

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 12 March 2024  
at 6.30pm



## Late Agenda

**Late Items**

- 4.      Matters of Decision
  - 4.14   Brighton Grammer Junior School Application to Department of  
         Transport and Planning ..... 3

**4. Matters of Decision**

**4.14 BRIGHTON GRAMMER JUNIOR SCHOOL  
APPLICATION TO DEPARTMENT OF TRANSPORT AND PLANNING**

City Planning and Amenity - Development Services  
File No: PSF/24/96 – Doc No: DOC/24/72577

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

1. Application details

<b>Recommendation</b>	Conditional support for the proposal
<b>Applicant</b>	Brighton Grammer School C/- Urbis
<b>Title/Covenant/S173 Agreement</b>	N/A
<b>Date referral received</b>	4 January 2024
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule3) Development Contributions Plan Overlay
<b>Referral due date</b>	19 January 2024

Purpose

The purpose of this report is to advise Council of the preliminary feedback provided to the Department of Transport and Planning regarding an application to utilise the land at:

1 McCallum Street, 18 Young Street and 20 Young Street, Brighton for the purpose of an education centre.

The location of each of these properties is indicate below:



### History

On 4 January 2024, Council received notice of an application on behalf of Brighton Grammar Junior School being lodged to the Department of Transport and Planning to utilise the above-mentioned parcels of land for the purpose of an education centre.

This application falls under Clause 53.19 (Non-Government Schools) of the Bayside Planning Scheme, which relates to primary and secondary schools. Clause 72.01-1 of the Scheme specifies that the Minister for Planning is the responsible authority for a primary school or secondary school for which there is no existing primary or secondary school on the land.

### Details of application

The details of the application are summarised as follows:

- Each property would be utilised for the purpose of an education centre.
- The specific use of the premises would be for administrative purposes, storage and small tutoring session.
- The premises would be accessed via the existing school grounds through a designated pathway.
- No additional staff and/or students are proposed.
- Car parking would be via the existing school car park.
- Hours of operation would be:
  - 7am to 8pm Monday to Friday
  - 7am to 6pm Saturday
  - 9am to 3pm Sunday.
- No buildings and works are proposed. The existing buildings would be utilised to cater for the proposed services.

Council was forwarded the relevant information on 4 January 2024, and asked to provide a response to the proposal by 19 January 2024 for consideration by the Responsible Authority, being the Minister for Planning.

The site plan showing the location of the properties is provided at Attachment 1.

The applicants planning report describing the application is provided at Attachment 2.

## **2. Planning controls**

### Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-2 (Neighbourhood Residential Zone) – Use of the land(s) as an education centre

## **3. Considerations**

In considering this referral request, regard was given to the suitability of the proposed use in the Neighbourhood Residential Zone, and any amenity impact that the proposed use may have on the amenity of the surrounding area.

### Suitability of use

Given that the subject sites adjoined the existing school grounds as evident in the site plan below, the concept of utilising the properties for the purpose of an education purpose associated with the adjoining school was considered acceptable, with the transition to be seamless as indicated below:



The sites would be accessed via a pathway from the main school building and does not require staff or students to traverse Young or Mccallum Street.

It is noted that the existing buildings would be utilised to provide the services, with no buildings and works proposed to support the proposed use.

#### Potential for Amenity Impact

As stated above, no buildings and works are proposed and hence this is not a factor in determining potential amenity impact.

The proposed activities in the existing buildings would be largely administrative for existing staff, with some small classes or tutoring to occur. In light of this, it is not anticipated that there would be any unreasonable noise emanating from the premises.

The proposed hours are in accordance with the existing school; however, it is not anticipated that these properties would be utilised on weekends.

#### 4. Referral response

In light of the above, on 10 January 2024, Council advised the Department of Transport and Planning that it had no objection to the proposal, subject to conditions limiting the sites to be utilised predominantly by staff, with limited capacity for students to ensure that the existing level of residential amenity is maintained.

The full referral response is provided at Attachment 3.

**5. Recommendation**

That Council:

1. notes the report
2. endorses the Council officers' referral response to the Department of Transport and Planning, being that Council does not object to the use of the land at 1 McCallum Street, 18 Young Street and 20 Young Street, Brighton for the purpose of an education centre, subject to conditions.

**Support Attachments**

1. Site Plan ↴
2. Applicant Planning Report ↴
3. Council referral response ↴

**3.2 Existing Campus Precincts**

The campus is defined by two precincts and cohorts, positioned around the central Crowther Oval and surrounded by predominantly residential neighbourhood:

- Junior School**  
Early Learning Centre  
Junior School Prep and Years 1-6
- Secondary School**  
Secondary School Years 7-12



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**BRIGHTON GRAMMAR  
JUNIOR SCHOOL,  
BRIGHTON**

Town Planning Report

Prepared for  
**BRIGHTON GRAMMAR SCHOOL**  
December 2023



**URBIS STAFF RESPONSIBLE FOR THIS REPORT**

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Consultant Saskia McEldowney  
Project Code MA11018  
Report Number Report 01

**SUBMISSION DOCUMENTS**

This report is to be read in conjunction with:

- Certificates of Title
- Site Plan

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## EXECUTIVE SUMMARY

Urbis has been engaged by Brighton Grammar School in support of a change of use application associated with three (3) residential properties owned by the school, adjoining the existing campus at 90 Outer Crescent, Brighton.

The proposal seeks to change the use of these properties for the purposes of an Education Centre, primary school to provide for additional facilities for the campus. The use is proposed to be conducted within the existing buildings on each respective site. The properties affected by the proposed application (forming the 'subject site') are as follows:

- 1 McCallum Street, Brighton
- 18 Young Street, Brighton
- 20 Young Street, Brighton

## BAYSIDE PLANNING SCHEME

The site is affected by the following planning controls and permissions:

CONTROLS/PROVISIONS	PERMISSIONS
Clause 32.09 Neighbourhood Residential Zone – Schedule 3	<ul style="list-style-type: none"> <li>▪ To use land for an Education Centre (Primary and Secondary School)</li> </ul>

Table 1 – Applicable Controls and Permissions

## ASSESSMENT SUMMARY

In preparing this report, we have conducted a detailed analysis of the site and its surrounds and considered the relevant planning policies and controls of the Bayside Planning Scheme. This report outlines the full details of the proposal and assesses the merits of the proposal based on the applicable planning controls and site context.

