

APPLICATION NO.
DATE RECEIVED

Application for Planning Permit

Planning and Environment Act 1987 Section 47
Planning and Environment Regulations, Regulation 15



Please read the notes on the back before completing this form and note that this application form and all associated plans will be publicly accessible once submitted. Please print in BLOCK letters.

The applicant: Who is making this application?

Surname/Company:	MAUREEN JACKSON PLANNING ON BEHALF OF SHELFORD GIRLS GRAMMAR SCHOOL
First name:	
Postal address:	P.O. BOX 204 SOUTH YARRA 3141
Phone number during business hours:	041900368
Email address:	maureen@maureejacksonplanning.com.au

The land: Give the address and title particulars of the land and attach a sketch plan.

Street no.:	259	Street name:	GLEN EIRA RD
Suburb:	CAULFIELD	Postcode:	3161

The proposal: For what use, development or other matter do you require a permit?

USE AND DEV OF LAND FOR AN EDUCATION FACILITY INCLUDING SIGNAGE IN ACCORDANCE WITH THE ATTACHED PLANS	
Describe the way the land is used now:	DWELLING

The cost of the development:

If a permit is required to undertake development, state the estimated cost of the proposed development. You may be required to verify this estimate:	\$2386 000
--	------------

The owner: if the applicant is not the owner, give the name and address of the owner and complete box A or B.

Name of owner:	SHELFORD GIRLS' GRAMMAR
Address:	3 HOOD CRESCENT, CAULFIELD

A. I am the owner of the land. I have seen this application.	
Owner's signature:	Date:

B. I/We the applicant declare that I/We have notified the owner about this application.	
Applicant's signature:	Date: 19/4/2018

Declaration to be completed for all applications:

I declare that all the information I have given is true.	
Applicant's signature:	Date: 19/4/2018

ADVERTISING:

Should advertising be required for this application, do you authorise Council to carry it out on your behalf?	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicant's signature: _____
Council's charge for advertising is an initial fee of \$125, which covers notice to 10 properties. Should the property require more extensive advertising, an additional fee of \$12 per address is charged. On-site advertising is undertaken by the applicant. Each sign can be purchased at a cost of \$65. (All charges GST inclusive.)	

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 04229 FOLIO 715

Security no : 124064686043M

Produced 22/02/2017 04:47 pm

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 006946.
PARENT TITLE Volume 03985 Folio 891
Created by instrument 0888051 23/05/1919

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
SHELFORD GIRL'S GRAMMAR of 3 HOOD CRESCENT CAULFIELD VIC 3162
AH568620R 20/10/2010

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK952791U 07/03/2014
NATIONAL AUSTRALIA BANK LTD

COVENANT 0888051

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP477530T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 259 GLEN EIRA ROAD CAULFIELD NORTH VIC 3161

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED
Effective from 23/10/2016

DOCUMENT END

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1951364

888051

*He Registrar of Titles
Please register this transfer
of the Estate of Mrs. J. B. Miller
p.w. J. B. Miller*

*Wick & Kirk & Co.
VICTORIA*



26

*205 11/10/19
8916
Under an order
of the Court of
Supreme Court
of Victoria
made on the 11th
day of October 1919
the said land is
transferred to
the said J. B. Miller
p.w. J. B. Miller
23/10/19*

*205 11/10/19
8916
Under an order
of the Court of
Supreme Court
of Victoria
made on the 11th
day of October 1919
the said land is
transferred to
the said J. B. Miller
p.w. J. B. Miller
23/10/19*

*Shish
Exp.
26/10/19
24/10*

*205 11/10/19
8916*

of Her Majesty's Theatre, Melbourne Manager being registered as the proprietor of the estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of TWO HUNDRED AND FORTY FOUR POUNDS paid to me by HUGH ROLAND SIM of Domain Road South Yarra, Secretary and in consideration of the sum of TWO HUNDRED AND FIFTY SIX POUNDS paid to the said HUGH ROLAND SIM by NORMAN FRANCIS HAYMOND of 525 Bourke Street Melbourne, Manager of the said Theatre at the request and by the direction of the said HUGH ROLAND SIM testified by his signature hereto, Transfer to the said Norman Francis Haymond all my estate and interest in all that piece of land being Lot Three on Plan of Subdivision Number 6946 lodged in the Office of Titles and being part of Crown Portion Two hundred and forty four South East of Saint Kilda Parish of Frazer County of Bourke. Together with all registered appurtenant easements and together with a right of drainage and sewerage over such parts of Lots four and five colored blue on the said Plan of Subdivision Reserving to myself and as Transferrees registered or proprietor or proprietors for the time being of Lots thirty one and thirty two on the said Plan of Subdivision a right of sewerage and drainage over that part of said Lot Three colored blue on the said Plan of Subdivision AND the said Norman Francis Haymond to the intent that the present covenants on his part may bind the land hereby transferred and the successive registered proprietors thereof from time to time and their respective estates (but not so as to bind personally any such owner or his or her estate in respect of anything done or omitted after he or she shall have disposed of the premises) BOTH HEREBY for himself his heirs executors administrators and Transferrees TOY HAVE with the said Taylor Barthamire his heirs executors administrators and transferrees and other the registered proprietor or proprietors for the time being of the Balance of the land comprised in Certificate of Title Volume 2968 Folio 76091 that he the said Norman Francis Haymond his heirs executors administrators or transferrees will not erect or allow to be



erected on the said Lot Three or any part thereof any building other than one private Dwelling with a roof of slates tile or other material except iron at a cost of not less than FIVE THOUSAND POUNDS (inclusive of the cost of outbuildings) and will not at any time carry on or allow to be carried on quarrying operations on the said Lot Three or any part thereof or dig carry away or remove therefrom or any part thereof any well stone earth clay gravel or sand except for the purpose of laying the foundations of any building to be erected on the said Lot Three as aforesaid or for the use in the erection of any such Building: AND the said Norman Francis Hammond HEREBY CONSENTS AND AGREES to the above Covenants appearing as encumbrances on the Certificate of Title to be issued in respect of this Transfer and also of all subsequent Transfers of the said Lot Three and to the same running with the said Land.

Dated the 14th day of April 1919

Sta 1043414

SIGNED by the said TAYLOR DARBYSHIRE

in the state of Victoria by his
attorney Frederick George Nicholson
in the presence of

Taylor Darbyshire
by his Attorney
F. G. Nicholson

Robert Wilson
CLERK TO FINK, BEST & MILLER
SOLICITORS, MELBOURNE.

Signed by the said Hugh McDonald
in the presence of

SIGNED by the said NORMAN FRANCIS

HAMMOND in the state of Victoria
in the presence of

CLERK TO FINK, BEST & MILLER
SOLICITORS, MELBOURNE.

N. F. Hammond

Robert Wilson

ENCUMBRANCES REFERRED TO

Special Railway Condition contained in Crown Grant to Thomas
Burnell and George Stephen respectively.

As to the part of said lot 3 shown blue on the said Plan of
Subdivision - Any easement subsisting now or hereafter
affecting the same

Sta 1043414



0888051-1-1

2
10



D888051-2-7

Transfer as to part and Creation of Easement

3rd
May 1919

To
Norman Francis
Hammond

888051

Wm. W. Combs.

AG: ☒ K ☐ S ☐ C ☐ T ☐ M ☐ F ☐ S ☐ E

3. Certify THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED INTO THE LAST ABOVE MENTIONED IN THE REGISTER BOOK VOL. 3985 P. 796891

New Comp.

7. *Phyllanthus* *sp.*



0888051-2-7

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Transfer of Land

Section 45 Transfer of Land Act 1958

AH568620R

20/10/2010 \$1352 45



Name: SOHO LAWYERS
 Phone: (03) 8676 0433
 Address: LEVEL 8, SUITE 804
365 LITTLE COLLINS ST, MAB
 Reference: 10/201 (Am)
 Customer Code: 13888X

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio)

Volume 4229 Folio 715

Estate and Interest: (e.g. "all my estate in fee simple")

All my estate in fee simple

Consideration:

\$1,351,000.00

Transferor: (full name)

LINDA ELEANOR WILSON as executor of the Estate of Eleanor May Hughson, deceased

Transferee: (full name and address including postcode)

SHELFORD GIRL'S GRAMMAR of 3 Hood Crescent, Caulfield, Victoria, 3162

Directing Party: (full name)

Dated:

Execution and attestation:

SIGNED by LINDA ELEANOR WILSON in the presence of:

[Signature]

Signature of witness

[Signature: Linda E. Wilson]

Executed by SHELFORD GIRL'S GRAMMAR by persons who are authorised to sign for the company:

[Signature: Barbara Joy Lynch]

Name:
Usual Address:

BARBARA JOY LYNCH
DIMELOT

[Signature: Robert Charles Bragg]
 SHELFORD GIRLS' GRAMMAR
 ABN 41 004 605 145
 3 HOOD CRESCENT
 CAULFIELD, VIC. 3161

Name:
Usual Address:

[Signature: Robert Charles Bragg]
 ROBERT CHARLES BRAGG
 Company Secretary

Approval No:3213105A

Order to Register

Duty Use Only

T1

Please register and issue Certificate of Title to

Page 1 of 1

Signed

Customer Code:

THE BACK OF THIS FORM MUST NOT BE USED

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

Original Land Transfer
 Exempt Section 45
 Doc ID 2639540, 12 Oct 2010
 SRO Victoria Duty, UXSO

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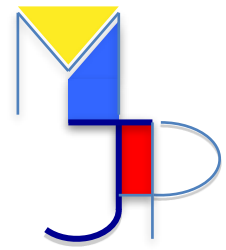
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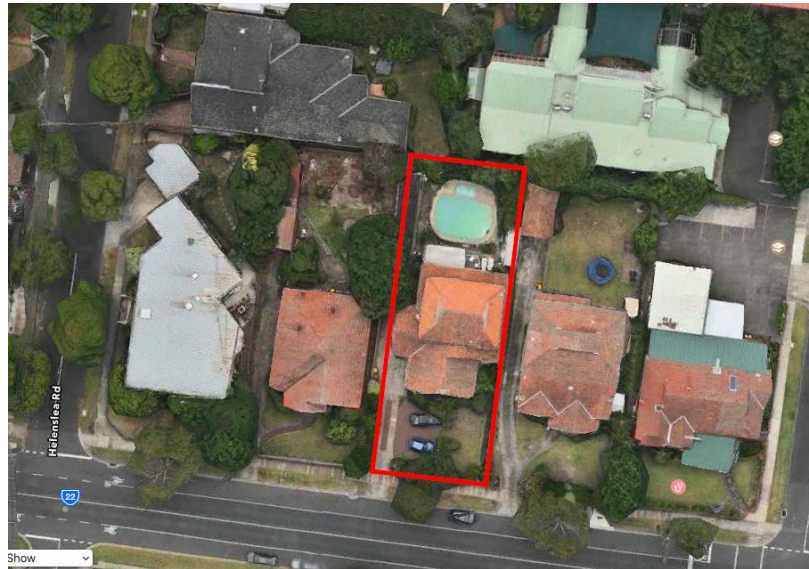
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TITLE PLAN		EDITION 1	TP 477530T
Location of Land Parish : SOUTH EAST OF ST KILDA PARISH OF PRAHRAN Township : - Crown Portion: 244 (PT) Section : - Base record : DCMB Last Plan Reference : LOT 3 ON LP 6946 Derived From : VOL. 4229 FOL. 715 Depth Limitation : NIL			Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
Description of Land/ Easement Information			
APPURTENANCIES TOGETHER WITH A RIGHT OF DRAINAGE AND SEWERAGE OVER THE LAND COLORED YELLOW ON THE SAID MAP ENCUMBRANCES As to the land colored blue - ----- THE EASEMENTS subsisting over or upon or --- affecting the same - - - - -			<div>THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES</div> <div>COMPILED: Date 4/05/05</div> <div>VERIFIED: A. DALLAS</div> <div>Assistant Registrar of Titles</div> <div>COLOUR CODE BL=BLUE G=GREEN BR=BROWN P=PURPLE Y=YELLOW R=RED H=HATCH CH=CROSS HATCH</div>
<div><div>HELENSLEA ROAD</div><div><div><div>29</div><div>30</div></div><div><div><div>60'</div><div>BL</div></div><div><div>150'</div><div>R←</div><div>4</div></div><div><div>126'</div><div>60'</div><div>N 89° 56' W</div><div>GLEN EIRA ROAD</div></div><div><div>150'</div><div>50° 35' W</div><div>3</div><div>2</div></div></div></div></div>			
LENGTHS ARE IN FEET AND INCHES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 Sheets



Maureen Jackson Planning



Section 96A Amendment and Planning Permit GE/PP-31418/2017- Variation of restrictive covenant and development and use of land for the purpose of an Education Centre, reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone, Category 1 at 259 Glen Eira Road, Caulfield North.

