C. Stuckey Presentation to the IAC Panel

Thursday 8th August 2019

Thank you, Mr Chairman and thank you for the opportunity of presenting on behalf of Carey Baptist Grammar School today.

In the last couple of weeks and as recently as yesterday, there have been alternative road design circulating. We have not been able to fully assess the merits of each of these designs to date. I therefore wish to make the following statement.

Carey, along with other submitters, has received very recent "alternate design" options potentially affecting Carey’s Bulleen campus. It has not been practicable for Carey’s experts, or Carey itself, to assess and respond to several "alternate design" options in sufficient detail, or in some cases at all, by today. Other submitters to the IAC hearing on subsequent hearing days may also be putting forward "alternate design" options which raise substantively new considerations.

Therefore Carey wishes to reserve the right to make a short supplementary written submission, limited to the new issues raised by any of the "alternate design" options, by (say) Monday, 9 September 2019, which is in advance of NELP’s scheduled closing submission and right of reply on Friday 13 September 2019. Carey would not oppose other submitters potentially affected by "alternate design" options being afforded the same right, on the same basis.

I would now like to introduce the Principal of CBGS, Mr Philip Grutzner who wishes to make some comments to the Panel.

Thank you Mr Grutzner

When Carey purchased this land, it was aware of the local circumstances such as the flooding from the Yarra River and Koonung Creek and the difficulties with access and egress to Bulleen Road. These matters have been accommodated in the operation of the facility and the design of the buildings in the years since. However, the examination of the EES by a panel of specialist expert consultants, appointed by Carey, have identified that these effects and other environmental and health and safety matters, will be significantly increased by the construction and operation of the NELP.

The panel of expert specialist consultants, appointed by Carey, to review and comment on the various disruptive aspects of the project include the following:

- Noise and Vibration – Marshall Day
- Air Quality – Point Consulting
- Infrastructure Services – Simpson Kotzman
- Contaminated Material and Ground Water – Greencap
- Traffic and Parking – Ratio Consultants
Several of these consultants have concluded that there is insufficient information included within the ESS to properly assess the impacts of the proposed construction and operational phases of the Project. Carey notes this deficiency and subsequently reserves its right to provide further feedback should further information become available from the Proponent or independent sources.

Carey has also considered the implications of the planning issues in relation to the EES and the Manningham Council Planning Scheme. We also refer to the Bolin Bolin irrigation water supply that is essential to the CSC grounds maintenance.

### Noise and Vibration

The Noise and Vibration report is prepared by Mr Christophe Delair of Marshall Day. One of the key issues identified is that the Carey Sports Complex (CSC) is categorised as Outdoor Recreation and Public Open Space in the technical Noise and Vibration Report in the EES. I will speak further about this later but Carey will be requesting that the CSC be re-classified as Category B School for this assessment during the Operational phase and for an equivalent treatment during the construction phase.

One issue that was not able to be addressed by Marshall Day is the question of the desirability for the introduction of noise walls in the roads closest to the CSC. Under the alternative design being considered by The Proponent, Bulleen Rd is some 12-13 metres closer to the Carey oval than the N-E Link road under the Reference Design. This is a new situation and we believe there should be consideration given to the installation of noise walls. Also, Mr Delair will advise that no information has been provided for the level of noise generated during the construction activities. Given the close proximity of the construction compound to the CSC, we believe that consideration should be given to the installation of noise walls along the construction compound opposite the CSC.

In the EES Technical Report – Social Appendices, page 97, it notes as follows:

“Re Carey Sports Complex - The facility would likely experience a change in the noise environment, which has the potential to impact on users and managers. Temporary and intermittent increase in noticeable levels of noise could disturb conversation, impact people’s capacity to participate in and outdoor play and learning activities.”

Introduce Mr Christophe Delaire

### Air Quality
Given the number of students that will be using the indoor and outdoor educational and sporting facilities at the CSC, air quality is of critical importance.