Overall, this report demonstrates that the proposal is an acceptable and appropriate outcome for the site for the following reasons:

- ✔ The proposal is consistent with the statutory and strategic frameworks of the Bayside Planning Scheme, particularly the purpose of the Neighbourhood Residential Zone Schedule 3 and Council's local policy for discretionary uses in residential areas.
- ✔ The nature of the uses are primarily administration uses associated with the education centre, as such, there will be no adverse amenity impacts to surrounding residents.
- ✔ The proposal will not increase staff nor student numbers and as such there will be no impact to the car parking demand or traffic generation within the area.

# 1. SITE CONTEXT

## 1.1. APPLICATION SITES

The site comprises three (3) parcels adjoining the Brighton Grammar Junior School Campus, including 18 Young Street, 20 Young Street and 1 McCallum Street, Brighton and are referred to as the 'application sites'.

Key details of the site are as follows:

CATEGORY	DESCRIPTION
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<b>Existing Conditions</b>	The application sites currently encompasses three single story detached dwellings
<b>Location</b>	The application sites are located along the eastern end of Young Street, an established residential street that borders the Brighton Grammar Junior School Site. The street is a dead-end street and does not provide pedestrian or vehicle access to the Junior School Campus.
<b>Area</b>	Combined site area of 2007 sqm
<b>Frontages</b>	<ul style="list-style-type: none"> <li>18 and 20 Young Street have a combined site frontage of approximately 30.8m.</li> <li>1 McCallum Street has a site frontage of 14.86m to McCallum Street and approximately 30.2m to Young Street.</li> </ul>
<b>Title</b>	<ul style="list-style-type: none"> <li>18 Young Street – Lot 42 of Plan of Subdivision 004740. There are no nominated encumbrances on title.</li> <li>20 Young Street – Lot 41 of Plan of Subdivision 004740. There are no nominated encumbrances on title.</li> <li>1 McCallum Street – Lot 39 of Plan of Subdivision 004740</li> </ul>

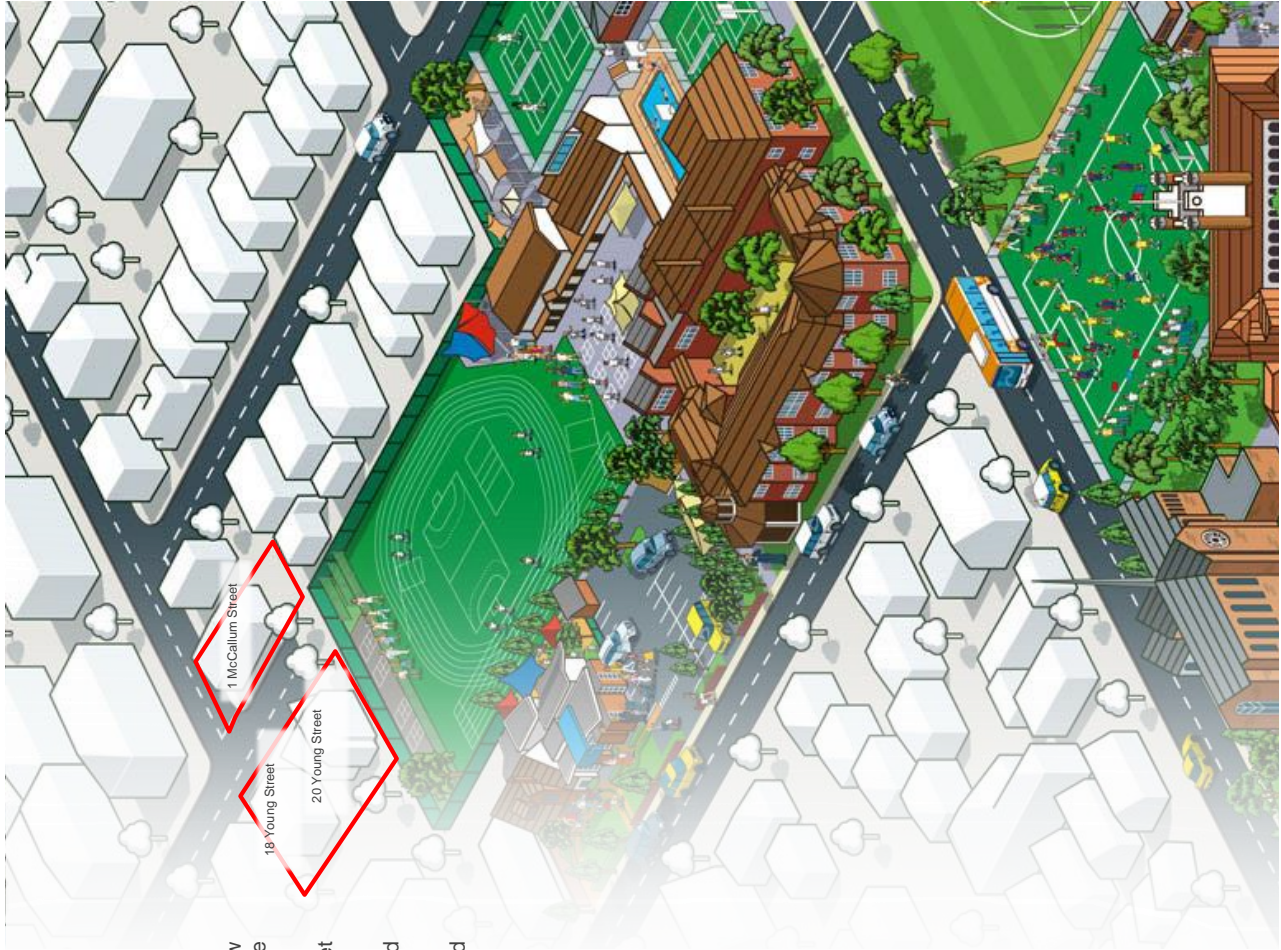
- Vehicle Access**
- 18 Young Street – Vehicle access provided via a dual width crossover within the southwestern corner of the subject site
  - 20 Young Street – Vehicle access provided via a single width crossover within the southeastern corner of the subject site
  - 1 McCallum Street – Vehicle access provided via a dual width crossover within the southeastern corner of the subject site

**Vegetation**

There are existing street trees along within the frontages of each respective property. The dead-end road along the eastern side of Young Street includes a number of established street trees and high fencing to provide screening to Brighton Grammar Junior School Campus.