Prepared for:

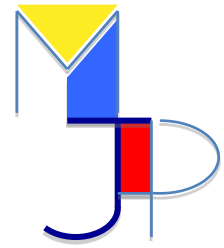
Shelford Girls' Grammar School.

Prepared by:

Maureen Jackson Planning Pty Ltd

June 2018





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APPENDICES (all provided separately)

Application form, copy of title, planning application fee and Metropolitan Planning Levy Certificate.

Plans prepared by Clarke Hopkins Clarke Pty Ltd

Arborist report by Galbraith and Associates

Acoustic assessment by Octave Acoustics.

Traffic Impact Assessment by One Mile Grid Pty Ltd.

This report is compiled on the basis of the available amount of access and time permitted to investigate its components. In areas where access could not readily be available, assumptions may have been made to aid the client. These assumptions are identified within the body of the report. This report is for the exclusive use of the client and cannot be used for any other purposes without prior permission from Maureen Jackson Planning Pty Ltd. The report is valid only in its entire form.



1 BACKGROUND

Maureen Jackson Planning Pty Ltd acts on behalf of Shelford Girls' Grammar School.

Shelford Girls' Grammar is an independent, Anglican day school which is located within the City of Glen Eira. It was established in 1898 and currently caters for approximately 600 students from pre-school to year 12.

As part of its ongoing drive for excellence in education, the school is proposing to develop a centre for creative technology for current students in the areas of media technology, culinary arts, photography and design technology.

The site at 259 Glen Eira Road is owned by the school and has always been intended to be used as part the school's ongoing training and education programmes.

Shelford Girls' Grammar School seeks approval for a combined planning permit and planning scheme amendment, pursuant to Section 96A of the Planning and Environment Act 1987, for the site at 259 Glen Eira Rd, Caulfield North (Lot 3 LP6946).

The Land is burdened by a restrictive covenant which states that the owner of the Land must not:

"erect or allow to be erected on the said Lot Three (Lot 3 being the subject site) or any part thereof of any building other than one private dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings). (the "Covenant")

It is proposed to vary the covenant as follows-

After the words *"erect or allow to be erected on the said Lot Three or any part thereof of any building other than one private Dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings)"* insert the words *"except that the said Lot Three may be developed and used generally in accordance with planning permit no. GE/PP-31418/2017."*

2 THIS REPORT

This report has been prepared in support of variation of restrictive covenant and development and use of land for the purpose of an Education Centre (the Emily Dixon Centre (Education Facility) in association with Shelford Girls' Grammar School), reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone, Category 1 at 259 Glen Eira Road, Caulfield North, in accordance with the attached plans.

The Emily Dixon Centre has been conceived as an opportunity to promote excellence in teaching and learning in the area of STEAM (Science, Technology, Engineering, Arts and Mathematics). The Emily Dixon Centre will reflect the significant emphasis that Shelford Girls' Grammar places on the arts, design and other creative technologies.



It will provide an environment that encourages and inspires the future generation of artists, designers and technological innovators.

The facility will also enhance Shelford Girls' Grammar's civic presence both within the School and the wider community. A gallery, which will be integrated into the internal circulation space will recognise and display the achievements and works of current and past students as well as the creative work of local artists and exhibitors.

The following sections of this report provide:

- An overview of the site and surrounds;
- A description of the use and development proposal; and,
- An assessment of the proposal against the planning controls impacting the site.
- An assessment of the restrictive covenant and the impact of the variation to this covenant on the surrounding properties.



3 SITE DESCRIPTION

The site is a rectangular parcel of land measuring 18.29 metres width x 45.72 length with an overall area of approximately 836 m² located at 259 Glen Eira Rd, Caulfield North.

The southern boundary of the site fronts Glen Eira Rd, which is classified as a Major Road Zone Category 1, and a mix of single and double storey residential properties are found to the east, west and south of the site. The northern boundary of the property abuts the Early Learning Centre associated with Shelford Girls Grammar.

Currently, on site, there is a two storey residence with one access point to Glen Eira Rd. At the rear of the site, there is an existing in-ground swimming pool and outbuildings.

The site has an approximate fall from the north-east to the south-west (frontage of the site) of approximately 1.9 metre.

The school has excellent public transport connections, with 'Met' buses from Glen Waverley, Mt Waverley and Chadstone areas which travel along Glen Eira Road, stopping at Hood Crescent.

The school also offers chartered bus routes.

Railway transport on the Frankston-Caulfield, Dandenong-Caulfield and Melbourne-Sandringham lines connect with school buses and give convenient and quick access to Shelford Girls' Grammar. Ripponlea station is the closest station to the school.

Good public transport is also provided by trams along Glenhuntly, Balaclava, Dandenong and Glenferrie Roads which connect with the school buses.

The Oaktree Anglican Church is located in close proximity to the site, as are convenience shops. Caulfield Hospital is also accessible from the subject site.

4 OVERVIEW OF THE PROPOSAL

The Emily Dixon Centre is designed to support and accommodate the specific and individual needs of each student. The school aims to provide an atmosphere that encourages students to explore and expand their creative passions to a high level of achievement.

The building will contain gallery spaces that will be used to acknowledge and display the exceptional work that the students produce. As a multi-use and multi-purpose building, it will also enable the School to showcase the works of local and prominent artists and exhibitors, increasing interaction between the School and the wider community.

The new building will enable Shelford to cater for the current curriculum and facilitate the further expansion of a curriculum that specifically promotes STEAM.



Each learning area and gallery space will be orientated to take full advantage of natural lighting and ventilation. Connection between indoor and outdoor spaces will accommodate a greater range of activities and facilitate the flow of students, teachers and the broader community on specific occasions as they enter and exit the building.

This section of the report outlines the key aspects of the proposal. The proposed development consists of the following:

Emily Dixon Centre:

- Demolition of existing buildings and swimming pool.
- Retention of existing vegetation i.e. peppercorn tree, and where removal is required, planting of new vegetation as shown in the landscape plan attached.
- Construction of a two storey building, with a site coverage of 42.1% of a modern design in keeping with the function of the facility. The height of the building is approximately 5.73- 8.62 metres. The building is proposed to be setback 9.0 metres from the frontage of the site.
- The maximum staff and student numbers proposed to be present on the site at any one time are 5-8 staff and 70 students. The numbers provided would be in the event that all four teaching spaces were scheduled concurrently. However, it is worth noting that the above numbers would not occur often due to timetabling of classes, the specialist nature of the proposed teaching facilities and the commitment Shelford Girls' Grammar has to running small class sizes.
- The proposed hours and days of operation, during school term times, are as follows:
Mon – Fri: 8am to 5 pm
Sat - Sun: normally closed
Cleaning and maintenance will require after-hours access for 2-3 hours each evening, Monday to Friday. It is unlikely that any after-hours school events will be scheduled, as other areas in the school will continue to be used.
The gallery space and café will not be open to the general public, other than the school community, i.e. students and parents. The facility will be used during school hours.

In more detail the floorspace on site will be used for the following –

- Two (2) teaching and learning spaces for studio arts and associated storage.
- A teaching and learning space for Media Technology, incorporating storage and darkroom facilities.
- A new conceptual work area to support: collaborative work, interactive work-benches and teaching and learning spaces.
- A teaching and learning space for the Culinary Arts, complete with associated areas for preparation, indoor and outdoor dining, and herb garden.
- Outdoor breakout spaces to each learning environment.
- A staff work area, to allow for interaction with the learning environment and student support.
- A meeting room, which is visually connected to the key functional areas.
- Infrastructure and equipment to support student activities, including audio visual equipment, and display and presentation areas.

The goals for this facility, with regard to architecture and function are:

- To integrate the Emily Dixon Centre within the Shelford Girls' Grammar campus.
- To provide additional facilities for students with disabilities, including special mobility and learning requirements.



-
- To utilise landscaping features to integrate outdoor gathering spaces and to highlight entry points.
 - To provide good access to natural light and passive ventilation.
 - To provide specific zones for student retreat, relaxation and study.
 - To include the school logo on the wall of the building which is considered as business identification signage.
 - To add texture: the materials to be used are a mix of face brickwork with a brickwork pattern, perforated metal and colourbond roof.

Display of a business identification sign

- The school logo will be displayed on the wall of the building, setback from the street frontage at Glen Elra Rd, which is considered as business identification signage.

Alteration of access to a road in a Road Zone, Category 1

- Single width crossover to Glen Elra Rd at southwest corner of the site will be maintained for emergency purposes only and will serve as the sole vehicular access point to site. No carparking or bicycle facilities will be provided on site (see Traffic Assessment Report)



5 GENERAL PLANNING POLICY AND PLANNING SCHEME PROVISIONS

The Glen Eira Planning Scheme requires consideration of the following key planning provisions;

Planning Scheme	Glen Eira
SPPF	Clause 10 Operation Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 15.01-2 - Urban design principles Clause 15.01-5 Cultural identity and neighbourhood character
LPPF and MSS	Clause 21.01 Municipal Profile Clause 21.02 Key Influences Clause 21.08 Institutional and NonResidential Uses in Residential Areas Clause 22.02 NonResidential Uses in Residential Zones Policy Clause 22.02-2 Preferred Location Objective Clause 22.02-3 Siting and Design Objectives Clause 22.02-4 Landscaping Clause 22.02-5 General Amenity Clause 22.02-6 Advertising Signage
Zoning	Clause 32.09 Neighbourhood Residential Zone – Schedule 1 (NRZ1) Minimal Change Areas
Overlays	N/A
Particular Provisions	Clause 52.05 Advertising Clause 52.06 Carparking Clause 52.17 Native Vegetation Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road. Clause 52.34 Bicycle Facilities Clause 54 One dwelling
General Provisions	Clause 65 Decision Guidelines
Planning permit triggers	Clause 32.09-2 of the Neighbourhood Residential Zone and a permit is required for buildings and works in accordance with Clause 32.09-8 Clause 32.09-13 Advertising signage Clause 52.05-9 Category 3 - High amenity areas

State Planning Policy Framework

The following State Planning Policies (SPPF) were reviewed and considered to be of particular relevance to the proposal:

Clause 10 – Operation of the State Planning Policy Framework

This Clause outlines the purpose of the State Planning Policy Framework (SPPF) including its goals and principles. The goal of the SPPF is to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and



practices, which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Response

The proposal positively addresses land use, development and built form objectives in light of growing social and community needs and aspirations in the Glen Eira area, as outlined in the Glen Eira Planning Scheme.

Clause 11 – Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Response

The proposal positively addresses the community need for excellence in educational facilities servicing the neighbourhood as well as the wider community.

Clause 15 – Built Environment and Heritage

Planning should ensure all new land use and development responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns. ...

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

Response

The proposal positively addresses the community aspiration and cultural identity of the area as one that is recognised as characterised as having a variety of high quality educational establishments which contribute to the local urban character and aspirations of the community.

Clause 15.01-2 Urban design principles

To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Strategies

Apply the following design principles to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56:



Context

- Development must take into account the natural, cultural and strategic context of its location.
- Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

Landmarks, views and vistas

- Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

Architectural quality

- New development should achieve high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

Response

The proposal consolidates the clustering of Shelford Grammar educational buildings and facilities and provides a frontage to the main road, being Glen Eira Road. The design creates a positive architectural addition and landmark along Glen Eira Rd. The road is undergoing change as identified by development to the south of the subject site.

The building sets a high standard in architecture and urban design and will complement the existing streetscape.

Clause 15.01-5 Cultural identity and neighbourhood character

Objective

To recognise and protect cultural identity, neighbourhood character and sense of place.

Strategies

Ensure development responds and contributes to existing sense of place and cultural identity.

Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.

Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:

- The underlying natural landscape character.
- The heritage values and built form that reflect community identity.
- The values, needs and aspirations of the community.

Response

The new building is ancillary to the school, which has been a cultural identity in the neighbourhood since 1898, and has been a good neighbour in the surrounding area. The building has been designed to articulate the function of the building as a centre for creative technology and complement the neighbourhood streetscape.



