states that a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p> <p>Clause 52.34-5, requires 1 bicycle space to each 20 employees and 1 to each 5 pupils over year 4.</p> <p>Table 1 (below) details the required and proposed bicycle spaces at the site.</p> <p>As fewer than 5 spaces are required for staff (see table 1), no showers or change rooms are required.</p>

Table 3: Bicycle Requirements				
Clause 52.34 Requirement	Maximum Staff Numbers	Maximum Pupil Numbers Over Year 4	Required Spaces	Total Provided
1 bicycle space to each 20 employees and 1 to each 5 pupils over year 4	10	85 students total, 24 expected in year 4 and over	4	10

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (PPF)

The relevant provisions of the PPF are summarised as follows:

- Clause 15 – Built Environment and Heritage
 - Clause 15.03-1S, Heritage Conservation, which aims to ensure the conservation of places of heritage significance.
- Clause 19 - Infrastructure
 - Clause 19.02-2S, Education Facilities, which aims to assist the integration of education and early childhood facilities with local and regional communities.

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are summarised as follows:

- Clause 21.06, Built Environment and Heritage, which summarises the historical context and character of Melbourne and outlines strategies and objectives for development in regards to urban design, heritage, and sustainable development.

- Clause 21.10, Infrastructure, which states that growth and development in the municipality will require a matching provision of infrastructure. The expansion and upgrading of roads, utilities, community facilities and public open space will be required to service the growth of resident, worker and visitor populations. The Clause identifies seven key elements for infrastructure upgrades and improvements, one of which relates to education facilities. Two objectives for education facilities, which each include strategies for implementation, are included in the Clause. These two strategies are *to support education activities* and *to ensure a high standard of 'soft infrastructure' to support innovative activity and education*.
- Clause 21.16, Other Local Areas, which provides spatial and built form directions for the remaining neighbourhoods of the municipality. Clause 21.16-3 specifically describes Carlton as being a dynamic and diverse local area which accommodates a range of uses including housing, retailing, entertainment, leisure and cultural activities. The Clause goes on to identify objectives for Carlton relating to housing, economic development, built environment and heritage, and open space infrastructure.

5.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 22.05, Heritage Places outside the Capital City Zone, which provides guidance on conserving and enhancing heritage places and is informed by the conservation principles, processes and practices of the *Australia ICOMOS Burra Charter*. The *Burra Charter* encourages the conservation, preservation and restoration of heritage places, and facilitates development which enhances the heritage place and is compatible and in keeping with its cultural heritage values.
- Clause 22.14, Discretionary Uses in the Neighbourhood and General Residential Zones, which provides guidance around the protection of these Residential zones to ensure these uses are compatible with residential amenity.
- Clause 22.17, Urban Design outside the Capital City Zone, which provides guidance on how new development must respect this character and add to the overall quality of the urban environment.
- Clause 22.19, Energy, Water and Waste Efficiency, which requires certain proposal to consider resource use and efficiency as a part of the new development.
- Clause 22.23, Stormwater Management (Water Sensitive Urban Design), provides guidance on how development can managed stormwater based on an increase in any hard surface area.

6 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities

7 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65 – Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 66 – Referral and Notice Provisions

8 PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting 3 notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

9 OBJECTIONS

A total of five objections were received, and raised the following concerns with the proposal:

- Impacts of additional traffic for drop-off/pick-up and safety concerns
 - More detail sought in regard to exactly where pick-ups/drop-offs were to occur and staff parking arrangements
- Potential noise from the use, especially in open areas
- Potential strain on parking
- Impact on cyclists due to additional traffic
- History of the building – general concerns about works
- Outdoor area is inadequate for number of students
- The caretaker apartment is inadequate as a dwelling
- The development will impact infrastructure, namely drainage

Of the five objections, two were identical. Notwithstanding this all the issues raised in objections will be given due consideration in the following assessment.

It is also worth noting the application received a total of seventeen letters of support. These letters highlighted the need for this education centre and the community benefit it will bring to the immediate area and City of Melbourne. It was also highlighted how this use was a preferred outcome compared with the previous use of the site as the Dan O'Connell Hotel.