Table 2 – Details of Subject Site





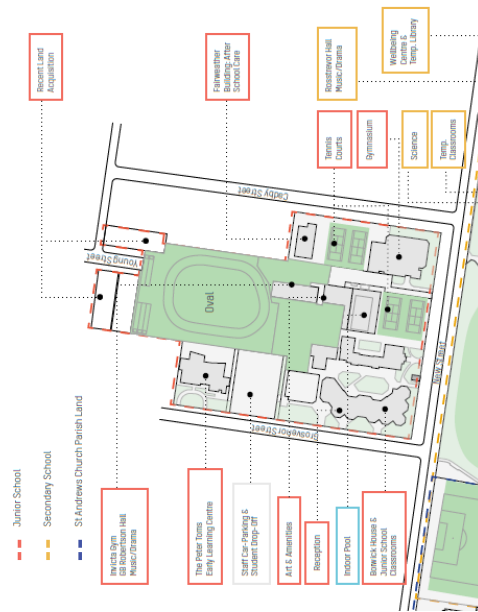
**1.2. BRIGHTON GRAMMAR JUNIOR SCHOOL CAMPUS**

The Brighton Grammar Junior School Campus is on the western side of New Street and is bound by Cadby Street to the North and Grosvenor Street to the south.

The campus has multiple heritage buildings clustered towards the New Street interface with a sporting oval and associated areas to the west of the site.

The campus is accessed via Grosvenor Street, with carparking provided centrally.

The Peter Toms Early Learning Centre is to the south of the campus, oriented to Grosvenor Street.



Picture 1 Junior School Campus and subject sites

Source: Brighton Grammar School

### 1.3. PLANNING PERMIT HISTORY

#### 1.3.1. Application Site History

ELEMENT	PROPOSAL
18 Young Street, Brighton	No available planning permit history
20 Young Street, Brighton	No available planning permit history
1 McCallum Street, Brighton	No available planning permit history

#### 1.3.2. Campus Permit History (29-31 Grosvenor Street, Brighton)

PERMIT NO.	PERMIT PREAMBLE
147/2008	Education Centre-Alts/Additions to Bid Only Alterations and additions to the gymnasium (Brighton Grammar Junior School) to construct a storeroom
38/2014	Education Centre-Alts/Additions to Bid Only Construct buildings and works (two verandahs) in a Heritage Overlay
803/2015	Education Centre-Alts/Additions to Bid Only Alterations to the existing building and partial demolition in a Heritage Overlay
6/2017	Education Centre-Alts/Additions to Bid Only Additions and alterations to an existing education facility building, including construction of a first and second floor, construction of a synthetic running track and associated demolition in Design and Development Overlay 3 and Heritage Overlays
799/2017	Education Centre-Alts/Additions to Bid Only Construction of a building (enclosure of an existing pool) within an education centre located within a Heritage Overlay
630/2020	Education Centre - New Building & Use Construction of a pergola and deck to an existing secondary school in a NRZ3 & HO547 and associated demolition works