Local Planning Policy Framework (LPPF)

The Local Planning Policies and Municipal Strategic Statement provide a strategic direction for development and land use in the municipality. The following policies were considered to be of most relevance.

Clause 21.01 MUNICIPAL PROFILE

Glen Eira is predominantly residential and features a series of well established strip shopping centres most of which have developed along public transport routes. It has a flat to generally undulating topography with a strong grid pattern of streets. Glen Eira contains areas that are rich both in terms of urban character and heritage. Glen Eira's character today reflects the City's position in the metropolitan area and its associated history of development.

Glen Eira residents enjoy access to a wide variety of transport, shopping, health, education, religious and cultural and leisure services. Many of Melbourne's best private schools are located in Glen Eira, and Glen Eira boasts regional recreational facilities such as Duncan Mackinnon Reserve and Caulfield Park.

Caulfield Racecourse and Monash University are facilities of metropolitan significance and are both of major importance to the local economy.

Clause 21.01-2 Glen Eira's people

Age structure

Glen Eira is one of the few places in Victoria which can expect to have fewer people in the 70+ age group by 2021. This is indicative of an already aged population and its potential to "regenerate" over future years.

Socio-economic characteristics

Glen Eira residents are generally well educated and knowledgeable with qualifications and income slightly higher than the metropolitan average and a higher than average proportion of the workforce in Management/Professional positions. There is however considerable geographical variation. Households in Caulfield North, Caulfield, Caulfield South, Caulfield and Elsternwick have some of the highest income levels in Glen Eira. They also have a high proportion of professional jobs and tertiary qualifications.

Clause 21.01-4 Residential areas

Ninety-five percent of Glen Eira properties are residential.

Residential amenity

Glen Eira is a sought after location with a high standard of residential amenity.

Response

The proposed development is complementary to the goals of Council as it is recognised as an educational asset highlighted in the above profile of the municipality. The school provides the opportunity for residents from the municipality and surrounding areas to access a high quality educational facility. It would be considered as a characteristic of the neighbourhood character and an attraction of the area in providing and meeting high standards of education and innovation.

It is a recognised educational asset to the area.

Clause 21.02 KEY INFLUENCES

Clause 21.02-1 Advantages and opportunities

Services and infrastructure

Availability of an excellent range of educational and health and community facilities.



Clause 21.03-3 Key Land Use Visions

From the corporate objectives and the preferred future identified in Glen Eira 2020 a number of key land use visions were developed for inclusion in this Municipal Strategic Statement.

- Promote recognised and well used regional recreation, entertainment, tourist, educational and cultural facilities

Clause 21.03-5 Framework plan

Institutional and non residential uses in residential areas

- Medical and other associated uses, such as nursing homes and retirement villages, are where practical encouraged to concentrate in defined medical precincts adjacent to existing hospitals (i.e.: around Monash Medical Centre and Caulfield Hospital), and to a lesser extent near smaller hospitals.
- Other institutional and non-residential uses may locate in appropriate locations throughout the municipality.

Response

We consider that the school is a well established use having commenced operation in 1898, hence its existing location in the neighbourhood is considered appropriate. The broadening of its educational facilities is complementary to the overall education use and does not set a precedent for the establishment of a new use in a residential setting. The use and development are ancillary to the existing school use and has been sensitively designed to act as a 'good neighbour' to existing residents.

Clause 21.08 Institutional and Non Residential Uses in Residential Areas

Clause 21.08-1 Overview

Master plans for institutions

Many of Glen Eira's Institutions, such as schools/hospitals have grown over time. As these uses also serve a local population it is reasonable to allow their development and growth. These uses are considered to be compatible with residential areas as they serve a local community need. However as these uses continue to grow they no longer serve only the local community but have wider regional catchments. Unchecked expansion into residential areas can cause loss of housing stock and amenity reduction for residential neighbours. It is preferable to ascertain the degree of reasonable future "residential encroachment" of major institutions, both for the immediate neighbours, and the institution itself. Whilst it may not be necessary to develop a separate zone for these uses it is considered essential that Master Plans be developed to ensure that there is community awareness of and input into long term expansion plans.

Clause 21.08-2 Objectives, strategies and implementation

Objectives

- To ensure that non-residential uses are successfully integrated into residential zones with minimum impact and minimum loss of residential amenity.
- To ensure community awareness and input into the long term expansion plans of large institutions in residential areas.

Strategies

- Encourage uses that retain housing stock or where new, encourage buildings and works that are compatible with the residential character of the streetscape and neighbourhood.
- Encourage uses that have a minimal effect on residential amenity.



- Support home business sector without compromising residential amenity.
- Encourage development of Master Plans involving community consultation.
- Encourage a concentration of complementary uses and/or facilities in appropriate locations.

Response

The encroachment into one residential lot is considered reasonable and logical as it is adjacent to the existing campus. It has been designed to be complementary to the streetscape and neighbourhood and will have minimal impact on residential amenity.

Clause 22.02 Non Residential Uses in Residential Zones Policy

Clause 22.02-2 Preferred Location

Objective

- To encourage the development or extension of non-residential uses, in suitable locations which comply with orderly and proper planning principles.

Policy

It is policy to:

- Encourage the location of non-residential uses in “preferred locations” including main or secondary roads and on corner sites with vehicular access from a service or side road.

Response

Whilst the school has a street address in Hood Street, the development of the Emily Dixon Centre on Glen Eira Road will provide a main road address in accordance with Council policy. The design will complement the surrounding neighbourhood and complement the changing character on Glen Eira Road in the immediate area. The site will have minimal impact on the amenity of the local area as no additional traffic and parking is required or proposed on site. The school has excellent public transport connections, with 'Met' buses from Glen Waverley, Mt Waverley and Chadstone areas which travel along Glen Eira Road, stopping at Hood Crescent. It offers chartered bus routes. Trams travel along Glenhuntly, Balaclava, Dandenong and Glenferrie Roads which connect with the school buses. There is easy access to the metropolitan rail services at Ripponlea train station.

Clause 22.02-3 Siting and Design

Objectives

To successfully integrate non-residential uses into residential areas with minimal impact to the residential streetscape and the character of the area.

Policy

It is policy to:

- Ensure that the streetscape character of the neighbourhood is respected and maintained, particularly in terms of building height, length, location, setbacks (front, side and rear), front fences and appearance.
- Retain existing dwelling stock, where practical, and any associated extensions/alterations to maintain or enhance its residential character.

Performance Measure

It is policy to assess proposals against the following criteria:

- Front walls of buildings to be set back from street frontage in accordance with Clause 54.03-1.



- Side walls of buildings to be set back from boundaries in accordance with Clause 54.04-1.
- Any buildings are not greater than the mandatory maximum height specified in the relevant residential zone applying to the subject land.
- Front fences to accord with Clause 54.06-2.
- Walls on boundaries (for both length and height) be in accordance with Clause 54.04-2.

Response

It is considered that the existing dwelling could not be retained as it could not fulfill the design requirements of the proposed facilities. The proposed development has been designed to complement the surrounding streetscape. More specifically the proposal accords with Clause 54 requirements as follows:

Clause 54.03-1 Standard A3 Street Setback objectives

Front setback of the building will be approximately 9.0 metres.

Clause 54.03-2 Standard A4 Building height objectives

The proposal complies with the 9.0 metre height limit for the NRZ however this only applies to residential properties. The building will be constructed to a maximum height of 8.6 metres and will comply with overlooking, overshadowing and daylighting requirements for abutting properties.

Clause 54.04-1 Standard A10 Side and rear setbacks objective

The proposed development complies with the standards for side and rear setbacks, as shown in the attached plans. Meets 4.0 metre rear setback provision.

Clause 54.04-2 Standard A11 Walls on boundaries objective

No new walls will be created on any boundary.

Clause 54.06-2 Standard A20 Front fences objective

Complies: A 1.5 metre high metal picket fence is proposed at the frontage of the site.

Clause 22.02-4 Landscaping

Objective

To respect the garden character of the neighbourhood.

Policy

It is policy to:

- Require front setback and side setbacks (corner lots) to be landscaped to reduce any visual dominance of any car parking.
- Require car parking facilities to generally be provided to the side or rear of the site or in a basement unless the use is proposed in a “preferred location”, abutting a main or secondary road.
- Retain any high priority significant trees or landscape features within the design where possible.
- Ensure that where car parking is proposed in the front setback (in limited circumstances where the use is in a preferred location), a generous landscape buffer between the car park and the street frontage be provided.
- Provide for adequate landscape strips along the driveway to soften the appearance of the development, particularly from the street frontage and sides.
- Discourage the removal of any street trees due to the location of a crossover.
- Any proposed car parking to the rear of a corner site should have a landscape buffer to the street equal in distance to the side street setback of the building.



- Require a landscape plan detailing advanced tree and shrub planting for developments that propose car parking in the front setback.

Response

A landscape plan is provided with this application and the existing peppercorn tree is proposed to be retained and integrated with the new landscaping on site. No carparking is proposed within the frontage of the site. This greatly assists in enhancing the streetscape.

Clause 22.02-5 General Amenity

Objective

- To minimise the effect of non residential uses on the residential amenity.

Policy

It is policy to:

- Ensure the intensity of the use, in terms of staff levels, numbers of people providing health services, patron numbers and hours of operation are appropriate to the site layout, locality and does not unreasonably impact the amenity of the neighbouring properties.
- Promote small scale uses (no more than 2 people providing health services) to operate in the existing dwelling/s, in order to maintain the residential appearance and nature of the locality.
- Minimise any visual and acoustic privacy impacts to neighbouring properties.

Performance Measure

It is policy to assess proposals against the following criteria:

- Hours of operation (not including any ancillary functions/uses that may need to occur for the use outside the prime operation hours):
- These hours may be varied depending on the location of the proposed development/use and its proximity to sensitive residential areas.
- Where overlooking to adjoining properties occurs, screening treatment must accord with Clause 54.04-6.
- Acoustic treatment and screening should be incorporated into the design to minimise noise impacts associated with car parking, access, indoor/outdoor recreation areas, plant/equipment and/or similar, dependent upon the intensity of use and number of practitioners.

Response

The development is complementary to the goals of Council for the following reasons:

- there is no increase in the number of students or staff who attend Shelford Grammar School;
- the building will be used only within school hours;
- measures have been incorporated to reduce overlooking to abutting properties;
- an acoustic fence is proposed on the boundaries of the site to minimise any noise impacts on the abutting residential properties; and
- school activities will occur within the building during school hours so no specialised acoustic measures are required on site.

Clause 22.02-6 Advertising Signage

Objective

To allow adequate and appropriate signage.



Policy

It is policy to:

- Ensure that the proposed height, area and number of any signage is appropriate to the size and location of the development.

Performance Measure

It is policy to assess proposals against the following criteria:

- The advertising area of any business identification signage should not exceed 2.0 square metres, except for main roads where justification for an increased area is given.
- Not protrude beyond the site boundaries.
- Not exceed 2.0m in height.

Response

Signage is proposed in the form of the school logo on the inner wall of the new building as shown on plan measuring 2.0 x 2.0 metres. This requires a permit in accordance with Clause 52.05-9 Category 3 - High amenity areas. This clause seeks to *ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.*

It is considered that the sign located on the internal wall of the new building is orderly, of good design and will not detract from the appearance of the building or streetscape.

A plan showing the sign is provided in the application.

Zoning

Clause 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ1)

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

Clause 32.09-12 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. ♣
- The purpose of this zone. ♣
- The objectives set out in the schedule to this zone. ♣
- Any other decision guidelines specified in a schedule to this zone.

Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use



- Whether the use generally serves local community needs
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Clause 32.09-13 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Response

The proposed use requires a permit for use in accordance with Clause 32.09-2 of the Neighbourhood Residential Zone and a permit is required for buildings and works in accordance with Clause 32.09-8 of this zone.

Overlays

No overlays are applicable to the subject site.

Particular Provisions

Clause 52-05 Advertising

Purpose

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The site is located in a Category 3 zone -- High amenity areas with a medium limitation on signage.

Clause 52.05-9 Category 3 - High amenity areas

Medium limitation

Purpose

- To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Section 2 - Permit required

Business identification sign *Condition:* None specified

Response

The signage is proposed in the form of the school logo on the inner wall of the new building as shown on plan, measuring 2.0 x 2.0 metres (4 m² area). It is considered that the sign located on the internal wall of the new building is orderly, of good design and will not detract from the appearance of the building or streetscape.