10 CONSULTATION

Given the receipt of the above objections, the following consultation was undertaken:

- Ongoing phone and email discussions with the objector parties.
- Ongoing phone and email discussions with the applicant and an opportunity provided for the permit applicant to respond to the referral comments and objections.

10.1 Internal

The application was referred internally to the City of Melbourne's Engineering and Heritage teams

10.1.1 Engineering

Waste

The application includes a Waste Management Plan which was referred onto the Waste team for comment. Upon review of the WMP, the Waste team found it to be unacceptable given the following:

- *The WMP needs to be dated, and the name of the person/company that prepared the report needs to be included.*
- *The caretaker's apartment will be entitled to a municipal waste collection, whereas the school component won't be and will be required to organise a private waste collection service for their component of waste.*

- *The caretaker will be entitled to a 120L garbage bin and 120L organics bin collected weekly, and a 240L recycling bin collected fortnightly. If the intention is for the organic waste to be composted, then the organics bin is optional.*
- *The caretaker will be entitled to an annual Council hard waste collection of 1m³ per year.*
- *Private bins are not to be placed kerbside for collection. They are to remain within the property boundary at all times except for when they are being emptied. Please specify this in your WMP.*
- *The private collection vehicle needs to be legally parked whilst undertaking collections, so please specify 215-219 Canning Street as the nominated private collection location.*

These comments have been provided to the applicant and it has been agreed that a condition is to be included should a permit be issued to address the above points.

Traffic

The Traffic team had no objections to the lack of parking provision, due to the following considerations:

- It is not possible to provide on-site parking, as it is a heritage building
- Given the applicable on-street parking restrictions, the teachers are likely to use alternative transport modes including public transport, cycling and walking
- The parents choosing to drive will need to seek any available on-street parking when picking-up / dropping-off children
- The previous hotel use would have generated a demand for about 100 parking spaces, almost 10x the demand generated by the school
- As peak hotel demand was after-hours / on weekends, it would have had a much greater impact than the school on the surrounding residents, who were more likely to be home at those times.

Traffic also noted that *'We will not be providing short-term on-street parking for the parents picking-up / dropping-off children, as the existing parking in the nearby streets is in high demand by the abutting residents and other users.'*

It was recommended that a note should be placed on the planning permit, stating: *"The City of Melbourne will not change the on-street parking restrictions to accommodate the pick-up / drop-off, parking, servicing and delivery needs of the school"*.

It was also recommended that a Green Travel Plan should be prepared, detailing specific measures designed to significantly reduce the number of parents choosing to drive. This was discussed with the applicant who agreed that this would be worthwhile and which could form a condition of any permit that may issue.

10.1.2 Heritage

The application was referred to the City of Melbourne's Heritage Advisor for comment who provided the following recommendations on the proposed works:

The proposal would be supported with the following modifications:

- *For the two storey building (excluding the single storey structure along Victoria Place):*
 - *Delete the demolition of existing windows.*
 - *Delete the proposed window hoods.*
- *At the proposed addition in Princes Street:*

- *Reduce the height of the addition to be below the existing west elevation eaves gutter.*
- *Delete the zinc parapet and faux heritage string course.*
- *Reduce the glazed wall width to be no greater than 600mm wide and set this back 110 mm.*
- *At the proposed single storey façade in Canning Street,*
 - *Delete the zinc parapet and faux heritage string course. Retain the existing parapet height.*
 - *Delete the proposed window hoods.*

Heritage considerations are discussed further within Section 11.5 of the report.

10.1.3 Open Space Planning

The application was referred to the City of Melbourne's Open Space Planning team who provided the following comments:

The proposed development is near Canning and Neill Street Reserve a small local public open space managed by the City of Melbourne. Under the Open Space Strategy 2012 local space areas are provided to meet the open space needs of the entire local community- both current and future. As such, these Reserves are not available for servicing a school operational needs. A request for a preferential arrangement or use agreements would not be supported.

It is considered that this concern can be resolved via a note on any permit issued to ensure the courtyard on the subject site is the utilised as the primary recreational area for the education centre.

