

## ADVERTISED PLAN

LEVEL 10  
477 COLLINS STREET  
MELBOURNE VIC 3000

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28 March 2022

Planning Manager  
Department of Environment, Land, Water and Planning  
8 Nicholson Street, East Melbourne  
East Melbourne, VIC 3002

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Dear Planning Manager,

### 10 MIDDLE CRESCENT, BRIGHTON – CHANGE OF USE APPLICATION

Urbis acts on behalf of Firbank Grammar in relation to the abovementioned site and have been instructed to lodge a planning permit application for the change of use of the land.

This letter provides strategic planning policy justification for this proposal. Pursuant to Clause 72.01-1 the Minister of Planning is the Responsible Authority for a proposed use of the land for a:

*Primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply:*

*– There is no existing primary school or secondary school on the land.*

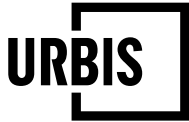
As these provisions are applicable to the application, we seeks the Minister's approval for this proposal.

It is noted previous discussions have been held with Bayside City Council pertaining to the future use of this site for school purposes. This application seeks to formalise these discussions and seek planning permission for this use.

Attached are the following documents to accompany the application:

- A completed Planning Permit Application form;
- Certificate of Title;
- Heritage Victoria Permit No. P34139 Approval dated 5 June 2021 (for information purposes only); and
- Architectural plans prepared by PPBS Architects dated 7 December 2021 (for information purposes only).

We respectfully request an invoice be issued for the amount pf \$1547.60, being the applicable fee.



## 1. SUBJECT SITE AND SURROUNDS

The existing site is currently occupied by a Registered Building under Heritage Victoria (HV) which is single storey in construction, with frontage to Middle Crescent to the south. Two outbuildings (most likely to have been a toilet and a garage) are located at the rear of the main building, known as The Pines. The site has an area of approximately 1,436 square metres and is irregular in shape, interfacing with residential land to the north. It is noted the land to east, at Nos. 8A and 8 Middle Crescent are also owned by Firbank Grammar. A crossover is located along the eastern portion of the property providing access to the rear.

There are no restrictive agreements or covenants on title. A drainage and sewage easement exists on the northern title boundary.

The site is located in Brighton with the surrounding context comprised of residential and education uses. Firbank Grammar is located abutting the balance of the site to the west, with further school land existing south of the site. The site is supported by nearby amenity and public infrastructure, with the Bay Street Brighton Activity Centre and North Brighton Station located within walking distance approximately 300 metres to the north.

Firbank Grammar has operated on the abutting site, No. 51 Outer Crescent, since 1909. The site operates as an all-girls school and has grown to utilise surrounding land of the existing school site since the inception of the school as their enrolment has grown throughout the 21<sup>st</sup> century. The school in present day comprises of the Senior Campus, which exists north of Middle Crescent, and the Junior Campus, south of the road.

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## BRIGHTON CAMPUS MAP 51 OUTER CRESCENT, BRIGHTON VIC 3186



Figure 1 Map of school with existing site circled in red

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Figure 2 Subject site viewed from Middle Crescent