Clause 52.06 Car Parking

Purpose

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Response

Clause 52.06 of the Glen Eira Planning Scheme specifies that *'Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced'*

No additional car parking is proposed. This provision is considered appropriate having consideration to the sites' context within the broader school precinct and no increase in staff or student numbers. (see Traffic Assessment report)

Clause 52.17 Native Vegetation

Purpose

- To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Response

No planning permission is required for the removal of vegetation on site. It is noted that an Arborist report regarding species of trees to be retained on site is provided with this submission.

Clause 52.29 Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.

Purpose

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

Permit Requirement

A permit is required to:

- Create or alter access to:
A road in a Road Zone, Category 1.



Response

In the proposal, the single width crossover to Glen Eira Rd at the southwest corner of the site is to be maintained for emergency purposes only and will serve as the sole vehicular access point to site.

The development is not expected to have any material impact on the operation of the road or any impacts on public safety. (see Traffic Assessment Report)

Clause 52.34 Bicycle Facilities

Purpose

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Clause 52.34-1 Provision of bicycle facilities

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.

Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Response

In relation to the bicycle parking requirements identified in Clause 52.34 of the Glen Eira Planning Scheme specifies that *...where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.*

No additional bicycle facilities are proposed as part of the proposed development. This is considered appropriate having consideration to the sites' context within the broader school precinct and no increase in staff or student numbers. (see Traffic Assessment report)



6 PROPOSED VARIATION TO THE COVENANT IMPACTING THE SITE

Shelford Girls' Grammar School seeks approval for a combined planning permit and planning scheme amendment pursuant to Section 96A of the Planning and Environment Act 1987, for the site at 259 Glen Eira Rd Caulfield North (Lot 3 LP6946).

The Land is burdened by a restrictive covenant which states that the owner of the Land must not:

"erect or allow to be erected on the said Lot Three (Lot 3 being the subject site) or any part thereof of any building other than one private dwelling with a roof of slate tile or other material except iron at a cost of not less than FIVE HUNDRED POUNDS (inclusive of the cost of outbuildings). (the "Covenant")

It is proposed to vary the covenant as follows-

"...except that the said Lot Three may be developed and used generally in accordance with planning permit no. GE/PP-31418/2017."

The justification for the amendment is broadly as follows:

- The variation to the covenant is targeted specifically to facilitate the use and development of the land based on the parameters outlined in the planning submission and plans noted in the above.
- The analysis of the development and use application shows that the proposal is in keeping with Council policies, will not result in loss of amenity, is in keeping with the changing character of Glen Eira Road, and facilitates the expansion to an existing long established education facility.
- The variation of the covenant to facilitate the proposed development and use will have limited impact on the beneficiaries of the covenant with the majority of beneficiaries being in Helenslea Rd.
- Overall the proposed use and development will have a net community benefit and the variation of the covenant should be approved.

6.1 Covenant details

Legal advice provided by Norton Rose Fullbright which is included as an attachment to this submission indicates the following-

The Land is:

- (1) contained in certificate of title volume 04229 folio 715;
- (2) described in the certificate of title as lot 3 on plan of subdivision 006946; and
- (3) owned by the School as a sole proprietor.

The Covenant:



(1) was created in a transfer of land from Taylor Darbyshire to Norman Francis Hammond on 14 April 1919 (registered instrument no. 0888051);

(2) states that the owner of the Land must not:

“erect or allow to be erected on the said lot three [i.e. the Land] or any part thereof of any building other than one private dwelling with a roof of slate tile or other material except iron at a cost of not less than five hundred pounds (inclusive of the cost of outbuildings)”; and

(3) states that the Covenant is for the benefit of the owners, from time to time:

“of the balance of the land comprised in Certificate of Title Volume 3985 Folio 796891”.

6.2 Covenant Beneficiaries

The advice from Norton Rose Fullbright states as follows-

- The parent title of the Land is Certificate of Title Volume 3985 Folio 796891 (Parent Title). ^[1]_[SEP]
- Land in the Parent Title was subdivided into 48 lots as shown in LP 6946, dated 31 August 1916 (Parent Plan).
- The Covenant states that is created for the benefit of the land remaining in the Parent Title. ^[1]_[SEP]
- Accordingly, the land with the benefit of the Covenant is all the land that remained in the Parent Title at the date of the Covenant which is 14 April 1919. ^[1]_[SEP]
- The Parent Title lists the dates on which lots in the Parent Plan were removed from the Parent Title. ^[1]_[SEP]
- As at 14 April 1919, 8 lots had been removed from the Parent Title and therefore do not have the benefit of the Covenant. These 8 lots which do not have the benefit of the Covenant are marked in the plan in Figure 1 with green text boxes. The ordinal numbering ‘1’ to ‘8’ within the green text boxes shows the order in which lots were transferred out of the Parent Title. ^[1]_[SEP]
- All land coloured pink/red in the plan in Figure 1, other than the lots annotated with green text boxes numbered ‘1’ to ‘8’, has the benefit of the Covenant (Beneficiaries). ^[1]_[SEP]
- The address and title particulars of all the Beneficiaries is provided as an attachment to this submission as a plan cross referenced against the row reference numbers as follows. ^[1]_[SEP]

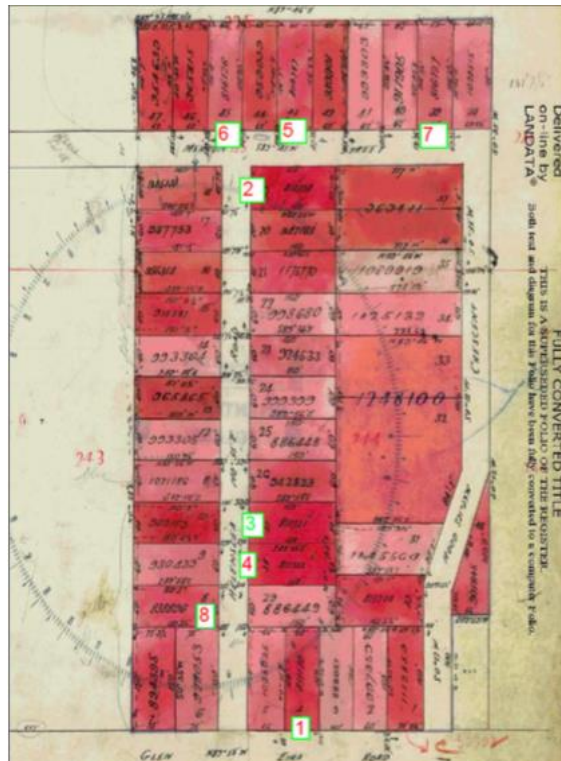


Figure 1 Parent title plan of subdivision, as shown in the historical Parent Title (volume 03985 folio 891)

6.3 Strategic Assessment of the Covenant

The covenant impacting the subject site was created prior to 25 June 1991, therefore if a planning permit was sought, consideration must be given to Section 60(5) of the *Planning and Environment Act 1987*. It reads:

“(5) The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in sub-section (4) unless it is satisfied that:

- (a) the owner of any land benefited by the restriction (other than an owner who, before or after making the application but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including perceived detriment) as a consequence of the removal or variation of the restriction; and*
- (b) if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith”.*

Therefore, notification to all beneficiaries is required and Council, or VCAT (on appeal), must refuse a permit if it appears that there is a real chance or possibility that detriment will result.

The restrictive covenant on the subject site was created in 1919, hence the amendment is subject to Section 60(5) of the *Planning and Environment Act 1987*.

Whilst the current proposal is to vary the existing covenant through a planning scheme amendment it is useful to use the following tools to assess the proposed variation to the covenant-



1) The purpose of the restrictive covenant

The Covenant was created by a transfer of land (registered instrument no. 8805) dated 14 April 1919 and restricts the use and development of the land at 259 Glen Eira Road:

- To not more than one private dwelling
- To use of building materials for the roof of slate, tile or other material except iron
- To ensure the erection of the dwelling costs no less than 500 pounds inclusive of the costs of outbuildings

2) The benefit of the covenant

The covenant was placed on a number of sites in the overall subdivision. It is often considered that a covenant with this wording seeks to maintain a low density single dwelling residential character. Further it limits the number of dwellings as well as building materials and cost of the development.

It is useful to note that the school itself predates the creation of the covenant in 1919.

The review of the title and beneficiaries provided by Norton Rose Fullbright Australia shows that the land in the Parent Title was subdivided into 48 lots as shown in LP 6946, dated 31 August 1916 (Parent Plan).

As at 14 April 1919, 8 lots had been removed from the Parent Title and therefore do not have the benefit of the Covenant. In addition, in 2006, 263 Glen Eira Rd had the covenant removed via a planning permit for use as a medical centre.

It is considered that the proposed variation will not detrimentally impact the nearest beneficiaries and will have a lesser impact on the beneficiaries in Helensea Road and Hood Crescent.

3) Changes which have occurred in the character of the neighbourhood and circumstances which impact on the relevance of the covenant

The proposed use and development needs to be considered in the context of the surrounding neighbourhood which contains a mix of community uses such as religious, education and medical facilities. The removal of the covenant at 263 Glen Eira Road for use as a medical centre in 2006 complements the variety of land uses in the neighbourhood and would appear to be in keeping with the mixed use nature of the wider area.

We consider that the area is one undergoing change with a number of new higher density developments recently constructed to the north of Glen Eira Road. It is acknowledged that change is minimal in the side streets however the application relates to a lot on a main road which Council identifies as more appropriate than any proposed change in local streets. The site is on a main road that provides a variety of uses i.e. medical centre, open space and new higher density development.

4) The detrimental impact on the amenity of the neighbouring properties

The proposed variation of the covenant will not detrimentally impact the existing subdivision pattern and spacing of buildings on Glen Eira Road or the side streets. The proposed building will be a detached, modern, two storey



building which respects the amenity of its nearest neighbours being 257 and 261 Glen Eira Road. It is considered that the building will not detrimentally impact the other properties on Glen Eira Road or properties in Hellensea Road or Hood Crescent.

Shelford Grammar has been a long established member of the immediate community and the development of the school facility is a complementary addition to the existing school. As shown in the assessment in the planning application, whilst the building is not a residential use it nevertheless provides appropriate setbacks, screening to abutting properties and a landscaped setting in keeping with expectations of a residential building on a main road.

No increase in the number of pupils is proposed and any noise is generally confined to school hours. However this has been considered by acoustic consultants and acoustic protection in the form of new perimeter fencing is to be undertaken.

5) Consistency with planning policies

The subject site is owned by Shelford Girls' Grammar School, being a long established member of the immediate community. The proposed use and development adjoins the existing school site. It also conforms to the intent of Clause 22.02-2, that is to encourage the location of non-residential uses in "preferred locations" including main or secondary roads.

The site is located in a minimal change area for housing growth in accordance with Clause 22.08 and in conjunction with the zoning of the land as Neighbourhood Residential Zone, the proposal will be complementary to the intent of the provisions to discourage housing growth.

The proposed amendment is considered to be complementary to the State and Local Planning Policy Framework, including the Municipal Strategic Statement as outlined below.

Clause 10 – Operation of the State Planning Policy Framework

The variation to the covenant positively addresses land use, development and built form objectives in light of growing social and community needs and aspirations in the Glen Eira area. This will be achieved through the proposed building on site and detailed in the planning application for use and development as an education facility.

Clause 11 – Settlement

The amendment facilitates a use and development that addresses the community need for excellence in educational facilities which services the local area as well as the wider community.

Clause 15 – Built Environment and Heritage

The amendment facilitates a use and development that addresses the community aspirations and cultural identity of the area, which is characterised as having a variety of high quality educational establishments which contribute to the local urban character and aspirations of the community.

The design of the building and location on Glen Eira Road ensures that the impact on the adjoining and nearby residential properties is kept to a minimum and ensures a concentration of complementary uses and/or facilities in appropriate locations i.e. Glen Eira Road.



Clause 15.01-2 Urban design principles

The amendment will facilitate the clustering of Shelford Grammar educational buildings and facilities and allow development of a landmark frontage for the school to the main road, being Glen Eira Road. The design creates a positive architectural addition along Glen Eira Rd, which already is undergoing change as identified by development to the south of the subject site. The proposed development sets a high standard in architecture and urban design and will complement the existing streetscape.