10.2 External

The permit application was referred externally to Head, Transport for Victoria in accordance with the requirements of Clause 66.02 and Section 55 of the Planning and Environment Act 1987 on 2 July 2021.

No objections or concerns were received in relation to the application.

11 ASSESSMENT

The application seeks approval of the use of the land for an education centre, partial demolition, buildings and works associated with the education use and caretaker's house. The key issues for consideration in the assessment of this application are:

- Use of the land for an Education Centre
- Potential Amenity Impacts
- Car Parking and Access
- Movement and Circulation
- Heritage
- Other detailed matters

11.1 Land Use

The site is located within the General Residential Zone of Carlton. The purpose of the GRZ includes 'To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations'.

State and Local Policies generally support the Education Centres, whilst protecting the amenity of Mixed Use Zoned areas (Clauses 19-02.2S, 21.08 and 22.14).

The site adjoins Princess Street which is a Road Zone Category 1, faces a Public Park and Recreation Zone to its east and is surrounded by other discretionary uses to the north on the corner of Princess Street and Canning Street.

The existing building was previously used as a hotel (Dan O'Connell Hotel), is located on a corner site and is in proximity to the Neill Street Reserve which highlights the suitability of this site for a discretionary use such as an education centre.

The proposal itself would provide for local jobs and education opportunities that would support the local economy.

11.1.1 Student and Staff Numbers

The proposal seeks to accommodate 85 students and 10 staff (95 people maximum). The tenancy has area of 532m² which can accommodate a large number of people on site.

The proposed student and staff numbers are considered to be acceptable and would not unreasonably impact on the amenity of the surrounding area given the nature of the use as a school that runs classes in groups. The flow of students to and from the site would occur at regular and predictable intervals.

It is worth noting that the applicant indicated in their submitted Town Planning Report that the site could accommodate a maximum of 110 students and 12 staff (122 people maximum). These numbers differ from those stipulated in the Traffic Engineering Report prepared by Traffic Group Pty Ltd. As a more comprehensive and evidence based assessment was undertaken against the numbers listed in the traffic report it in the event a permit is issued it should be for a maximum of 85 students and 10 staff.

11.1.2 Operating Hours

The primary operating hours are 8:00am to 6:00pm Monday to Friday. It is also proposed that on no more than two evenings per week the use may operate till 9:00pm and on no more than four occasions during each term for the use to operation on Saturday or Sunday between 9:30am and 10:30pm. These hours are considered to be acceptable given the context of this corner site which is adjacent to a Road Zone, Category 1.

The primary hours of operation from 8:00am to 6:00pm are also considered to be more consistent with general business hours and are likely to have less of an impact on the residential amenity. The less frequent occasions that propose hours of operation outside the primary hours are also considered to be modest when compared with the existing planning approval for the site that allows up to 300 patrons on site and with operating hours of 7am to 11pm.

11.1.3 Management of Premises

It is considered appropriate to require an Operational Management Plan to detail the specific nature of how the use will be carried out without unreasonably impacting on

surrounding area. This should be included as a condition on any permit issued and should outline how the Education Centre will be run, and what measures will be put in place to minimise off-site amenity impacts.

It is reasonable to accept and support the Education Use, provided there are no unreasonable amenity impacts, and that the site can be easily and safely accessed from the surrounding transport network.

Furthermore the proposal also seeks approval for the buildings and works to allow for the use of a caretaker's house on the site. This component of the proposal will assist in the administration of the Operational Management Plan and their presence will also ensure the primary use of an Education Centre is carried out in an efficient and effective manner.

11.2 Potential Amenity Impacts

It is considered that the proposed use of the land as an education centre would operate within the allowable limits of the relevant State Environmental Protection Policies such as *Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*. These relevant policies should be referred to as conditions on the permit, should one issue.

Generally, Education Centres are a compatible land use in residential settings, and it is not unusual to find schools, TAFEs, training centres and universities in residential settings. The proposed use is considered complementary to its context and would not cause unreasonable detriment to the surrounding residential properties. It is considered that the noise levels, odours, waste management, people and vehicle movement would be within acceptable levels that would not compromise the existing amenity of surrounding residents.