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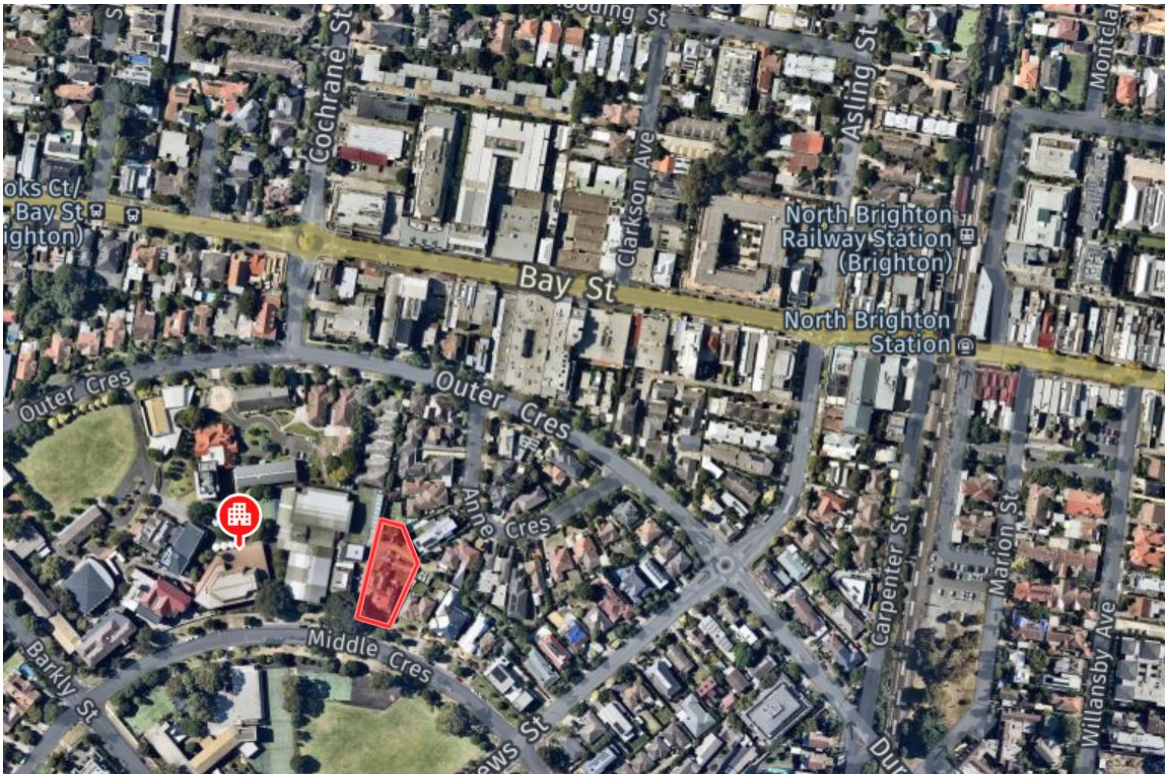


Figure 3 Location of site adjacent to Firbank Grammar and Bay Street Activity Centre



Figure 4 Land ownership of Firbank Grammar, including subject site

## 1.1. INTERFACES

The interfaces of the site can be described as follows:

### 1.1.1. North

North of the site is a residential property, No. 21 Anne Crescent. The property has frontage to Anne Crescent with open space located to the rear. An existing fence and landscape hedge separates the site from this property, wholly screening both parcels from one another. Additional vegetation is also located at this interface screening the site from the property.

Further north can be characterised as residential subdivision extending until Bay Street to the north.



Figure 5 No. 21 Anne Crescent viewed from Anne Crescent which interfaces with rear of site

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Figure 6 Outline of site in blue and No. 21 Anne Crescent in yellow

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Figure 7 Aerial image of subject site bottom left, Firbank Grammar on the left, and No. 21 Anne Crescent at the top right

### 1.1.2. East

East of the site is Nos. 8A and 8 Middle Crescent, both of which are owned by Firbank Grammar.

Further east are primarily residential buildings in varying typologies reflecting the location of the site adjacent to the Bay Street Activity Centre.

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Figure 8 View of No. 8A and 8 Middle Crescent on the right viewed from Middle Crescent

### 1.1.3. South

Directly south of the site is Middle Crescent. The road is curvilinear in shape extending from and ending at St Andrews Street located south-east of the site.

Adjoining Middle Crescent to the south is the Firbank Grammar Brighton junior campus.

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Figure 9 View of Firbank Grammar recreational space south of site

#### **1.1.4. West**

West of the site is the remainder of the Firbank Grammar campus. The site is recognised as No. 51 Outer Crescent. The abutting site contains education buildings on the land until Barkley Street located further west.

Directly west of the site are Seagrove House, a Maintenance Building, and the Physical Education Sports Centre.

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Figure 10 View of adjoining Physical Education Sports Centre and Seagrove House abutting site

## 2. PROPOSAL

This application seeks to utilise the existing land and buildings located on-site for educational purposes. Importantly, no building and works are proposed to the site as part of the application. This proposal solely seeks approval to change the use of the land to an “Education Centre”, in accordance with applicable planning policy and definitions of the Bayside Planning Scheme.