Local Planning Policy Framework (LPPF)

Clause 21.01 MUNICIPAL PROFILE

The amendment is complementary to the goals of Council as it supports the development of a recognised educational asset. The school provides the opportunity for residents from the municipality and surrounding areas to access a high quality educational facility. It would be considered to strengthen the educational offering provided by the school and continue to meet high standards of education and innovation.

Clause 21.02 KEY INFLUENCES

The amendment directly promotes the evolution of a key educational asset of the community and the City of Glen Eira, which is a long-established use in the current location having commenced operation in 1898. The broadening of its educational facilities is complementary to the overall education use and does not set a precedent for the establishment of a new use in a residential setting. The use and development are ancillary to the existing school use and has been sensitively designed to act as a 'good neighbour' to existing residents.

Clause 21.08 Institutional and Non Residential Uses in Residential Areas

The amendment is compatible with the objectives and strategies of Clause 21.08, where the repurposing of one residential lot is considered reasonable and logical as it is adjacent to the existing school campus and located on a main road. The building proposed has been designed to be complementary to the streetscape and neighbourhood and will have minimal impact on residential amenity as detailed in the development and use application for the site.

Clause 22.02 Non Residential Uses in Residential Zones Policy

The amendment supports the development of the school facilities on a main road. Whilst the school has a street address in Hood Street, the development of the Emily Dixon Centre on Glen Eira Road will provide a main road address which reduces any impact on the more intact residential areas located in the adjacent side streets.

Clause 22.02-3 Siting and Design Objectives

The retention of the existing dwelling was not feasible in relation to the requirements for the new centre for creative technology. Whilst the building is not a residential use, the requirements that relate to new residential development in terms of overlooking, overshadowing and appropriateness in the streetscape were used in the development of the design. In order to replace the current dwelling with the new building, it is necessary for the covenant to be varied.



6) Creation of an undesirable precedent.

It is considered that the variation of the covenant to facilitate the use and development of the land at 259 Glen Eira Road will not create an undesirable precedent.

The surrounding neighbourhood contains a mix of community uses such as religious, education and medical facilities. The removal of the covenant at 263 Glen Eira Road for use as a medical centre in 2006 appears to be in harmony with the surrounding land uses.

The majority of the beneficiaries of the covenant are located in Hellensea Road and Hood Crescent and it is unlikely that the covenant will be varied any further in these locations. The school itself does not own any other properties within the area.

The site is located in a 'Minimal Change Area' in terms of ensuring no increase in residential density. The proposal complements this objective.

The building has been carefully designed and is an example of modern architecture which is in keeping with the newer development in Glen Eira Road.

7 CONCLUSION

It is considered that the variation of the covenant to facilitate the use and development of the land for an education facility will result in a net community benefit for the following reasons-

- The new facility enhances the opportunities for students at Shelford Girls Grammar who study and or live in the municipality to participate in the technologies associated with STEAM (Science, Technology, Engineering, Arts and Mathematics).
- The proposal is consistent with Council's future vision for the area.
- The use and development is appropriate to its site context and has been carefully designed to minimise any potential amenity impacts on neighbouring properties.
- No carparking or bicycle facilities are proposed or required to be provided for this facility, as there is no increase in staff or student numbers associated with the new centre. All deliveries will occur from the frontage of the school in Hood Street.
- It is considered that the display of a business identification sign, to be located on the internal wall of the new building is orderly, of good design and will not detract from the appearance of the building or streetscape.
- Alteration of access to a road in a Road Zone, Category 1 is a result of a reduction in traffic generated by the proposed use compared to the current use, thus constituting an alteration to access arrangements. The development is not expected to have any material impact on the operation of the road or any impacts on public safety. (see Traffic Assessment Report)



Tree Consultants & Contractors
Tel (03) 9888 5214

28 April 2017

Graham Bennett
Clarke Hopkins Clarke Architects

Dear Sir,

re: 259 Glen Eira Road, Caulfield North

Introduction

I am informed a re-development of 259 Glen Eira Road, Caulfield North is proposed. Galbraith and Associates has been requested by Clarke Hopkins Clarke Architects to name the species and heights of the three trees at the front of the site, as highlighted and labeled 1 - 3 on the accompanying extract of the existing site conditions drawing on page 2.

Tree 1 - Syzygium smithii (Lillypilly) - 7m tall (previously lopped at 2m)

Tree 2 - Neerium oleander (Oleander) - 5m tall

Tree 3 - Acca sellowiana - Pineapple Feijoah - 5m tall

Rob Galbraith
B.For.Sci.(Melb.)
N.C.H.(Arb.)(U.K.)

24 May 2018

Clarke Hopkins Clarke Architects

Via email: graham.bennett@chc.com.au

Attention: Graham Bennett

Shelford Girls' Grammar School

Transport Impact Assessment

Dear Graham,

Introduction

onemilegrid has been requested by Clarke Hopkins Clarke Architects to undertake a Transport Impact Assessment of the proposed specialist teaching facility development for Shelford Girl's Grammar School located at 259 Glen Eira Road, Caulfield North.

A s96A Amendment and Planning Permit application for the proposed specialist teaching facility development was submitted to Council (Application No. GE/PP-31418/2017). Council Officers undertook a preliminary assessment of the application and issued a request for further information (RFI) pursuant to Section 54 of the Planning and Environmental Act 1987. Amongst other items, item 12 request a traffic report be prepared by a suitably qualified consultant in support of the waiver of car parking and bicycle facilities for this site, as reproduced below.

12. A traffic report should be prepared by a suitably qualified consultant in support of the waiver of car parking and bicycle facilities for this site. The report will discuss existing car parking and bicycle facilities on the remainder of the school grounds and existing staff and student numbers. The report will also address the proposed alteration to access in a Road Zone Category 1, if applicable.

Note: Though it is understood that car parking and bicycle facilities will be provided on the remainder of the school land, this application will be assessed as a single educational building on the site rather than as part of a larger educational precinct and therefore a traffic report should be submitted to detail the car parking and bicycle facilities on the adjacent land and provide an argument as to why these facilities are therefore not required to be provided as part of this application.

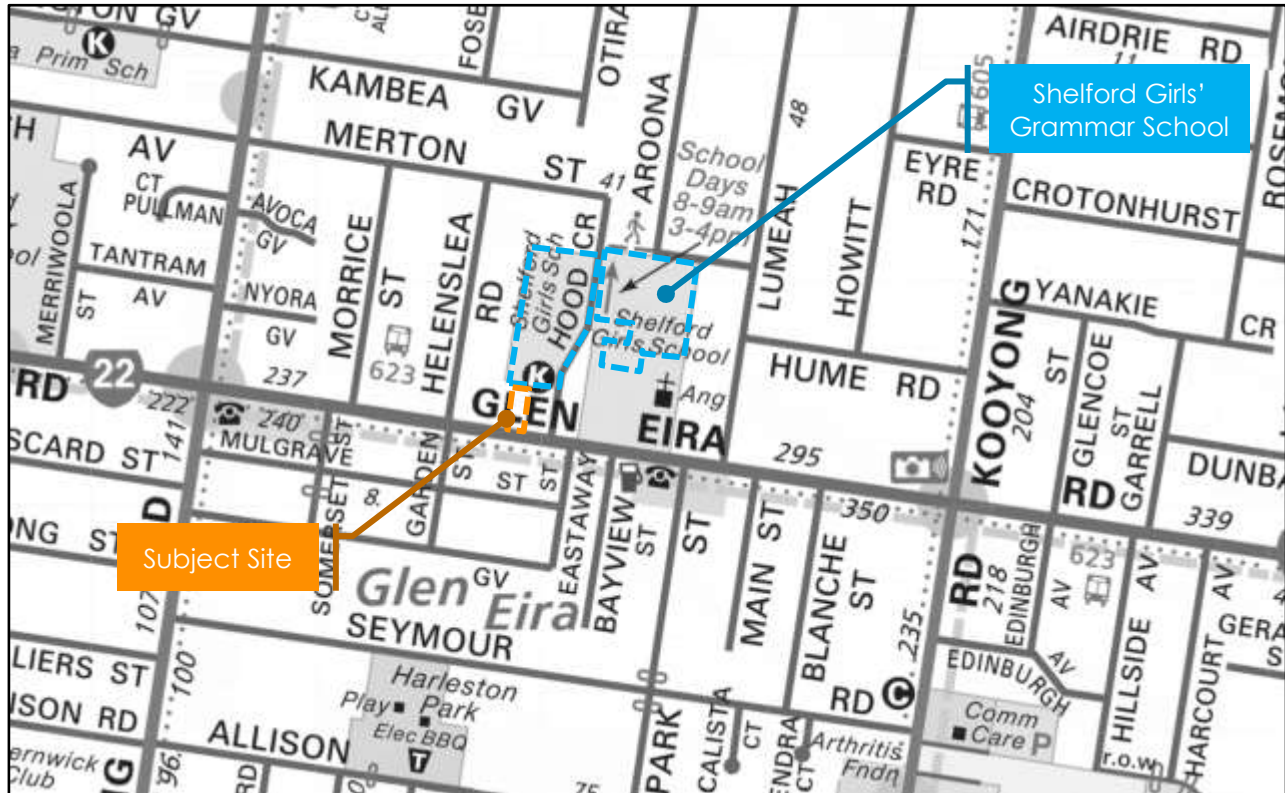
If the proposal is to retain access onto Glen Eira Road, there is also a permit trigger under Clause 52.29 for alteration to a road in a Road Zone Category 1. The application will be referred to VicRoads as part of the process and any traffic reporting should address this matter.

As part of this assessment, a site visit has been undertaken, development plans reviewed, and all relevant data collected and analysed.

Existing Conditions

The subject site is located on the northern side of Glen Eira Road between Hood Crescent and Helenslea Road, as shown in Figure 1, and is addressed as 259 Glen Eira Road Caulfield North.

Figure 1 Site Location



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The site is generally rectangular in shape with a frontage to Glen Eira Road of approximately 19 metres and a depth of approximately 46 metres, with a total site area of 870 square metres.

The site is currently occupied by a double storey brick dwelling with direct vehicle access to Glen Eira Road provided via a single width crossover at the southwest corner of the site.

Land use in the immediate vicinity of the site is primarily residential in nature, and includes Shelford Girls' School abutting the subject site to the immediate north, Caulfield Grammar Senior School to the west and Caulfield Hospital to the southeast.

The site is located within a Neighbourhood Residential Zone (NRZ), for which permitted uses are listed in Clause 32.09 of the Glen Eira Planning Scheme. It is noted that the subject site is located adjacent a Road Zone 1 (RDZ1).

Road Network

Glen Eira Road is a VicRoads controlled arterial road generally aligned east-west, running between Nepean Highway in Ripponlea, and Kambrook Road in Caulfield. In the vicinity of the site, Glen Eira Road provides a single traffic lane and a shared bicycle and parallel parking kerbside lane in each direction. No Stopping restrictions apply along both sides of Glen Eira Road at the subject site's frontage between 8:00am – 9:00am during the morning period and 2:30pm – 4:00pm during the afternoon period.

Glen Eira Road operates with a typical speed limit of 60 kilometres per hour in the vicinity of the site, with the exception of school periods where a reduced speed of 40 kilometres per hour applies. The 40km/h limit applies 8:00am – 9:30am during the morning period and 2:30pm – 4:00pm during the afternoon period.

The cross-section of Glen Eira Road at the frontage of the site is shown in Figure 2.

Figure 2 Glen Eira Road, looking west from the subject site's frontage



Hood Crescent is a local road generally aligned north-south, running north from Glen Eira Road for approximately 250 metres, before continuing west as Merton Street.

Hood Crescent provides a single traffic lane in each direction shared with parallel kerbside parking on both sides of the road. Kerbside parking is restricted along the western side of Hood Crescent to 2-hour parking between 8:00am and 6:00pm, Monday to Friday, whilst No Stopping restrictions apply along the eastern side during school days between 8:00am and 9:00am during the morning period and 3:00pm – 4:00pm during the afternoon period.

Additionally, Hood Crescent access is restricted to one-way traffic northbound from Glen Eira Road during school days between 8:00am and 9:00am during the morning period and 3:00pm – 4:00pm during the afternoon period, as shown in Figure 3 below.

A posted speed limit of 40km/h applies to Hood Crescent.