The existing surrounding land uses and businesses are not considered to have their operations restricted by the proposed use and nearby businesses would likely benefit from additional demand from students.

It is considered that the proposed use as an Education Centre would enhance the function of the area, and would not result in any unreasonable offsite amenity impacts. This use would also seek to deliver a service that would be of an overall net community benefit to the area.

11.3 Car Parking and Access

Critical for assessment for applications for Education Centres, Clause 19-02.2S has the strategy of 'Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.'

When considering the existing use of the site and the relevant requirements under Clause 52.06, the site previously generated a demand for approximately 100 car parking spaces. The proposed use is modest in comparison.

The use is predominately aimed at primary school aged children. Clause 52.06-3 specifies that the parking requirement for a primary school is 1 space to each employee that is part of the maximum number of employees on the site at any time. Given there is to be a maximum of 10 staff on site at any given time, 10 spaces are therefore required. As discussed earlier under Clause 52.06 the site can take advantage of the car parking credit which requires 22 spaces for the Hotel use. When considering the existing car parking demand against the proposed use it is anticipated the education centre is likely to have less of an impact on the surrounding street network.

There is both unrestricted and 2 hour parking available on Canning Street and 2 hour parking on Princes Street. Peak activity times of the proposed use will occur between 8:00-9:00 am and 2:30-3:30pm when there is less demand for existing surrounding street car parking. Peak times will largely require short stay pick up and drop off parking only.

The area has access to various transport modes including public transport, cycling and walking. Bicycle locking facilities are proposed at the rear of the property to cater for 10 bicycles in accordance with Clause 52.34 and is in addition to the existing bike locking facilities available on Canning Street.

The subject site is well serviced by public transport with the Nicholson Street tram less than 200 metres from the site and bus route 546 operating along Princes Street.

11.4 Movement and Circulation

Another critical point for Education Centres to consider is the strategy at Clause 19-02.2S of the Melbourne Planning Scheme which seeks to 'Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.'

There is limited scope to provide for a pick up and drop off area within the subject site itself, however, it is considered the existing street network is capable of supporting these peak periods of the use.

There is a similar education centre located on Brunswick Street which is also run by the Fitzroy Community School. When considering the site context as well as this precedent provided by the applicant in their Traffic Engineering Report prepared by Traffic Group Pty Ltd, it is anticipated that there will be in order of 13 cars at any given time for pick-up/drop-off and the remainder of students will generally walk/cycle/scoot from the immediate surrounding residential area. These more sustainable modes of transport can also be reinforced via a condition on any permit issued for a Green Travel Plan.

The applicant undertook a survey of the area which indicated that there is a total of 158 usable car spaces during the AM school drop-off peak and 178 usable spaces during the PM school pick-up peak which are located in Neil Street and Canning Street.

Whilst the subject site is located adjacent to a Road Zone Category 1 and the intersection of Princes Street and Canning Street it is unlikely that there will be any conflict between existing and proposed users of the area. There is no vehicular connection between Princes Street and to the south of Canning Street. In addition the vehicle, pedestrian and cycle movement is controlled by the signalised intersection. So whilst pedestrians and cyclists will move across Canning Street past the subject site, their speed and movement will be controlled on their approach to the intersection. The safety of students to and from the site will also be managed in the operational management plan which should form as a condition on any permit issued.

In this context it is considered there is adequate provision for safe and efficient movement of traffic and that students will be dropped off/picked up safely. In addition when considering Clause 22.14 the frequency of traffic and parking movements is unlikely to have an unreasonable effect on the residential amenity of the area and the policy supports this discretionary use in this particular location.

11.5 Heritage

The existing hotel is nominated as a Significant building within the Melbourne Planning Scheme incorporated document Heritage Places Inventory February 2020 Part A.

Clause 22.05 defines a significant heritage place as:

A significant heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A significant heritage place may be highly valued by the community; is typically externally intact; and / or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a significant heritage place can make an important contribution to the precinct.