**1.4. IMMEDIATE SURROUNDS**

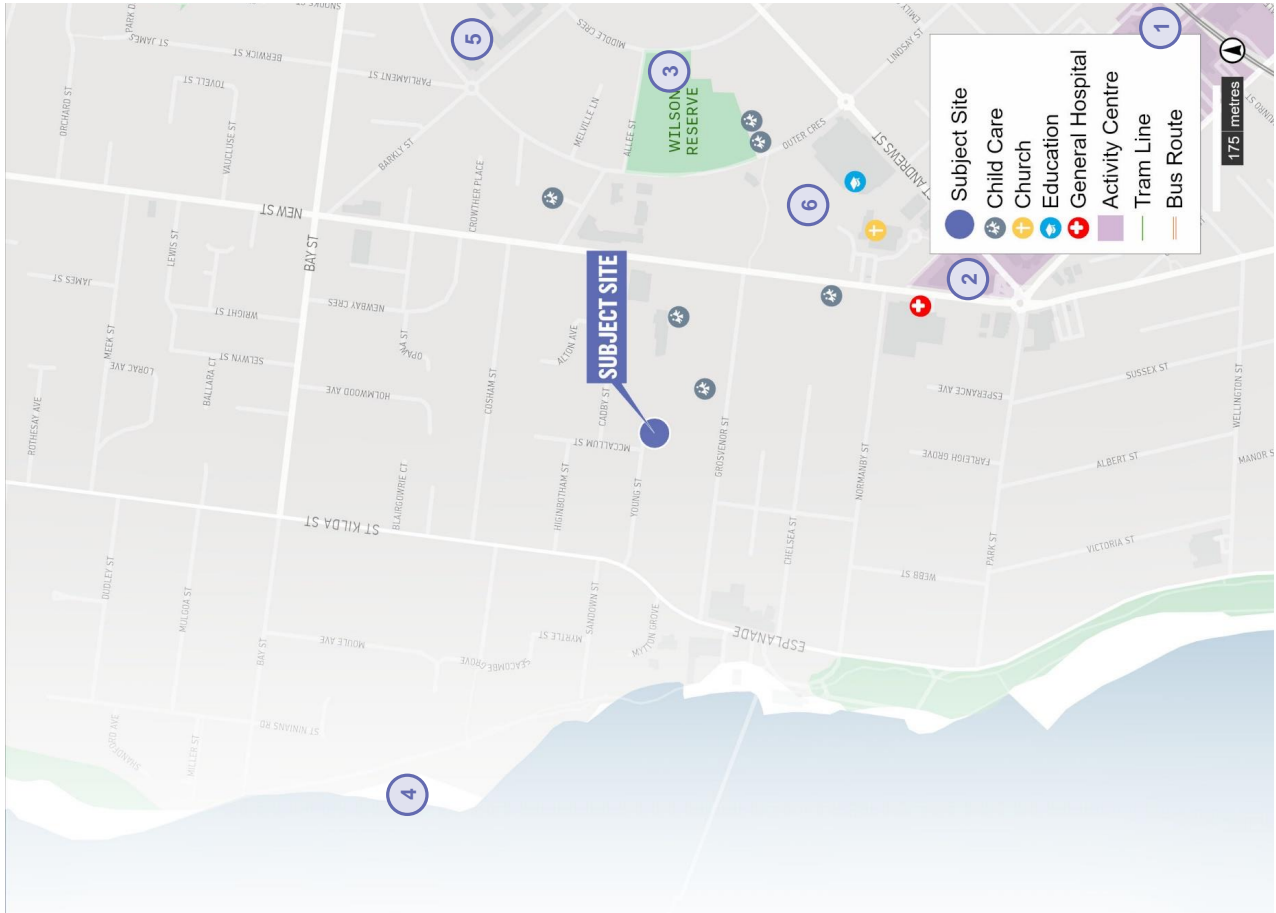
- A** To the north of 18 and 20 Young Street is Young Street, a dead-end road To the north of 1 McCallum Street is 3 McCallum Street, a double storey detached dwelling with private open space located towards the rear of the property
- B** The eastern boundary of 20 Young street and 1 McCallum Street share a boundary with Brighton Grammar Junior School Campus. 1 McCallum Street also shares its eastern interface with 25 Cadby Street, a double storey detached dwelling
- C** The southern border of 18 and 20 Young Street border the following properties:
  - 17-19 Grosvenor Street – Multi-unit double storey townhouse development. The property is subject to HO656, but is listed as a Non-Contributory building
  - 21 Grosvenor Street – Subject to HO181 and listed as an Individually Significant Building
  - 23 and 23A Grosvenor Street – Subject to HO656 and listed as Contributory Buildings
  - The southern interface of 1 McCallum Street fronts Young Street, a dead-end road
- D** To the west of the application sites is 16 Young Street, a single storey detached dwelling with private open space located towards the rear of the property. 1 McCallum Street shares its western interface with McCallum Street, a local road.

### 1.5. SURROUNDING CONTEXT

Whilst the subject site is located within a predominantly residential area, there are a number of non-residential uses proximate to the site including local commercial precincts and secondary schools.

Primarily, the site is very well located to support secondary schools with the following transport and notable amenities nearby:

- 1 Middle Brighton Train Station approximately 1km south-east
- 2 Church Street Major Activity Centre located approximately 500m southeast. This activity centre includes a number of fine grain single storey retail strip stores and offices.
- 3 Wilson Reserve located approximately 370m east.
- 4 Brighton Beach approximately 500m west.
- 5 Firbank Grammar School approximately 600m east.
- 6 Brighton Grammar Senior School approximately 200m south-east.





## 2. PROPOSAL

### 2.1. CHANGE OF USE

The proposal seeks to change the use of the existing buildings on the site for the purposes of an education centre (Primary School) associated with Brighton Grammar School.

The additional parcels are required for overflow areas to provide additional resources as required for the school. The sites will be used for one or many of the following purposes; administrative area/ offices, storage areas, one-on-one tutoring or specialist classes.

The sites will be accessed via the existing campus through direct pedestrian access. Any vehicular access will be directed to the existing staff car park at Grosvenor Street.



### PROPOSAL

ADDRESS	PROPOSAL
Carparking	Buildings are to be serviced by existing car parking spaces at Grosvenor Street (no additional spaces required pursuant to Clause 52.06)
Hours of Operation	<p>The proposal will operate in accordance with the Junior School Campus and recently approved Gymnasium hours (5/1989/3158/3) as follows:</p> <ul style="list-style-type: none"> <li>• 7.00am to 8:00pm Monday to Friday</li> <li>• 7.00am to 6.00pm Saturday</li> <li>• 9.00am to 3.00pm Sunday</li> </ul> <p>There is no increase in student/ staff numbers in association with the proposal:</p>
Staff and Student numbers	