The Air Quality report has been prepared by Mr Ben Sichlau of Point Advisory. The main issue identified in this report is the lack of measured information and modelling that would enable Mr Sichlau to make a more accurate assessment of the air quality issues advised to the CSC. Subsequent to that report some of these concerns have been satisfied but recommendations for the updating of EPR AQ1 and AQ$ were proposed and are still requested. These align with the EPR amendments proposed in the Air Quality Expert Conclave report issued on 31 July.

Introduce Mr Ben Sichlau

- **Infrastructure Services**

The Infrastructure Services Report has been prepared by Mr Rick Hollett of Simpson Kotzman. For this presentation we do not intend provide a report from the Expert. The matters identified in this report and fairly straight forward. Each of the services supplying the CSC have been identified and most are interrupted by the project. New relocated services will be required to be provided to guarantee continuous supply to the CSC.

In addition, we note that such relocated services will probably require rearrangement of the existing services within the CSC site area. If this is required, the Carey will be seeking compensation for the cost of these rearrangements.

- **Contaminated Land and Ground Water**

The Contaminated Land and Ground Water Report has been prepared by Mr Peter Oxnam of Greencap. One of the main issues identified in this Report is the potential for contamination from the filling under the Bulleen Park Oval. This oval is immediately to the north from the CSC and just across Bulleen Park Drive. There appears to be a significant possibility of contaminated ground water migrating across to the CSC site.

Introduce Mr Peter Oxnam

- **Traffic and Parking**

The Traffic and Parking Report has been prepared by Mr Brett Young of Ratio. This report reveals that traffic and parking matters will be one of the most disturbing issues for the use of this facility by Carey as a result of the Project. These critical disturbances will occur both during the construction and the project and also on-going during its future operation.

The site is fairly isolated in terms of public transport and so most parties attending the site will need to use vehicles. The students are transported to and from the site by buses. Other users and particularly parents of students, will use private cars. The CSC is used just about every day during the
week but the biggest usage is on Saturdays for Saturday sport. The sporting ovals, swimming pool, basketball arena, tennis courts and other sports are used on most Saturdays during the school year. Parking and access to and from this site are therefore critically important to Carey.

Mr Young will refer to the number of cars that require parking but it is a combination of parking within the school grounds and publicly available parking along Bulleen Park Drive. Available parking within the school to the east will be reduced by land acquired for construction of the project. The publicly available parking along Bulleen Park drive will likewise be reduced.

It is therefore absolutely essential for the satisfactory operation of the CSC that this loss of parking is equivalently replaced at a site immediately adjacent to the current site. We have suggested in our Site Planning report from Hayball Architects, that this is made available immediately to the west of the current site. From the point of view of the Carey, we can see no other option to resolve this parking issue.

Other important issues to be addressed by Mr Young are the situation that the boundary of the construction compound blocks the CSC internal traffic pattern for the complex which would be extremely difficult for the future operation of the facility and the operation of the intersection of the proposed access road onto Bulleen road.

Introduce Mr Brett Young.

- **Surface Water Flooding**

The report on Surface Water Flooding has been prepared by Mr. Mike Cawood of Cawood Associates. Carey has always understood that the area of the CSC was subject to flooding. This was understood when CBGS acquired the site in 1959. Various provisions are made for the possibility of flooding such as designing the buildings to be raised above the flood level. There is also a Flood Evacuation Plan to be implemented when all occupants will need to leave the site.

So, the issue is not whether the site will flood or not, it is whether as a result of the Project, the flooding occurrence and severity is going to be more exaggerated that previously experienced.

Introduce Mr Mike Carwood.

- **Site Planning**

The Site Planning Report has been prepared by Hayball Architects. We have not asked their representative to attend this Hearing as we believe the proposals contained in the Report are fairly self evident. They are in two areas.

1. The first proposition is that Carey produced a masterplan for the CSC site in 2016 and are now proceeding with the implementation of its recommendations. These recommendations included the construction of a number of new buildings and additional car parking. The additional parking located to the east of the site will no longer be possible because of the
land reserved for the Project. This area also was used for a number of sporting activities which will no longer be possible in this location. These included netball and shot put.