The proposal has been assessed against the relevant performance standards of Clause 22.05 as follows:

11.5.1 Demolition

It is policy that:

- Full demolition of significant or contributory buildings will not generally be permitted.
- Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.
- Retention of the three dimensional form is encouraged; facadism is discouraged.
- The adaptive reuse of a heritage place is encouraged as an alternative to demolition.
- A demolition permit not be granted until the proposed replacement building or works have been approved.
- Fences and outbuildings which contribute to the cultural significance of the heritage place are not demolished.

The proposal includes demolition of the following:

- Single storey service wing along the Princes Street
- Central single storey toilets and bar area and various internal fixtures and fitting
- Various internal walls, fixtures and one window opening.
- Demolition all existing windows and replace with double glazed units
- Demolish the single storey shop front façade on Canning Street.

The aforementioned structures proposed for demolition are not considered integral components associated with the existing two-storey hotel constructed in 1911. They are considered to be more recent additions and their removal is unlikely to have an impact on the heritage value.

However, there is concern with the demolition of the timber double-hung windows which can be seen on the elevations. Demolition of these windows would diminish their significance and is not consistent with Clause 22.05 for a 'significant' building category. A condition on any permit issued will recommend an alternative design solution such as a secondary glazed panel to the interior. This item has been raised with the applicant for their early consideration.

Subject to the above the partial demolition is considered acceptable.

11.5.2 Buildings and works

It is policy that:

- Additions to buildings in a heritage precinct are respectful of and in keeping with:
 - 'Key attributes' of the heritage precinct, as identified in the precinct Statement of Significance.
 - Precinct characteristics including building height, massing and form; style and architectural expression; details; materials; front and side setbacks; and orientation.
 - Character and appearance of nearby significant and contributory buildings.
 - Where abutting a lane, the scale and form of heritage fabric as it presents to the lane.
- Additions to significant or contributory buildings:
 - Are respectful of the building's character and appearance, scale, materials, style and architectural expression.
 - Do not visually dominate or visually disrupt the appreciation of the building as it presents to the street.
 - Maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height.
 - Do not build over or extend into the air space directly above the front or principal part of the significant or contributory building.
 - Retain significant roof form within the setback from the building façade together with roof elements of original fabric.
 - Do not obscure views of façades or elevations associated with the front or principal part of the building.
 - Are distinguishable from the original fabric of the building.
- The design of additions is to:
 - Adopt high quality and respectful contextual design.
 - Avoid direct reproduction of the form of historic fabric.
 - Adopt an interpretive design approach of other details such as verandahs, fences, and shopfronts

The proposal includes the following additions to the significant building:

- Construction of a two storey services and teaching wing with a glass, brick and zinc façade wall adjoining 67 Princes Street.

- Installation of window hoods along the first floor north and west elevations.
- Replacement of the single storey shopfront façade on Canning Street with a taller brick and zinc façade wall.

The proposed additions to the existing building currently present in a manner which have the potential to detract from the heritage fabric of the significant building. The two storey addition adjoining 67 Princes Street is of a height that is visually dominant and disrupts the presentation of the existing building to Princes Street. As outlined by the City of Melbourne's Heritage Advisor, a design response that would be more sympathetic would rely on a façade height which does not extend beyond the west elevation eave gutters. By dropping the built form under the eaves, this would assist in the preservation and prominence of the existing hotel.

In addition to the height of the built form on Princes Street is the selection of materiality. The proposed 'zicalimme flashing' and faux heritage string course is not consistent with the character of the existing building or with Clause 22.05. As outlined by the City of Melbourne's Heritage Advisor, modifications to the form and removal of these materials would result in a more respectful design response for the existing significant heritage building.

Concern from the City of Melbourne's Heritage Advisor was also raised in relation to the width and setback of the 'translucent glass' component of the addition along Princes Street. There are constraints in reducing the width of this area in terms of its materiality as it associated with an internal staircase, however, it is considered that this section can still be setback a minimum of 110mm to assist in differentiating the modern addition from the heritage host.

Finally, the proposed hoods above the windows at the first floor are not considered to be respectful of the building's appearance. These folded metal awnings with a powder coat finish would conceal the window proportions and would diminish the prominence of the elaborate elevation components which make up the 1911 design. It is recommended that an alternative design solution be considered to reduce any potential; glare such as appropriate glazing film.