### 3. BAYSIDE PLANNING SCHEME

#### 3.1. ZONE

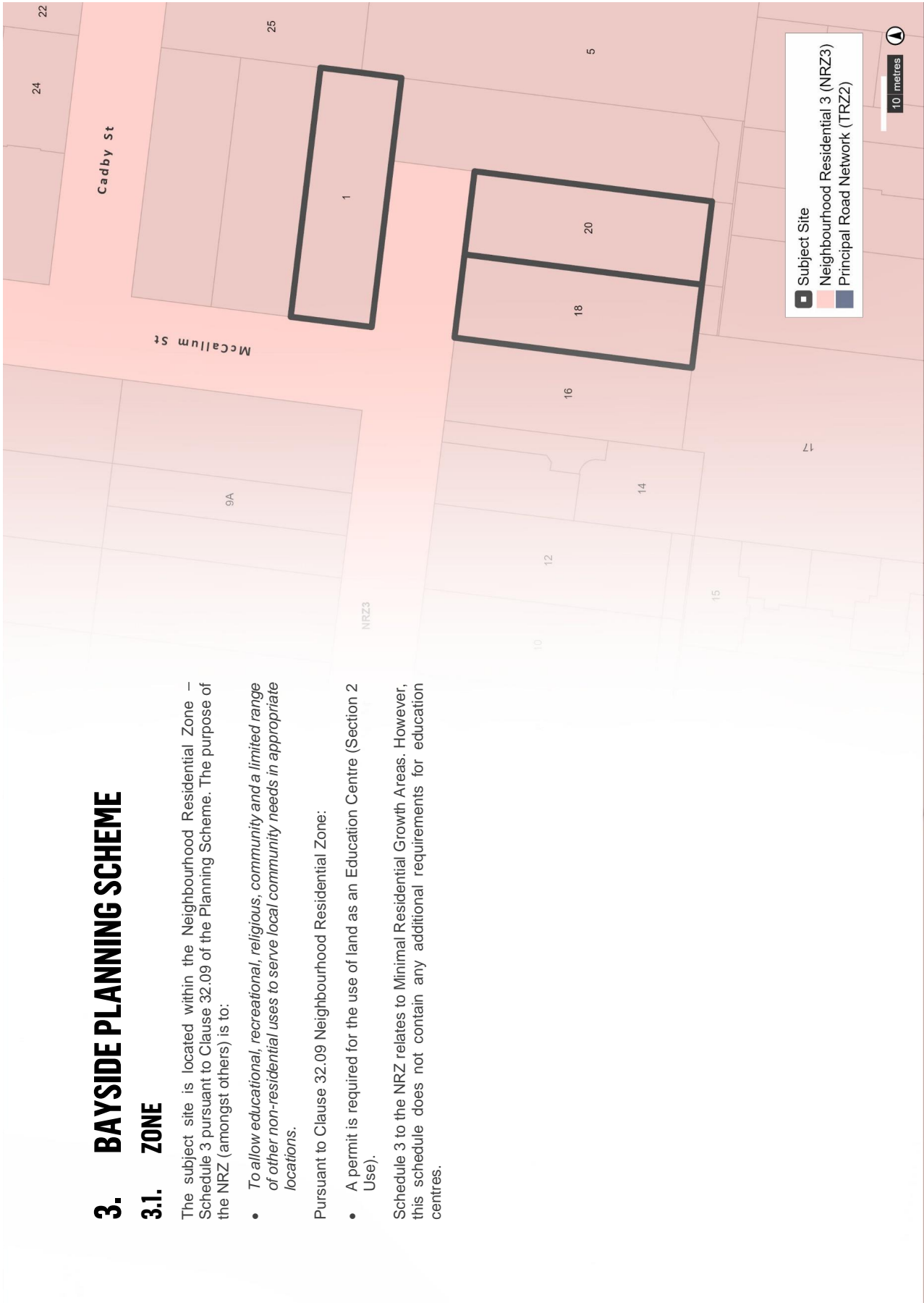
The subject site is located within the Neighbourhood Residential Zone – Schedule 3 pursuant to Clause 32.09 of the Planning Scheme. The purpose of the NRZ (amongst others) is to:

- 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 32.09 Neighbourhood Residential Zone:

- A permit is required for the use of land as an Education Centre (Section 2 Use).

Schedule 3 to the NRZ relates to Minimal Residential Growth Areas. However, this schedule does not contain any additional requirements for education centres.



### 3.2. OVERLAYS

#### 3.2.1. Development Contributions Plan Overlay – Schedule 1 (DCPO1)

The subject site is affected by Clause 45.06 Development Contributions Plan Overlay Schedule 1 which relates to the Bayside Drainage Development Contributions Plan.

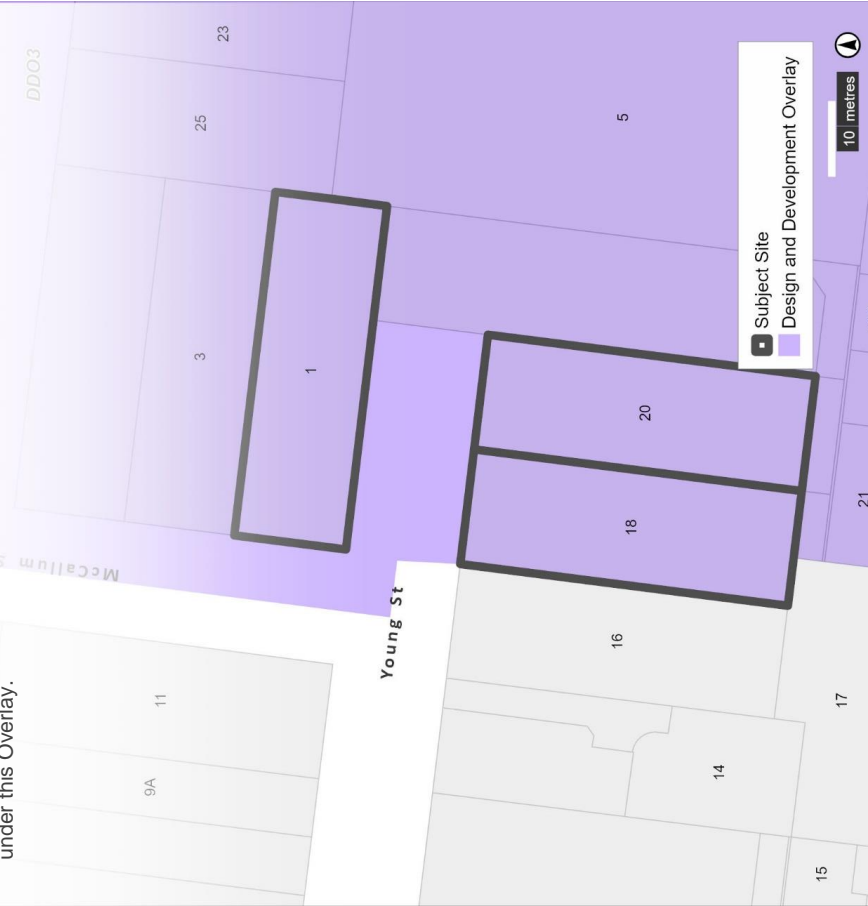
The DCPO requires a development contribution to be paid in accordance with the requirements of Schedule 1 by way of permit condition should a planning permit be issued for a proposed development.



#### 3.2.2. Design and Development Overlay – Schedule 3 (DDO3)

Schedule 3 to Clause 43.02 Design and Development Overlay relates to 'Building Height Control for Non-Residential Buildings in the Inland Minimal Residential Growth Area'.