The land is proposed to be used by Firbank Grammar for archiving as well as by staff members for various meetings with other staff members, school administrators, parents of school children, and alumni. All meetings will relate to Firbank Grammar matters. Presently the building is not used by anyone.

The land is located adjacent to Firbank Grammar campus, and therefore will act as an extension to the existing campus.

Student and staff numbers of Firbank Grammar will not increase as a result of the change in use. As such, there is no statutory car parking or bike parking requirements applicable.

The site is proposed to operate as follows:

- **Hours of Operation:** - 7am to 8pm, as well as some weekend use as required.
- **Expected patronage:** - anticipated maximum 10-12 people onsite at any one time
- **Use of Land:** - archiving as well as meetings. Meetings will be school related, and the school will store hard-copy archives on-site. The building will also be used to archive documents by the school as backups to existing digital files.

- **Access:** - Will be provided by existing conditions of the site which is currently connected to Firbank Grammar. No fencing exists between the site and the existing school. As part of the approval with HV, the pedestrian access will be reinstated from Middle Crescent.
- **Car Parking:** – No car parking is provided given the site will act as an extension of the school. It is expected that users of the site will utilise existing parking arrangements. On-street parking is provided to Middle Crescent and the site is located nearby the North Brighton Train Station within the Principal Public Transportation Network

### 3. PLANNING CONTROLS

The site is affected by the following zone and overlays:

#### 3.1. ZONING

The site is located in the General Residential Zone – Schedule 2 (GRZ2). The site exists at the western-most boundary of the zone, interfacing on the western boundary with the Neighbourhood Residential Zone (NRZ) – Schedule 3, on land used by Firbank Grammar.

The GRZ2 refers to ‘Moderate Residential Growth Areas’ designated by local Council planning policy.

The purposes of the GRZ include:

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

Pursuant to Clause 32.08-2, use of the land for an ‘Education Centre’ is not listed in Section 1 or Section 3, and is therefore a permitted use that requires planning permission.

Use of land for an ‘Education Centre’ is defined as “*land used for education*” as defined by Clause 73.03 ‘Land Use Terms.’

#### 3.2. OVERLAYS

The site is affected by the following overlays:

- Design and Development Overlay – Schedule 10 (DDO10)
- Development Contributions Overlay (DCPO)
- Heritage Overlay – Ref No. 240. (HO240)

As this application seeks approval to utilise the land for an Education Centre and no building and works are proposed, a permit is not required under DDO10 and the HO. As such, DDO10 and the HO do not apply to this application.

The DCPO does not specify any permit triggers for the use or development of the land. As such, DCPO does not apply to this application.

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It is noted that on 5 June 2021, Heritage Victoria issued Permit No. P34139 to undertake works or activities to the site.

This is discussed further in Section 4.3 of this letter.

## 4. PLANNING ASSESSMENT

It is considered the key planning considerations to be taken into account when assessing the appropriateness of the proposal include:

- *Consistency with the Planning Policy Framework (PPF)*
- *Consistency with the GRZ2*
- *Will the proposed use of the land negatively impact the heritage fabric of the site?*
- These issues are addressed as follows:

### 4.1. CONSISTENCY WITH PLANNING POLICY FRAMEWORK

The following assessment demonstrates that the proposed use is consistent with the general objectives of the following relevant State and Local Planning Policy Frameworks as they pertain to use of the land for educational purposes:

- The site is currently underutilised and provides an opportunity for a use that benefits from its strategic location next to the existing school and within a highly accessible location (Clause 11).
- The site is located on the perimeter and within walking distance of the Bay Street Activity Centre, which accords with State policy to provide educational facilities “*in or on the edge of Major Activity Centres with good public transport*” (Clause 11.03-1R).
- A core objective of planning is to ensure the social needs of society are met through appropriate land uses that are accessible for the community, including educational facilities. This proposal complies with this objective and will help meet the ongoing demands of the school (Clause 19).
- The site is located proximate to the North Brighton Train Station which accords with policy to locate primary and secondary school facilities in locations to maximise access by public transport, as well as expanding education facilities to meet the existing and future education needs of communities (Clause 19.02-2S).
- The adjacent location of Firbank Grammar to the site aligns with policy to locate secondary school facilities in designated education precincts when compared against the broader Firbank Grammar landholdings in the immediate context (Clause 19.02-2S).
- The site is provided safe pedestrian access with a sidewalk provided approximately 8 metres from the road boundary (Middle Crescent), ensuring safe, appropriate distance from the road and the sidewalk for pedestrians travelling to the site (Clause 19.02-2S).