Whilst the proposed contemporary design additions are distinguishable from the heritage fabric further efforts must be made to ensure they are respectful and sympathetic in appearance, material and form. As proposed, the additions are considered to partially detract from the heritage character of the significant building and therefore conditions on any permit issued should address the above matters which have also been raised with the applicant.



Figure 11: Proposed north elevation materials



Figure 12: Proposed east elevation materials

11.6 Other detailed matters

11.6.1 Waste Management

A Waste Management Plans has been provided with the application advising:

- Bin will be stored at the rear of the property in an enclosed area adjacent to the access gate on Victoria Place.
- Waste shall be collected on Victoria Place to the rear of the site

The Waste and Recycling Branch advised that this plan needed further amendments which can be addressed via a condition on any permit issued.

11.6.2 Sustainability

Clause 22.19 (Energy, Water and Waste Efficiency) requires that education centres up to 2,000 square metres gross floor area achieve/ provided:

- Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.
- 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.
- A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans.

A permit condition requiring an Environmentally Sustainable Design (ESD) Report is recommended to ensure the development will achieve the ESD performance requirements of Clauses 22.19.

It is considered that the proposed development can meet the relevant requirements of Clause 22.19 Energy, Water and Waste Efficiency. This report should also respond to Clause 22.23 (Stormwater Management).

11.7 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions:

12 RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit be issued subject to the following conditions:

Amended plans

1. Prior to the commencement of the development an electronic copy of plans, which are drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans drawn by Richard Stampton Architects dated 13 January 2021 but amended to show:
 - a) Reduction of the height of the addition facing Princes Street to ensure it is below the eave gutters associated with the existing building to the satisfaction of the Responsible Authority;
 - b) Ensure the 'translucent glass' associated with the Princes Street addition is setback behind the existing building a minimum of 110mm to the satisfaction of the Responsible Authority;

- c) Removal of the 'zincalume flashing' parapet and faux heritage string course on the additions to both Canning Street and Princes Street to the satisfaction of the Responsible Authority;
- d) Retention of the double-hung window frames facing Canning Street and Princes Street;
- e) Removal of the proposed window hoods to all first floor levels and replaced with an alternative solution which is sympathetic to the existing building to the satisfaction of the Responsible Authority;
- f) Any changes as required by the amended Waste Management Plan at Condition 17.
- g) Any changes as required by the Environmentally Sustainable Design (ESD) Statement at Condition 19.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Layout not altered and satisfactory completion

- 2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. The use of any land or building or part thereof as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 5. Prior to the commencement of the use hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.
- 6. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

Construction Management Plan

- 7. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group . This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
 - a) public safety, amenity and site security.
 - b) operating hours, noise and vibration controls.
 - c) air and dust management.
 - d) stormwater and sediment control.
 - e) waste and materials reuse.
 - f) traffic management.

Education Centre

- 8. Except with the prior written consent of the Responsible Authority, the education use hereby permitted must only operate between the following hours:
 - Monday to Friday 8.00am to 6.00pm

9. Except with the prior written consent of the Responsible Authority, on no more than 2 occasions per week may the education use hereby permitted operate between 6:00pm to 9:00pm and this must occur within the building.
10. Except with the prior written consent of the Responsible Authority, on no more than 4 occasions during a school term may the education centre use hereby permitted operate on a Saturday or Sunday between the hours of 9:30am and 10:30pm.
11. The number of students on the land must not exceed 85 at any one time, unless with the prior written consent of the Responsible Authority.
12. The number of staff on the land must not exceed 10 at any one time, unless with the prior written consent of the Responsible Authority.
13. The noise generated by the premises must at all times comply with the requirements of the *EPA Publication 1826.4* (or subsequently updated publication): *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, to the satisfaction of the Responsible Authority.
14. The activity on the site must not adversely affect the amenity of the locality by the appearance of any building, works or materials, emissions from the premises or in any other way.
15. No loudspeaker, amplifier, relay or other audio equipment must be installed or used outside the building other than schools bells associated with the education use.
16. The caretaker's house as defined in Clause 73.03 of the Melbourne Planning Scheme and shown on the endorsed plans must only be used as part of and in conjunction with the education centre and must not be used for any other purpose.
17. Prior to the commencement of the use the applicant must submit an operational management plan describing:
 - a) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
 - b) Details of the general operation.
 - c) Details of the proposed hours of operation.
 - d) Details of the maximum number of patrons to be permitted on the premises.
 - e) Signage to be used to encourage responsible off-site patron behaviour
 - f) The training of staff in the management of patron behaviour.
 - g) Contact details for the premises/manager.
 - h) A complaint log to be kept and made available to the Responsible Authority on request.
 - i) Staff communication arrangements
 - j) Measures to control noise emissions from the premises
 - k) Safety and security procedures
 - l) Details of any proposed special events.
 - m) The ways in which staff are to be made aware of the conditions attached to this permit.