Figure 3 Hood Crescent, one-way traffic restriction



- Area C – Sports Field Car Park – External unsealed car park comprising approximately 10 standard car parking spaces and 4 school bus bays; and
- Area D – Oaktree Church Car Spaces – External unsealed car park located at the rear of the Oakhill Church with vehicle access provided via Glen Eira Road. The car park consists of a total of approximately 60 car spaces, all utilised by staff.

The existing car parking layout is summarised in Figure 5.

In additions it has been advised that there is currently a bicycle parking area provided on the far side of the school hall which accommodates 12 spaces.

Figure 5 Existing Car Parking Plan



Development Proposal

It is proposed to demolish the existing dwelling and develop the subject site for the purposes of a two-level specialist teaching facility for Shelford Girl's Grammar School's Creative Technology department, comprising the following:

- Food Technology;
- Media Technology;
- Design Technology;
- Creative Studio;
- Staff work area; and
- Associated amenities.

The development will result in the relocation of 70 students and between 5 and 8 staff to the new site. The changes in staff and student numbers are outlined in Table 1.

Table 1 Staff and Student Numbers – Existing & Post Development

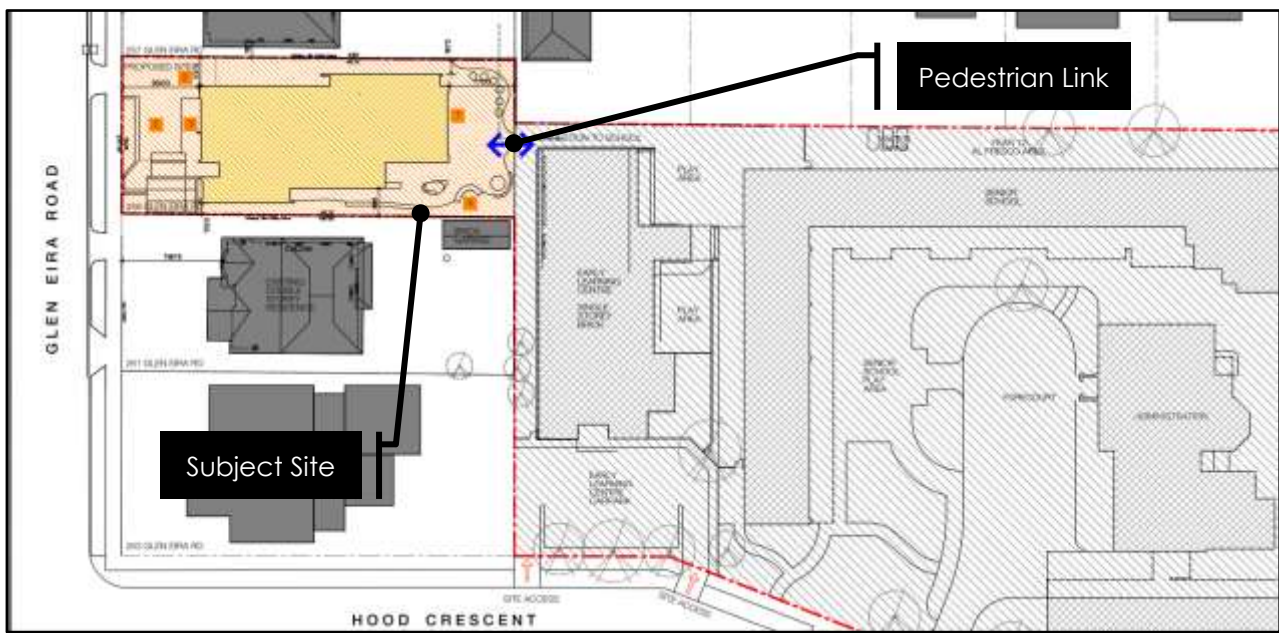
Area	User	Existing	Post Development	Change
Existing Campus	Staff	120	122-125	-8 to -5
	Students	630	560	-70
New Campus	Staff	-	5 – 8	+5 to +8
	Students	-	70	+70
Overall Campus	Staff	120	120	0
	Students	630	630	0

As outlined in Table 1 the proposed development will not result in an increase in the number of overall students and teachers within the overall school precinct, rather the development will result in the relocation of staff and students. Further, based on discussions with the operator, the proposed development is primarily aimed at improving the amenity of the existing school facilities of Shelford Girl's Grammar School.

Vehicle access to the proposed development will be retained via the existing crossover from Glen Eira Road at the south-western corner of the site, however no car parking spaces are proposed for the development, with the vehicle access to be utilised for emergency purposes only.

A pedestrian link will be provided between the proposed development and the Shelford Girls' Grammar Senior School via the western boundary of the Shelford Girls' Grammar Early Learning Centre, as shown in Figure 6 below.

Figure 6 Pedestrian Link between Subject Site and Shelford Girls' Grammar Senior School



Bicycle Parking Considerations

The bicycle parking requirements for the subject site are identified in Clause 52.34 of the Glen Eira Planning Scheme, which specifies the following requirements for the proposed development.

- 1 space per 20 employees; and
- 1 spaces per 5 full-time students.

Application of this rate to the 70 students and 8 staff indicates a requirement to provide 5 spaces for students and no spaces for staff.

No bicycle parking spaces are proposed. This provision is considered appropriate having consideration for the sites context within the broader Shelford School precinct, noting that as outlined in Table 1 the overall precinct will not have an increase in staff or student numbers.

Further, the proximity of the site to the existing campus and the proposed pedestrian connection, result in the existing school precinct being readily accessible by users of the new facility.

Car Parking Considerations

The car parking requirements for the subject site are identified in Clause 52.06 of the Glen Eira Planning Scheme, which specifies the following requirements for the proposed development.

- 1.2 spaces to each employee that is part of the maximum number of employees on the site at any time.

Application of this rate to the 8 staff indicates a requirement to provide 9 spaces for spaces.

No additional car parking is proposed. This provision is considered appropriate having consideration for the sites context within the broader Shelford School precinct, noting that, as outlined in Table 1 the overall precinct will not have an increase in staff or student numbers

Further, the proximity of the site to the existing campus and the proposed pedestrian connection, result in the existing school precinct being readily accessible by users of the new facility.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1

The development proposal is subject to the requirements of Clause 52.29 of the Glen Eira Planning Scheme which applies to land adjacent to a Road Zone Category 1 (Glen Eira Road) and aims to ensure appropriate access is provided to identified roads.

Relevant to the proposed development, the Clause states that a permit is required to create or alter access to a road in a Road Zone Category 1, and that the proposal is to be referred to the relevant referral authority (in this case VicRoads).

Before deciding on the appropriateness or otherwise of an application to alter access to the Road Zone, the responsible authority must consider the following:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

The proposed development proposes to maintain the existing Glen Eira Road access for emergency purposes only, with no provision of on-site car parking proposed, resulting in a moderate reduction of traffic generated by the proposed use of the site comparable to the

previous use. As such, the development is not expected to have any material impact on the operation of the road or any impacts on public safety.

Furthermore, it is noted that the subject site is not provided any location for alternative vehicular access, with Glen Eira Road as the sole access point available for the use.

Notwithstanding, the reduction in traffic generated by the site constitutes an alteration to access arrangements and as such the application will need to be referred to the Roads Corporation (VicRoads) in accordance with Section 55 of the Roads Management Act 2004.

In light of the above, it is considered that the proposed development should be referred to VicRoads satisfying the requirements of Clause 52.29.

Please do not hesitate to contact Jamie Spratt (0401 154 825, or jamie.spratt@onemilegrid.com.au) should you wish to discuss the above.

Yours sincerely

A handwritten signature in dark ink, appearing to read "J. Spratt", written over a light grey rectangular background.

Jamie Spratt

Director - Senior Engineer

onemilegrid

m: 0401 154 825

d: (03) 9982 9715

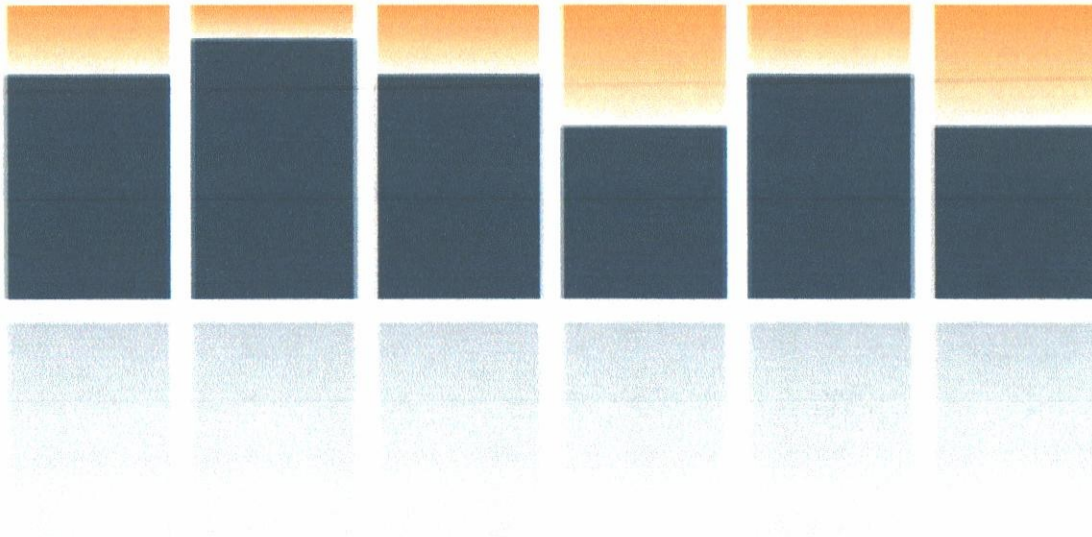
e: jamie.spratt@onemilegrid.com.au

EMILY DIXON CENTRE

Noise Impact Assessment

Shelford Girls Grammar c/- Clarke Hopkins Clarke Architects

9 MARCH 2018



Project Emily Dixon Centre
Client Shelford Girls Grammar c/- Clarke Hopkins Clarke Architects
Document number AA317MB-01E02 Acoustic Report (r0)

Revision	Date	Comment	Author	Reviewer
0	09.03.2018	Issued to client	TM	RB

Disclaimer:

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1 Introduction

Octave Acoustics was engaged to provide acoustic consulting services to address Council's RFI in relation to potential noise impacts associated with the proposed Emily Dixon Centre (subject Site / Subject Development) at Shelford Girls Grammar.

Council has issued the following RFI:

Preparation of an acoustic report by a suitably qualified acoustic engineer to analyse potential off-site noise impacts from the proposed educational centre and note any suggested noise attenuation measures. Such measures should be incorporated in to amended plans that may be required to be submitted.

2 Site Context

The proposed Emily Dixon Centre is to be located at 259 Glen Eira Road zoned Neighbourhood Residential Zone 1 (NRZ1) at the location of an existing residence, adjacent to Shelford Girls Grammar and is abutted:

- To the north by Shelford Girls Grammar (zoned NRZ1)
- To the east by a double storey residence located at 261 Glen Eira Road (zoned NRZ1)
- To the south by Glen Eira Road (zoned RDZ1)
- To the west by a single storey residence located at 257 Glen Eira Road (zoned NRZ1) and
- To the northwest by a split-level residence located at 2 Helenslea Road (zoned NRZ1)

The context of the subject sites is shown in Figure 1 below.



FIGURE 1 - SUBJECT SITE

3 Site Assessment

Octave Acoustics carried out on-site, unattended noise monitoring between Thursday the 1st and Tuesday the 6th of March 2018. The microphone was located in the free field at a height of 1.2m above the ground at the northwest corner of 259 Glen Eira Road as shown in Figure 1. The ambient background noise at this location is considered to be typical of that occurring in the backyard of the residential properties adjacent to the Subject Site.

Monitoring was carried out using an NTI XL2 sound level meter which was calibrated before and after the survey using a Bruel Kjaer 4230 calibrator. No drift in calibration was detected. The NTI XL2 meter complies with the requirements of IEC 61672-1:2013 Sound Level Meters and are classified as Class 1 instruments. The calibrator complies with the requirements of IEC 60942:2004 Sound Calibrators. The XL2 and calibrator carry current NATA certification or manufacturers certification if less than two years old.

4 Criteria

4.1 Noise Emission from Plant

Noise associated with commercial activities and services is required to comply with State Environment Protection Policy *Control of Noise from Commerce, Industry and Trade No. N-1* (SEPP N-1). SEPP N-1 is subordinate legislation under the Environment Protection Act 1970 (EP Act) and compliance with the policy is mandatory when noise levels are assessed at residential properties. Whilst the Emily Dixon Centre may not be commercial, industrial or trade premises, it is considered appropriate to adopt SEPP N-1 criteria for the assessment and control of noise associated with proposed plant. The applicable SEPP N-1 noise limits have been determined as presented in Table 1.