### 4.2. CONSISTENCY WITH THE GRZ2

The Planning Policy Framework recognises the importance of ensuring appropriate land uses are provided to meet the needs of the community and seeks to facilitate land use outcomes that support metropolitan Melbourne and complementing existing uses. The proposal achieves the broad objectives of these guiding policies.

The appropriateness of use is assessed through existing planning policy, including the application of the GRZ. The site is located with the GRZ2 of the Bayside Planning Scheme. This zone allows for non-residential uses in appropriate locations to serve the general populace. The site is wholly appropriate for this use, located strategically with two direct interfaces to Firbank Grammar School, to the south and west as well as land to the east owned by Firbank Grammar, which the site would be exclusively utilised by.

The context of the site further supports the provision of a non-residential use. The adjacent school as existing consists of non-residential building typologies buildings used for educational uses. The nearest building located west of the site, located on school land (Seagrove House), consists of a single storey, residentially designed development.

Given this, the proposal provides an appropriate transition of use and building form with more intense educational uses located west with increased activities, to a lower intensity of use proposed for the site - which envisages 10-12 patrons at peak times. More so, as noted above, the site abuts Firbank Grammar and therefore is provided direct access between both properties; i.e., no fencing or built form exists along the common boundary.

Lastly, whereas the site is located within the boundary of the Bay Street Activity Centre, pursuant to the GRZ2 the site is located in the residential precinct adjacent to the Firbank Grammar. On this basis, the proposal is appropriate as it is located in a uniquely suitable location for this use, as an ancillary supporting education facility for the school and as a non-residential land use, permitted within the GRZ2.

### 4.3. HERITAGE OVERLAY

As stated above, the site is heritage listed on the Victorian Heritage Database. Permit No. P34139 was issued by Heritage Victoria dated 5 June 2021.

The permit allows for:

*Demolition of the timber and brick northern additions and conservation works to the main building generally in accordance with the following documents:*

- *Drawings prepared by Bryce Raworth Conservation Heritage numbered 01 to 05 inclusive (dated 28 October 2020).*

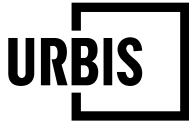
As HV have issued a permit for the works, no building and works are proposed as part of this application as no permit is required from Council. Further, Heritage considerations of Clause 15.03-1L 'Heritage Conservation' does not include Decision Guidelines pertaining to the use of the land.

On this basis, it is considered no assessment of the proposal against this clause is required.

### 4.4. CAR PARKING

Clause 52.06 of the Bayside Planning Scheme seeks to ensure appropriate car parking is provided with regards to a proposed use and *"the demand likely to be generated, the activities on the land and the nature of the locality."*

Pursuant to Clause 52.06-2, before a new use commences, the number of car parking spaces required must be provided to the satisfaction of the Responsible Authority. For primary and secondary school's, the car parking rate relates to the number of employees attending the school, with a parking rate of 1 space per employee and 1.2 spaces per employee for primary and secondary schools respectively.



As noted in Section 2 of the proposal, however, the site will be utilised by staff members of the existing, adjacent school. It can therefore be considered those utilising the site will be existing employees of Firbank Grammar who will utilise existing parking located on-site and accessed by Outer Crescent to the north. It can also be considered some staff will park at the on-street parking afforded by Middle Crescent.

For the reasons above, it is noted that the overall number of staff on the campus will not change, therefore there is no requirement for additional parking to be provided.

## 5. CONCLUSION

This application seeks to re-activate an existing, underutilised site adjacent to the existing Firbank Grammar School by utilising the land for educational purposes. It is considered the proposal complies with the relevant provisions of the GRZ2 and applicable planning policy.

Given the context of the site and surrounding land it is respectfully requested that Council use their discretion and not advertise this application.

Based on the above assessment, we contend the proposal warrants favourable consideration from Council.

Yours faithfully,

A handwritten signature in black ink, appearing to be "SL", written over a light blue horizontal line.

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