Pursuant to Clause 43.02-3, a permit is required for a non-residential building in excess of two storeys and more than 8 metres (9 metres where the slope of the ground wider than 8 metres is 2.5 degrees or more). There are no buildings and works proposed as part of this application, therefore a permit is not required under this Overlay.



### 3.3. GENERAL AND PARTICULAR PROVISIONS

The following general and particular provisions are related to the proposal:

- **Clause 52.06 Car Parking** sets out the car parking requirements for new uses and development. The specified rate of car parking spaces for secondary schools is 1.2 per member of staff on-site at any one time. The proposal does not seek to allow any additional students or members of staff and therefore will not trigger reduction in carparking pursuant to this Clause.
- **Clause 53.19 Non-Government Schools** seeks to facilitate upgrades and extension to existing non-government schools. An application to which this Clause applies is exempt from the *'notice requirements of Section 52 (1)(a, b, c and d), decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act'*.
- **Clause 65 Approval of an Application or Plan** sets out a range of matters the responsible authority must consider, as appropriate, when decision on an application or approval of a plan.
- **Clause 72.01 Responsible Authority for this Planning Scheme** identifies the Minister for Planning as the responsible authority for an application for a *'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 there is no existing primary school or secondary school on the land'*.

### 3.4. MUNICIPAL PLANNING STRATEGY

- **Clause 02.03-3 Discretionary Uses in Residential Areas** recognises that a number of important uses, including education centres, should be sited within residential areas so long as they do not erode the highly valued urban character and amenity of the area.

### 3.5. PLANNING POLICY FRAMEWORK (PPF)

The following Clauses of the PPF are relevant to the proposal:

- **Clause 13.07-1L-01 Amenity** seek to provide strategies that design commercial buildings at the interface between business and residential precincts to respect the amenity of existing residential uses, particularly in relation to overlooking, overshadowing, noise generating uses and equipment.

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BRIGHTON GRAMMAR SCHOOL CHANGE OF LAND USE - DRAFT REPORT

- **Clause 13.07-1L-02 Discretionary Uses in Residential Areas** seeks to ensure the integration of appropriate discretionary uses into residential areas.
- **Clause 19.02-2S Education facilities** seeks to assist the integration of education with local and regional communities.

## 4. ASSESSMENT

The following sections of this report provide an assessment of the proposal against the relevant statutory and strategic provisions of the Planning Scheme having regard to the site's physical context.

This assessment focuses on the appropriateness of the following key matters:

1. Appropriateness of Land Use
2. Consistency with the Planning Policy Framework
3. The potential for Offsite Amenity Impacts
4. Traffic and Carparking

Each of these matters is dealt with in detail below.

**APPROPRIATENESS OF LAND USE**

**4.1.1.1. Consistency with the Neighbourhood Residential Zone**

The proposed use of land for a Education Centre (Primary School associated with Brighton Grammar School) is consistent with the purpose of the NRZ3 which 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 of the sites are acceptable having regard to the relevant decision guidelines:

- Schools are identified as being a legitimate part of residential areas which are generally compatible with residential lands use.
- The site all immediately adjoin the existing school campus.
- Brighton Grammar is a school which primarily serves a local catchment, with the majority of students residing within the Bayside local area.
- There are no buildings and works or alterations proposed to any existing dwellings as part of this application, with the effect that there will be no change to the appearance of the existing residential sites from a character perspective. It is unlikely the altered use will be perceptible.
- The proposed land use is to operate within the existing hours of the school (and recently approved school gymnasium) and is therefore it is considered that the impact to nearby residential properties will be limited.

**4.1.2. Clause 13.07-1L-02 Discretionary Uses in Residential Areas**

The proposal performs well against the local policy guidelines at Clause 13.07-1L-02 (Discretionary Uses in a Residential Area). A complete assessment against the relevant strategies and guidelines is provided below.

GUIDELINES	RESPONSE
<p><b>Objectives</b></p> <p>To ensure that development responds to the preferred neighbourhood character.</p>	<p>As the proposal will retain the existing dwelling on the lots, there is considered to be no material changes that will affect the existing neighbourhood character of the area. Moreover, the change of use of the dwellings for the purposes of education will support the existing school use of Brighton Grammar.</p>
<p>To support discretionary uses in residential areas that serve a local need and do not adversely affect residential amenity.</p>	<p>Brighton Grammar is a school which primarily serves a local catchment, with the majority of students residing within the Bayside local area. As there are no material changes proposed, it is considered that the altered use is unlikely to be perceptible and will not adversely affect the surrounding residential amenity.</p>
<p><b>Location, siting, built form and design strategies</b></p>	
<p>Encourage discretionary uses to locate on sites that:</p> <ul style="list-style-type: none"> <li>• Are located on the periphery of commercial areas or adjacent to other discretionary uses to provide a transition between commercial and residential areas.</li> </ul>	<p>The sites immediate adjoining the existing school campus and will be accessed through the existing campus, consistent with this policy.</p>
<p>Encourage site consolidation where needed to provide</p>	<p>The proposal ultimately seeks to consolidate surrounding lots to support the existing education centre, primary</p>

adequate on-site parking, landscaping, and setbacks.	school use at the Brighton Grammar Campus.	contained in Clause 54.04, Standard A10.
Encourage use and development that respects the prevailing built form, scale and materials and finishes of surrounding buildings and responds to the preferred neighbourhood character.	The use can be contained within existing building which maintains the existing neighbourhood character.	Any increase in building height is transitional and represents a height increase of no more than one storey above the prevailing building height.
Encourage the retention of an existing dwelling.	The proposal seeks to retain the existing dwellings of each respective lot.	Front fencing at a maximum of 1.2 metres in height. Where Child care centres proposed play areas within the front setback, fencing should not exceed the minimum height required by any relevant legislation.
Design vehicle parking and access areas so they do not form a dominant element in the streetscape.	There is no proposed change to the existing access or carparking arrangements.	No alteration to the existing front fences are proposed.
Locate car parking at the rear of the premises where possible.	The application sites will be used and accessed by the existing staff and students of Brighton Grammar. A such, there is no additional car parking requirements generated for the proposal. Instead, carparking needs will be serviced by the existing carparking provided by Brighton Grammar.	The proposal does not seek to alter the existing car parking layout. Notwithstanding, there is no carparking facilities proposed within 2 metres of an adjoining property.
Retain existing trees and garden areas on the site.	All existing vegetation is proposed to be retained.	The proposal does not seek to alter the existing car parking layout to each dwelling.
<b><u>Location, siting, built form and design policy guidelines</u></b>		
Front setbacks consistent with the prevailing setbacks in the area and meet requirements at Clause 54.03, Standard A3.	Not Applicable, no buildings and works proposed.	
Setbacks from side and rear boundaries in accordance with the setback provisions	Not Applicable, no buildings and works proposed.	
<b><u>Traffic and carparking strategies</u></b>		
	Provide on-site parking that adequately caters for the needs of the use.	The proposal is to be utilised by the existing staff and students of Brighton Grammar. As such, there is no