2. The second proposition included the proposal, I noted above, for additional land to be made available to compensate CSC for that lost to the project. The proposed area includes parking for 96 cars and areas for netball and shot put. We believe this request is reasonable in the circumstances.

- **Planning Issues**

The submission from Carey for Planning Issues has been developed by Carey with some external assistance. However, I intend to present the main issues related to this section.

I wish to start this section by making the point that the CSC is used not just by Carey students but also by a number of external groups.

**Use by School Associations**

In addition to the regular sports and swimming classes held at Carey’s Sports Complex, Carey hosts several events throughout the year at the complex, including:

- Weekends of APS summer sport. Sports played last summer at Bulleen were cricket, softball, tennis, table tennis, volleyball and bike fitness
- Home games for 4 Old Carey Cricket Club teams.
- Preseason training for Old Carey Football Club and Carey-Boroondara Eagles Soccer

**Use by Other Schools**

The Carey Sports Complex is also used by other schools for swimming intensives that form part of the regular school curriculum. Schools include, St Clement of Rome, Warrandyte and Anderson Creek.

Further the Carey Sports Complex is used by other schools for swimming carnivals and other events, with schools including Xavier, Ruyton, Academy of Mary Immaculate, Marcellin College, Strathcona Girls Grammar, Donvale Primary, Ivanhoe Grammar and Fintona using the swimming complex in Term 1 2019. Attendance at these events is between 100 and 500 people per event.

This information is relevant as it demonstrates that any impacts from the Project may affect the broader school community not only Carey. This information reinforces the education rather than recreational use of the land.
Community Use

In addition to school use, the Carey Sports Complex is used by sporting organisations for netball, basketball and swimming. The use of the facilities by non-school groups is limited to the buildings containing the swimming pool and sports courts.

Regular uses include Water Resistance Training, DVE Aquatic, CA Tritons Swimming Club, Melbourne Inner East Special Olympics, Yarra Valley Netball, Hawthorn Basketball Association and GKR Karate.

External groups also use the land for events such as the CA Tritons Swim Club Championships which are held in March, with approximately 100 people in attendance each year.

Approved Kew Campus Masterplan

Carey's Kew campus gained planning approval for increased student numbers in 2015. The Development Plan was endorsed by Boroondara Council in October 2015 and approved an increase of students from 2000 to 2400.

The approved Development Plan includes the growth of the main Carey campus over the next decade. This is relevant to the Carey Sports Complex because the approved 20% increase in student numbers flows on to the number of students attending physical education and swimming lessons at the Carey Sports Complex.

Students from the Kew (Primary and Secondary) and Donvale (Primary) campuses travel to Bulleen for sports. The future growth is therefore a relevant consideration for future planning of the Bulleen land.

From a planning perspective, this means any adverse impact created by the Project will impact more students and that more land (not less as proposed) is likely to be needed to accommodate the schools anticipated and approved growth.

Planning Scheme Land Use Definition

From a planning perspective the land use is defined as an Education Centre.

This is because the dominant land use is for Carey students and school programs. The recreation uses (such as external netball and basketball clubs) is ancillary to the education use. This is evident because the school (both by Carey and others) use is more dominant than the community use. Further the outdoor spaces are only used by the school and associated similar organisations and is not open to the public, demonstrating the link to education.

The relevant Planning Scheme definitions are as follows:

- Education Facility is defined as land used for education
- Leisure and recreation are defined as Land used for leisure, recreation, or sport. Under this definition there are the following categories:
• Minor Sports and recreation facility – *Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators.* This includes:

  o Indoor recreation facility – *A building used for indoor leisure, recreation, or sport.*

  o Informal outdoor recreation – *Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, picnic or barbecue area, playground, and walking or jogging track.*

• Major sports and recreation facility – *Land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such Major sports and recreation facility as a grandstand, and to which spectators are usually charged admission.*

Therefore, the only above definition that fits the Carey Sports Complex is “indoor recreation facility”. However, as this is only part of the land, and a relatively small area of the land, the dominant use (largest area) remains as education. When the land is used for more than one purpose the dominant land use applies and therefore the use fits the Education Centre (Primary and Secondary School) definition. The land use does not fit the major sports and recreation definition because it is not open to the public and admission is not charged for entry.