TABLE 1 – SEPP N-1 NOISE CRITERIA FOR PROPOSED PLANT

Period	Background Noise Level, L_{A90}	Zoning Level, L_{Aeq}	Background Classification	Applicable Noise Limit, L_{Aeq}
Day	39	52	Low	50
Evening	36	46	Low	44
Night	26	41	Low	37
Notes:	1. Day period is: – 07:00 – 18:00 Monday – Friday – 07:00 – 13:00 Saturday 2. Evening period is: – 18:00 – 22:00 Monday – Friday – 13:00 – 22:00 Saturday – 07:00 – 22:00 Sunday 3. Night period is: – 22:00 – 07:00 Monday – Sunday			

4.2 Outdoor Areas – Control Precedents

Council's and the *Victorian Civil and Administrative Tribunal* (VCAT) have traditionally dealt with the issue of noise from outdoor areas by requiring childcare centres and schools to minimise noise emissions from children at play, utilising the most effective means of noise control in such situations – acoustic fencing. It is important to note that since the emission of noise associated with children at play is generally not considered comparable to other more intrusive noise (e.g. factories, mechanical plant and the like), *minimisation* of noise from outdoor areas is typically considered as demonstrating reasonable planning outcomes.

Schools are often abutted against residential areas. This has generally resulted in consistent acoustic performance requirements, typically satisfied by acoustic fence heights of approximately 1.8m. Such recommendations have been considered acceptable in a number of VCAT decisions in-lieu of specific planning controls or policies.

The *Association of Australian Acoustical Consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment September 2010* (the AAAC Guideline) sets out a recommended assessment method for the submission to accompany an application for child care centres. While the AAAC Guideline is often brought into question at VCAT, the document is generally considered an aspirational guideline by AAAC member firms and is not considered to be necessarily consistent with balanced and reasonable planning outcomes in Victoria. To our knowledge, VCAT has not supported this document in full for those reasons.

Nonetheless noise from the outdoor areas has been assessed in accordance with the AAAC Guideline as compliance with this standard would generally be viewed as an acceptable outcome, even in conservative planning assessments.

The AAAC Guideline recommends noise emission levels do not exceed:

- Greater than 5dB above background noise where outdoor play is greater than 2 hours per day; and
- Greater than 10dB above background noise where outdoor play is less than 2 hours per day.

While the Emily Dixon Centre is not a childcare centre, the AAAC Guideline provides a recommendation for how the noise associated with groups of people will affect adjacent residents on a regular basis. For this reason, the Guideline is considered appropriate for this project and has been used as the basis of assessment.

Background noise during the day period is L_{A90} 39dB as shown in Table 1. Outdoor use would be restricted to less than two hours per day by the normal school timetable, so the trigger level is $L_{Aeq,15\text{min}}$ 49dB.

5 Analysis

5.1 Noise Emission from Plant

The proposed operating hours of the Emily Dixon Centre are 8am to 5pm Monday to Friday with 2-3 hours required for afterhours cleaning. At this early stage of the project, the plant requirements for the site have not been set. The mechanical engineer shall select the plant to meet the evening requirements of SEPP N-1 as specified in Section 4.1.

It is expected that the external plant will consist of a kitchen exhaust fan, toilet exhaust fan and condensing units for the air conditioning system. These items are likely to meet the day and evening SEPP N-1 requirements specified in Section 4.1 with only minimal acoustic treatment.

5.2 Noise from Students in Outdoor Areas

5.2.1 Noise Modelling

It is proposed that the Emily Dixon Centre will operate between the hours of 8am and 5pm Monday to Friday with 2-3 hours required for afterhours cleaning and maintenance each evening. The maximum number of people on site are to be 8 staff and 70 students.

A 3-D computer noise model of the Subject Site and surrounds was built in CadnaA software and calculations run implementing the ISO9613 algorithms. The ISO9613 algorithms calculate the propagation of noise between source and receiver taking into account propagation effects associated with:

- Source sound power
- Geometrical spreading
- Atmospheric conditions
- Air-absorption
- Ground absorption
- Reflections
- Barrier effects associated with topography and built form, including buildings as referenced in drawing 15137/TP13 dated November 2017 prepared by Clarke Hopkins Clarke.

The Klark Teknik sound power level for 78 females having a normal conversation is shown in Table 2. The average height for girls aged 15-18 is approximately 162cm, so the sound power was placed in the model as an area source in the region surrounding the building at a height of 1.5m above the ground at approximate average mouth level. Overall this methodology is conservative as:

1. It is unlikely that all students will be outdoors at the same time.
2. It assumes that all 78 students and staff are in the outdoor areas associated with the Emily Dixon Centre at the same time and are talking contemporaneously.

TABLE 2 – SOUND POWER LEVELS FOR FEMALE NORMAL SPEAKING VOICES, RE 10^{-12} W (KLARK TEKNIK)

Condition	OA	Octave Band Centre Frequency, Hz						
		125	250	500	1000	2000	4000	8000
Single female, normal speaking voice	65.8	52	63	65	60	56	55	51
78 females, normal speaking voice	84.8	71	82	84	79	75	74	70

5.2.2 Calculated Noise Levels

An assessment of predicted noise levels with respect to the trigger levels is presented in Table 3 below. The results indicate that when all 78 students and staff are outside, resultant noise falls under the established noise trigger at all residential properties.

Further consideration of these results should acknowledge:

- The conservative nature of the calculation, typical noise levels are likely to be lower than those stated in the results.
- The Emily Dixon Centre will not operate during the weekend or during the evening or night period on any day of the week.
- That there are only a limited number of affected properties (three) and these sites would already be exposed to the sound of students using existing outdoor areas at Shelford Girls Grammar.

It is reasonable to conclude that resulting noise impacts have been minimised as far as practicable and will not adversely affect the amenity of the local area.

TABLE 3 – PREDICTED NOISE LEVELS FROM EMILY DIXON CENTRE OUTDOOR AREAS

Address	Level	Trigger Level, LAeq	78 Children Outside, dB LAeq	Further Consideration Required?
2 Helenslea Road	Ground	49	45	N ¹
257 Glen Eira Road	Ground	49	46	N ¹
261 Glen Eira Road	Ground	49	46	N ¹
	Level 1	49	49	N ¹
Notes:	1. Predicted noise level falls below the trigger range.			

6 Recommendations

In order to achieve the above results, it is recommended that a 1.8m high acoustic fence (having a surface density not less than 12kg/m²) replace the existing boundary fence (which was found to be in a relatively poor condition in places).

It is recommended that the perimeter fence is constructed as follows:

- Treated timber paling fence having a surface density not less than 12kg/m²
- All palings shall overlap by a minimum of 35mm
- The fence shall have no gaps or holes in it, or the likelihood of such occurring through natural causes or deformations, thus allowing noise to pass through
- The fence constructed so that noise does not pass underneath it

See Appendix C: for a typical timber acoustic fence.

7 Conclusion

With the adoption of a 1.8m high acoustic fence to the boundaries, a design assessment indicates that noise impacts associated with students using outdoor areas associated with the proposed Emily Dixon Centre will be consistent with best practice for control of noise emissions from schools as established by VCAT precedent; associated noise will be minimised as much as is reasonable within the context of the proposal.

It is anticipated that plant associated with the centre will include Kitchen and toilet exhaust fans and potentially air-conditioning condensers. Octave Acoustics has reviewed sound power data typical of this equipment and can confirm that noise from this plant can easily comply with the appropriate EPA SEPP N-1 limits.

Appendix A: Glossary of Acoustic Terms

'A' FREQUENCY WEIGHTING

The 'A' frequency weighting roughly approximates to the Fletcher-Munson 40 phon equal loudness contour. The human loudness perception at various frequencies and sound pressure levels is equated to the level of 40 dB at

1 kHz. The human ear is less sensitive to low frequency sound and very high frequency sound than midrange frequency sound (i.e. 500 Hz to 6 kHz). Humans are most sensitive to midrange frequency sounds, such as a child's scream. Sound level meters have inbuilt frequency weighting networks that very roughly approximates the human loudness response at low sound levels. It should be noted that the human loudness response is not the same as the human annoyance response to sound. Here low frequency sounds can be more annoying than midrange frequency sounds even at very low loudness levels. The 'A' weighting is the most commonly used frequency weighting for occupational and environmental noise assessments. However, for environmental noise assessments, adjustments for the character of the sound will often be required.

AMBIENT NOISE

The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. Usually assessed as an energy average over a set time period 'T' ($L_{Aeq,T}$).

AUDIBLE

Audible refers to a sound that can be heard. There are a range of audibility grades, varying from "barely audible", "just audible" to "clearly audible" and "prominent".

BACKGROUND NOISE LEVEL

Total silence does not exist in the natural or built-environments, only varying degrees of noise. The Background Noise Level is the minimum repeatable level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by all forms of traffic, industry, lawnmowers, wind in foliage, insects, animals, etc. It is quantified by the noise level that is exceeded for 90 % of the measurement period 'T' ($L_{A90,T}$). Background Noise Levels are often determined for the day, evening and night time periods where relevant. This is done by statistically analysing the range of time period (typically 15 minute) measurements over multiple days (often 7 days). For a 15-minute measurement period the Background Noise Level is set at the quietest level that occurs at 1.5 minutes.

'C' FREQUENCY WEIGHTING

The 'C' frequency weighting approximates the 100 phon equal loudness contour. The human ear frequency response is more linear at high sound levels and the 100 phon equal loudness contour attempts to represent this at various frequencies at sound levels of approximately 100 dB.

DECIBEL

The decibel (dB) is a logarithmic scale that allows a wide range of values to be compressed into a more comprehensible range, typically 0 dB to 120 dB. The decibel is ten times the logarithm of the ratio of any two quantities that relate to the flow of energy (i.e. power). When used in acoustics it is the ratio of square of the sound pressure level to a reference sound pressure level, the ratio of the sound power level to a reference sound power level, or the ratio of the sound intensity level to a reference sound intensity level. See also Sound Pressure Level and Sound Power Level. Noise levels in decibels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dB, and another similar machine is placed beside it, the level will increase to 53 dB (from $10 \log_{10} (10(50/10) + 10(50/10))$) and not 100 dB. In theory, ten similar machines placed side by side will increase the sound level by 10 dB, and one hundred machines increase the sound level by 20 dB. The human ear has a vast sound-sensitivity range of over a thousand billion to one, so the logarithmic decibel scale is useful for acoustical assessments.

dBA – See 'A' frequency weighting

dB(C) – See 'C' frequency weighting

EQUIVALENT CONTINUOUS SOUND LEVEL, L_{Aeq}

Many sounds, such as road traffic noise or construction noise, vary repeatedly in level over a period of time. More sophisticated sound level meters have an integrating/averaging electronic device inbuilt, which will display the energy time-average (equivalent continuous sound level - L_{Aeq}) of the 'A' frequency weighted sound pressure level. Because the decibel scale is a logarithmic ratio, the higher noise levels have far more sound energy, and therefore the L_{Aeq} level tends to indicate an average which is strongly influenced by short-term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closer to the L_{Aeq} noise level than any other descriptor.

'F'(FAST) TIME WEIGHTING

Sound level meter design-goal time constant which is 0.125 seconds.

FREE FIELD

In acoustics a free field is a measurement area not subject to significant reflection of acoustical energy. A free field measurement is typically not closer than 3.5 metres to any large flat object (other than the ground) such as a fence or wall or inside an anechoic chamber.

FREQUENCY

The number of oscillations or cycles of a wave motion per unit time, the SI unit is the hertz (Hz). 1 Hz is equivalent to one cycle per second. 1000 Hz is 1 kHz.

LOUDNESS

The volume to which a sound is audible to a listener is a subjective term referred to as loudness. Humans generally perceive an approximate doubling of loudness when the sound level increases by about 10 dB and an approximate halving of loudness when the sound level decreases by about 10 dB.

MAXIMUM NOISE LEVEL, L_{AFmax}

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'F' (Fast) time weighting. Often used for noise assessments other than aircraft.