- n) The role of the caretaker and how they will supervisor the building and operations of the site.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed operational management plan unless with the prior written consent of the Responsible Authority.

Waste Management

18. Prior to the commencement of the use and development, an amended Waste Management Plan (WMP) must be prepared, submitted and approved by the Responsible Authority – Waste and Recycling. The WMP must be in accordance with that prepared by Richard Stampton Architects received on 30 April 2021 but amended to show/detail:

- a) The name of the person/company that prepared the report and associated date;
- b) The caretaker's house will be entitled to a municipal waste collection, whereas the school component won't be and will be required to organise a private waste collection service for their component of waste.
- c) The caretaker's house will be entitled to a 120L garbage bin and 120L organics bin collected weekly, and a 240L recycling bin collected fortnightly. If the intention is for the organic waste to be composted, then the organics bin is optional.
- d) The caretaker's house will be entitled to an annual Council hard waste collection of 1m³ per year.
- e) Private bins are not to be placed kerbside for collection. They are to remain within the property boundary at all times except for when they are being emptied.
- f) The private collection vehicle needs to be legally parked whilst undertaking collections which can occur at 215-219 Canning Street as the nominated private collection location.
- g) Any other relevant detail and requirements in accordance with Melbourne City Council Guidelines for waste storage and collection.

Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council - Waste and Recycling.

19. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Sustainability

20. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement must be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:

- a) Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.
 - b) 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.
21. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the ESD report have been implemented must be submitted to the Responsible Authority.

The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

22. Prior to the commencement of the occupation of the development, a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Responsible Authority (specify). The GTP must:

- a) Describe the location in the context of alternative modes of transport and objectives for the GTP.
- b) Outline GTP measures for the building including:
 - i) staff and student welcome packs to include public transport information
 - ii) other incentives for employees (i.e. provision of public transport discounts if available)
 - iii) cycle parking and facilities available
 - v) GTP management
 - v) monitoring and review.

Once approved the GTP will form part of the planning permit or any on-going management plan for the site to ensure the GTP continues to be implemented by the owners/management of the development site to the satisfaction of the Responsible Authority.

Infrastructure

23. The title boundaries for the property may not exactly agree with the road alignments of the abutting the City of Melbourne's laneway(s). The approved works must not result in structures that encroach onto the City of Melbourne's laneways.
24. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
25. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

Retain architects

26. Except with the written consent of the Responsible Authority, Richard Stampton Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of the Responsible Authority.

Permit Expiry

27. This permit will expire if one or more of the following circumstances apply:
- a) The development is not started within three years of the date of this permit;
 - b) The development is not completed within five years of the date of this permit; and/or
 - c) The use is not commenced within five years of the date of this permit.

The Responsible Authority may extend the date upon which the permit expires. a request for an extension of time must be in writing and be received before the permit expires, or within six months afterwards.

Notes

1. This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
2. The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.
3. This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
4. All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.
5. The City of Melbourne will not change the on-street parking restrictions to accommodate the pick-up / drop-off, parking, servicing and delivery needs of the school.
6. Under the City of Melbourne's Open Space Strategy 2012 local space areas such as the Canning and Neil Street Reserve are provided to meet the open space needs of the entire local community. Therefore the courtyard on the subject site at 223-227 Canning Street Carlton must be utilised as the primary recreational area for the users of the education centre.