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<p>Design off street parking areas to allow for entry and exit to the site in a forward direction and restrict the number of vehicle access points.</p>	<p>Design off street parking areas to allow for entry and exit to the site in a forward direction and restrict the number of vehicle access points.</p>	<p>additional car parking requirements generated for the proposal. .</p>	<p>Locate, manage or design uses so that nearby residential properties are not subjected to unreasonable levels of noise.</p>	<p>The altered land uses will see the dwellings utilised for administrative and small group purposes, a low intensity land use.</p>
<p>Provide dedicated pickup/drop off areas for Child-care centres.</p>	<p>N/A.</p>	<p>Not applicable. There are no off-street parking areas proposed.</p>	<p>All activity will be inside the buildings with no external play spaces or additional external access points required.</p>	<p>Additionally, as the proposed land uses are to operate during existing school hours, subsequently, it is considered that the impact to nearby residential properties will be limited.</p>
<p>Support uses that will generate traffic movements appropriate to the street and the locality and will not adversely affect existing traffic patterns and safety.</p>	<p>The proposal will not result in any additional vehicular movements associated with the school. The proposed land use will simply provide additional areas for existing staff and students. The proposal will not generate any further traffic nor adversely affect the existing traffic conditions.</p>	<p>Design and site waste storage and collection areas in a way that does not prejudice the amenity of nearby residential properties or visually impact the streetscape.</p>	<p>It is considered that there will be limited additional waste generation as a result of the proposal and waste will be stored and collected as per current operations.</p>	<p>It is considered that there will be limited additional waste generation as a result of the proposal and waste will be stored and collected as per current operations.</p>
<p><b>Traffic and Carparking Policy Guidelines</b></p>				
<p>Providing at least one disabled car space, with a minimum width of at least 3.2 metres</p>	<p>There are no proposed works to the existing carparking facilities and it is expected that staff will utilise the existing carparking facilities central to the campus. There are two existing DDA spaces provided.</p>	<p>Limit hours of operation so the use does not have an adverse impact on the amenity of the existing residential area including the timing of waste collection.</p>	<p>The proposed land-uses and waste collection are to operate within the existing hours of the school. Subsequently, it is considered that the impact to nearby residential properties will be limited. It is noted that details of waste management and collection can be provided by Condition.</p>	<p>The proposed land-uses and waste collection are to operate within the existing hours of the school. Subsequently, it is considered that the impact to nearby residential properties will be limited. It is noted that details of waste management and collection can be provided by Condition.</p>
<p>Restricting the number of vehicle access points to one unless two access points are required for the safe, convenient and efficient movement of vehicles.</p>	<p>The proposal will retain the one access point to each site.</p>	<p>Planning Permit (5/1989/3158/3) was recently amended (August 2022) to allow the following gymnasium hours at the junior school campus:</p>	<p>Planning Permit (5/1989/3158/3) was recently amended (August 2022) to allow the following gymnasium hours at the junior school campus:</p>	<p>allow the following gymnasium hours at the junior school campus:</p> <ul style="list-style-type: none"> <li>• 7.00am to 8:00pm Monday to Friday</li> <li>• 7.00am to 6.00pm Saturday</li> </ul>
<p><b>General Amenity Strategies</b></p>				



**CONSISTENCY WITH THE PLANNING POLICY FRAMEWORK**

Recent updates to the Planning Policy Framework (PPF) recognise that the development and redevelopment of education facilities are different to dwellings in their purpose and function and seeks to facilitate the establishment and expansions of primary and secondary education facilities to meet the existing and future needs of communities.

Bayside's Local Policy and Municipal Strategic Statement supports the provision of non-residential uses in a residential context, provided it satisfies the relevant objectives and strategies of the scheme. It is submitted that the proposed change of use for the three properties is consistent with the state and local planning policies for the following reasons:

- The proposal responds to the site's zoning which allow for non-residential uses in appropriate locations to meet community needs.
- The proposal supports discretionary uses in residential areas that serve a local need and do not adversely affect residential amenity in accordance with Clause 13.07-1L-02 Discretionary Uses in Non-Residential Areas. Additionally, by retaining the existing dwellings and operating only within general office hours, the proposed non-residential use will be well-integrated and indiscernible within the residential zone and not result in any loss of residential amenity.
- The retention of the existing dwellings will ensure that the precinct will maintain the residential character of the area and be consistent with the strategies for Precinct C1 at Clause 15.01-5L Bayside preferred neighbourhood character. Specifically, the proposal is consistent with strategies that seek to retain the front of valued existing dwellings.
- The proposal is consistent with policy at Clause 19.02-2S Education facilities seeking to facilitate the establishment and extension of secondary schools to meet future educational needs of communities.