MAXIMUM NOISE LEVEL, L_{ASmax}

The root-mean-square (rms) maximum sound pressure level measured with sound level meter using the 'A' frequency weighting and the 'S' (Slow) time weighting. Often used for aircraft noise assessments.

NOISE

Noise is unwanted, harmful or inharmonious (discordant) sound. Sound is wave motion within matter, be it gaseous, liquid or solid. Noise usually includes vibration as well as sound.

OFFENSIVE NOISE

Reference: Dictionary of the NSW Protection of the Environment Operations Act 1997).

"Offensive Noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or likely to be harmful to) a person who is outside the premise from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."

'S' (SLOW) TIME WEIGHTING

So und level meter design-goal time constant which is 1 second.

SOUND ATTENUATION

A reduction of sound due to distance, enclosure or some other device. If an enclosure is placed around a machine, or an attenuator (muffler or silencer) is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 20 dB reduces the sound energy by one hundred times.

SOUND EXPOSURE LEVEL (L_{AE})

Integration (summation) rather than an average of the sound energy over a set time period. Use to assess single noise events such as truck or train pass by or aircraft flyovers. The sound exposure level is related to the energy average ($L_{Aeq,T}$) by the formula $L_{Aeq,T} = L_{AE} - 10 \log_{10} T$. The abbreviation (SEL) is sometimes inconsistently used in place of the symbol (L_{AE}).

SOUND PRESSURE

The rms sound pressure measured in pascals (Pa). A pascal is a unit equivalent to a newton per square metre (N/m²).

SOUND PRESSURE LEVEL, L_p

The level of sound measured on a sound level meter and expressed in decibels (dB). Where $L_p = 10 \log_{10}$

$(P_a/P_o)^2$ dB (or $20 \log_{10} (P_a/P_o)$ dB) where P_a is the rms sound pressure in Pascal and P_o is a reference sound pressure conventionally chosen is 20 μ Pa (20×10^{-6} Pa) for airborne sound. L_p varies with distance from a noise source.

SOUND POWER

The rms sound power measured in watts (W). The watt is a unit defined as one joule per second. A measures the rate of energy flow, conversion or transfer.

SOUND POWER LEVEL, L_w

The sound power level of a noise source is the inherent noise of the device. Therefore, sound power level does not vary with distance from the noise source or with a different acoustic environment. $L_w = L_p + 10 \log_{10} 'a'$ dB,

re: 1pW, (10-12 watts) where 'a' is the measurement noise-emission area (m²) in a free field.

SOUND TRANSMISSION LOSS

The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 - 2002.

STATISTICAL NOISE LEVELS, L_n

Noise which varies in level over a specific period of time 'T' (standard measurement times are often 15-minute periods) may be quantified in terms of various statistical descriptors with some common examples:

The noise level, in decibels, exceeded for 1 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as $L_{AF1,T}$. This may be used for describing short-term noise levels such as could cause sleep arousal during the night.

The noise level, in decibels, exceeded for 10 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as $L_{AF10,T}$. In most countries the $L_{AF10,T}$ is measured over periods of 15 minutes, and is used to describe the average maximum noise level.

The noise level, in decibels, exceeded for 90 % of the measurement time period, when 'A' frequency weighted and 'F' time weighted is reference to as $L_{AF90,T}$. In most countries the $L_{AF90,T}$ is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

WEIGHTED SOUND REDUCTION INDEX, R_w

This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 Hz to 3.150 kHz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999). Internal partition wall $R_w + C$ ratings are frequency weighted to simulate insulation from human voice noise. The $R_w + C$ is similar in value to the STC rating value. External walls, doors and windows may be $R_w + C_{tr}$ rated to simulate insulation from road traffic noise. The spectrum adaptation term C_{tr} adjustment factor takes account of low frequency noise. The weighted sound reduction index is normally similar or slightly lower number than the STC rating value.

'Z' FREQUENCY WEIGHTING

The 'Z' (Zero) frequency weighting is 0 dB within the nominal 1/3 octave band frequency range centred on 10 Hz to 20 kHz. This is within the tolerance limits given in AS IEC 61672.1-2004: 'Electroacoustics - Sound level meters – Specifications'.

Appendix B: Noise Criteria for Schools

There are currently no guidelines or policies in Victoria for the assessment of noise emissions associated with outdoor play areas of child care centres. In lieu of such guidelines or policies, it is appropriate to consider the *Guideline for Child Care Centre Acoustic Assessment*, October 2013 published by the Association of Australasian Acoustic Consultants (the AAAC Guideline) and Victorian Civil and Administrative Tribunal (VCAT) precedent.

B.1 AAAC Guideline

The AAAC Guideline sets out a recommended assessment method and criteria for noise impacts associated with outdoor play areas. However, the AAAC guideline is not referenced in Victorian planning schemes, policies or guidelines and compliance is not mandatory. The AAAC Guideline recommends that noise impact associated with outdoor play areas do not exceed:

- Greater than 5dB(A) above background noise where outdoor play is greater than 2 hours per day; and
- Greater than 10dB(A) above background noise where outdoor play is less than 2 hours per day.

However, it is the experience of acoustic consultants in Victoria that strict adherence to these criteria may in many circumstances be overly onerous and burdensome. In order to understand why this may be the case, it is informative to consider the origins of the AAAC Guideline which lie in the paper *Are We Assessing Child Care Noise Fairly?* by T. Gowen. This paper was based on a questionnaire put to attendees of a meeting of the Australian Acoustical Society in NSW. Outcomes of the questionnaire included:

- that 46% of respondents disagreed that childcare centres should be assessed the same manner as industrial premises; and
- A number of respondents agreeing that childcare centres should be assessed in the same manner as industrial premises recommended an exception to noise associated with outdoor play.

This reflects that it is the position of the majority of suitably qualified people that the emission of noise associated with children at play is less likely to be considered unreasonable when compared to comparable noise levels from other activities such as those related to commerce and industry.

Therefore, it is considered that the 'greater than 5dB(A) above background noise' criteria may be too onerous. Instead, it is appropriate that the application of objective criteria take into account the broader circumstances of the proposal, such as:

- Local zoning

- The need for additional childcare spaces
- The implications associated with noise mitigation treatments (such as shadowing associated with noise fences)
- The hours and days of the week during which the outdoor play area will be used.

B.2 VCAT Precedent

A key VCAT decision is:

- *Petzierides v Hobsons Bay CC (Red Dot)* [2012] VCAT 686 (28 May 2012).

The matter related to an amendment to a Permit to undertake minor building works at an existing child care centre and to increase the number of children from 75 to 80. This is a Red Dot decision. The reason given for why this decision was considered of significant is as follows:

The Noise of Children in Child Care Centres – General agreement that noise emanating from child care centres is reasonable in residential areas does not obviate need to ensure any noise impact is of an acceptable level.

At the time of writing there were 11 VCAT decisions referencing the *Petzierides v Hobsons Bay CC* decision.

A further VCAT decision of interest is:

- *Tamoe Investments Pty Ltd v Glen Eira CC* [2015] VCAT 719 (12 May 2015)

The decision refers to the following from *References Petzierides V Hobsons Bay CC* and concludes that this accords with the need for consideration of amenity impacts under the decision guidelines of the local zoning and Clause 65 of the Planning Scheme.

In this day and age, where child care centres may have anywhere between, say, 40 and 140 children, it is appropriate for such centres to take responsibility for its potential noise impacts and provide acoustic attenuation to minimise the impact of the noise of children playing upon adjoining residential properties to an acceptable level.

The decision also states that:

The AAAC Guideline is not a reference document in the Scheme and it is not an adopted policy of Council. This limits the weight I give to this document. Even if I was to find the AAAC Guideline a useful guide to judging the acoustic impact of the proposal, I consider the proposal, subject to permit conditions relating to acoustic treatment, would achieve an acceptable outcome.

Overall the above commentary:

- Supports a position that noise impacts associated with childcare centres do not need to be assessed in accordance with the AAAC Guideline.
- Does not rule out the validity of the AAAC Guideline as an assessment tool.
- Acknowledges a requirement for the minimisation of noise impacts associated with children playing.

B.3 Proposed Approach

Octave Acoustics considers that the criteria set out in the AAAC Guideline are a useful tool in the assessment of potential amenity impacts. However, rather than being treated as rigid requirements (as per SEPP N-1 and SEPP N-2) Octave Acoustics treats the criteria as trigger noise levels, beyond which consideration should address whether attenuation has been provided to minimise the noise and:

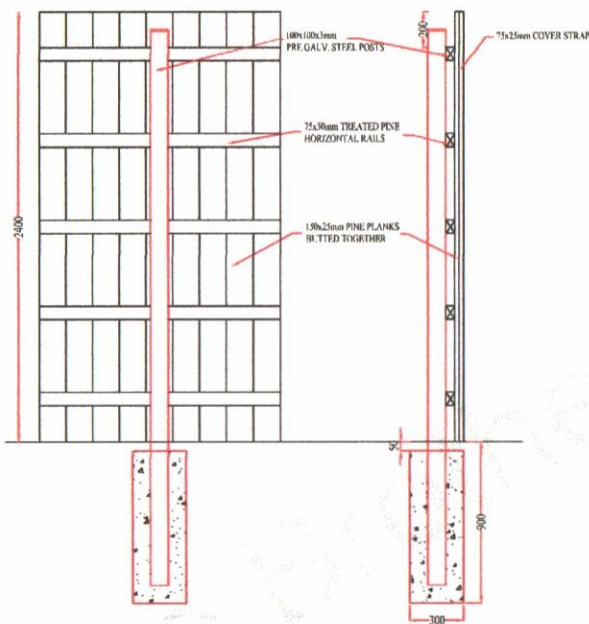
- the character of the noise
- the time and duration of the noise
- whether the noise is typical for the area
- how often the noise occurs
- the number of people affected by the noise

Collectively, the above bullet points are equivalent to the *Offensive Noise Test* in the NSW Department of Environment, Climate Change and Water *Noise Guide for Local Government*, 2009 referred to and accepted in *Beis Efraim College Limited v Bayside CC* [2014] VCAT 856 (16 July 2014) by the Member¹ as “...factors could reasonably be taken into account in assessing this proposal...”

Trigger noise levels were calculated from the results of noise monitoring as presented in 4.2.

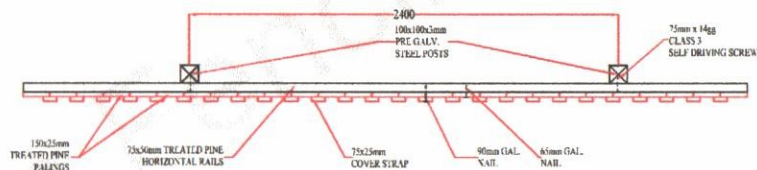
¹ Referencing the decision of the NSW Land and Environment Court in the matter of *Meridian School v Pedavoli*.

Appendix C: Fencing Example



OPTIONS

CAPPING	TIMBER CAPPING	<input type="checkbox"/>
	METAL CAPPING	<input type="checkbox"/>
PLINTH	150x50mm TREATED PINE	<input type="checkbox"/>
ADDITIONAL COVER BOARD SCREW TO TOP AND BOTTOM RAILS (100mmx14g CLASS 3 SCREWS)		
		<input type="checkbox"/>



PLAN

NO	DESCRIPTION	SPECIFICATION	MATERIAL PER 2.4m PANEL		
1	POSTS	100x100x3mm STEEL POST	1 POST		
2	RAILS	75x50mm TREATED PINE	5 x 2.4m RAILS		
3	BASE BOARDS	150x25mm PINE PLANKS	16 BOARDS		
4	COVER BOARD	75x25mm	16 BOARDS		
5	FOOTINGS	300mm DIA. x 900mm DEEP	1 POST HOLE		
6	CONCRETE	25 MPa	1 (0.064 Cu. Metre per hole)		
7	DENSITY	12.5 kg/m2			
8	BASE BOARD FIXING	65mm GAL. NAIL	80 NAILS		
9	COVER BOARD FIXING	90mm GAL. NAIL	80 NAILS		
10	RAIL SCREW	75mm X 14g CLASS 3 SELF DRIVING SCREW	8 SCREWS		

All dimensions are in millimetres.

Lee Brothers Fencing P/L

LBF LIGHT BOARD BUTTED TYPE ACOUSTIC FENCE

2400mm Fence Modify as Appropriate for 1800mm High

Client Approval

Date

Client

Drawn

Drawing N°

Revision

Drawn By

File

Job

Amended

Approved By

Plot Scale