<ul style="list-style-type: none"> <li>• 9.00am to 3.00pm Sunday</li> </ul> <p>The proposal seeks to operate at the same hours as this recent approval to ensure consistency across the campus and to minimise any adverse amenity impacts to adjoining residents.</p> <p>Notwithstanding, it is noted that the nature of the intended land uses (being administrative/ storage or limited one-on-one learning) are inherently low impact and will not generate any appreciable noise for surrounding properties.</p>	<p><b>General Amenity Policy Guidelines</b></p> <p>The proposed land-use associated with the education centre will be low impact and will generate a limited level of noise (likely similar to that of a dwelling) and less at night. Activity will occur within the existing buildings. Subsequently, it is considered that there is no need to provide acoustic mitigation strategies.</p>
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### THE POTENTIAL FOR OFFSITE AMENITY IMPACTS

The proposed change of use at the application sites has carefully considered the off-site amenity impacts, particularly in relation to potential noise generation resulting from the proposed Education Use. The key interfaces are those that share a boundary with the properties including:

- 3 McCallum Street, Brighton
- 25 Cadby Street, Brighton
- 23 Grosvenor Street, Brighton
- 21 Grosvenor Street, Brighton
- 17-19 Grosvenor Street Brighton
- 16 Young Street, Brighton

It is considered that the proposed use of the dwellings for administrative purposes will have limited associated noise as the areas will be predominantly used by existing staff members. The additional parcels are required for overflow areas to provide additional resources as required for the school. The sites will be used for one or many of the following purposes: administrative area/ offices, storage areas, one-on-one tutoring, or specialist classes.

Moreover, the hours of operation will be consistent with the standard hours of the main school campus so as to not cause adverse noise impacts on abutting and surrounding residential land uses. Additionally, there will be no noise generated from the affected sites after-hours and on weekends, which could be considered an improved amenity outcome when compared to the noise generated from a typical dwelling use.

As the existing dwellings are also proposed to be retained in their current form, it is considered that there will be no impact to the abutting heritage properties at 17-19, 21 and 23 Grosvenor Street.



### TRAFFIC AND CARPARKING

The proposed change of land use will be serviced by existing staff and student of Brighton Grammar School. Therefore, as the application will not increase the number of staff and students, and as such, does not trigger any additional carparking requirements.

It is anticipated that the staff will utilise the existing carparking and access arrangements provided on site and within the school. These existing car parking arrangements are considered to be appropriate to provide car parking at each respective site as the proposed use is considered to be low-intensity and will not impact the generation of traffic on site.

Figure 1 Access Arrangements



Source: NearMap 2023

## 5. CONCLUSION

In summary, we consider the proposed application for the change of use to an Education Centre to be appropriate and worthy of approval, noting:

- ✔ The proposal is consistent with the statutory frameworks of the Bayside Planning Scheme, particularly the purpose of the Neighbourhood Residential Zone Schedule 3 and Council's local policy for discretionary uses in residential areas.
- ✔ The retention of the existing dwellings will ensure that the precinct will maintain the residential character of the area and be consistent with the strategies for Precinct BC1 at Clause 15.01-5L
- ✔ The nature of the uses are primarily administration uses associated with the education centre. As such, considering their operation during normal hours associated with the school, there is considered to be no adverse amenity impacts to surrounding residents.
- ✔ The proposal is consistent with policy at Clause 19.02-2S Education facilities seeking to facilitate the establishment and extension of secondary schools to meet future educational needs of communities.
- ✔ The proposal will not increase staff nor student numbers and as such there will be no impact to the car parking demand or traffic generation within the area.

in the reasonable belief that they are correct and not misleading, subject to the limitations above.

## 6. DISCLAIMER

This report is dated 14 December 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, Brighton Grammar School (**Instructing Party**) for the purpose of xx (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and



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10 January 2024

Dear Belinda Casic,

Via email: [belinda.casic@delwp.vic.gov.au](mailto:belinda.casic@delwp.vic.gov.au)

**ADDRESS:** 1 MCCALLUM STREET BRIGHTON VIC 3186  
18 YOUNG STREET BRIGHTON VIC 3186  
20 YOUNG STREET BRIGHTON VIC 3186

**PROPOSAL:** Use of the land for an education centre

**DELWP REF:** PA2302676

Thank you for your referral letter dated 4 January 2024 in relation to the above address and application.

Council has reviewed the submitted documents, including the plans and associated documents. Please see below for a written response.

The following zones, overlays and particular provisions are applicable to the proposal:

- Clause 32.09 – Neighbourhood Residential Zone Schedule 3 (NRZ3)
- Clause 43.02 – Design and Development Overlay Schedule 3 (DDO3)
- Clause 45.06 – Development Contributions Plan Overlay Schedule 1 (DCPO1)

Proposal

It is proposed to use the following sites for Section 2 uses (education centre):

- 1 McCallum Street, BRIGHTON VIC 3186
- 18 Young Street, BRIGHTON VIC 3186
- 20 Young Street, BRIGHTON VIC 3186

Permit triggers

- Clause 32.09-2 (Neighbourhood Residential Zone Schedule 3) – Use land for a Section 2 use.

Note: no buildings and works are proposed.

Assessment

The proposal has been considered against the Bayside Planning Scheme and the following comments are provided:

Use land for the purpose of an education centre in the Neighbourhood Residential Zone Schedule 3

Pursuant to Clause 32.09-2 of the Bayside Planning Scheme, the use of land for an education centre within the Neighbourhood Residential Zone is a Section 2 use and therefore planning permission is required.

Council has no objection to the proposed use of the following sites for an education centre, subject to recommendations:

- 1 McCallum Street, BRIGHTON VIC 3186
- 18 Young Street, BRIGHTON VIC 3186
- 20 Young Street, BRIGHTON VIC 3186

It is recommended that any permit granted feature conditions limiting persons at the above sites to predominantly staff with limited capacity for students to ensure the existing levels of residential amenity of the areas in the which the sites are located is maintained.

Car Parking

Within the information submitted it is stated that there will be no increase in student/staff numbers and therefore no additional car spaces are required by Clause 52.06 (Car Parking) and no alterations to car parking is proposed. It is recommended that any permit granted feature conditions limiting the number of staff/students to existing levels without further written permission.

For the reasons set out above, no objection is raised in regard to the application **PA2302676**, subject to the recommended outlined above.

Please note that the advice contained within this letter is based on the information provided with the application. Accordingly, should any of the information provided change, this advice may alter.

Yours sincerely,

*Peter Hampton*

Acting Principal Statutory Planner