**EES Land Use Definition**

The EES Technical Report E, section 6.2.5, lists ‘Carey Grammar Sports Complex’ under the category of “Community Centres and Spaces.”

Accurately defining the use of the site is of crucial importance for acknowledging the potential impacts on the subject site and future implications, noting that the Carey Sports Complex is a Sensitive Receiver use.

The use definition is particularly relevant to the acoustic assessment being undertaken by the acoustic consultant, Marshall Day. According to the Category B definition in the VicRoads Traffic Noise Reduction Policy (2005) is:

**Category B – For schools, kindergartens, libraries and other noise-sensitive community buildings the noise level objective will be 63 dB(A)\(_{10}\)(12hr) measured between 6 am and 6pm**

This category is also adopted in the EES Technical Report C- Surface Noise and Vibration, Table 6.3. where the Carey Sports Complex is currently categorised as “Outdoor Recreation and Public Open Space.”

Carey uses the land, particularly the buildings, for classroom-based learning and physical education classes which occur on the synthetic courts and the ovals, particularly on the Dunshea Oval, which will be most impacted by the Project. Therefore, Carey believes that the current categories adopted for the Carey Sports Complex, as described above, are inappropriate for the uses described in this report and requests that the Carey Sports Complex be re-categorised as an “Educational” use rather than as “Community Centres and Spaces” under the Technical Report E,
section 6.2.5 and as a “Category B” use under the Technical Report C Surface Noise and Vibration, Table 6.3, rather than “Outdoor Recreation and Public Open Space.”

Exemption from Manningham Planning Scheme

The EES states that ‘where surplus land parcels are considered appropriate for a new land use the relevant planning scheme provisions (including state and local policies) would apply and trigger the need to obtain separate planning approvals as required.’ Accordingly, any new facilities to be built or works required by the school may trigger the need for a planning permit under the Manningham Planning Scheme.

However, it is noted that the proposed Incorporated Document allows a permit exemption for any permit requirement which operates to prohibit, restrict or regulate the use or development of the Project Land for the purposes of the Project. Carey therefore requests an exemption in the Planning Scheme for any future works elsewhere on the site required as a result of the Project. Any subsequently required works, buildings and tree removal should be exempt from planning permission under the Manningham Planning Scheme.

Amenity Impacts

There are a number of amenity impacts as a result of this Project. These are as follows:

Overshadowing Impacts

Noting that there are elements which may cause additional overshadowing to neighbouring properties, such as a ventilation system and an elevation ramp (both of which are in proximity to the Carey Sports Complex), the EES has been reviewed in relation to overshadowing.

The potential overshadowing has been assessed on 22 September, which is a standard measure used throughout planning. In reviewing the EES, it appears the additional overshadowing impacts have only been assessed where shadows are cast to residential properties and residential private open space. Therefore, while it is anticipated there will be minimal overshadowing impacts, Carey seeks confirmation that no additional shadows will be cast on the Carey Sports Complex.

If additional shadowing does occur, the extent could be reduced through the design and construction of the Project.

Visual Amenity

Immediately to the east of the site, the Project is proposed to comprise several lanes of surface roads and an elevated ramp, which will have ongoing impacts on visual amenity from the Carey Sports Complex. More notably, immediately to the north-west of the site, where the tunnel entrance is to be located for the Project, a ventilation system is proposed which will have ongoing visual amenity impacts. The ventilation system will comprise of a building which will be
approximately 18 metres in height above the proposed road tunnel, approximately 15 metres above the finished surface level above the tunnel and approximately 25 metres above the existing surface level. The ventilation system will also comprise of a ventilation structure which will be approximately 40 metres above the finished surface level above the tunnel.

This structure will be a permanent element of the Project and will have impacts on the visual outlook from the Carey Sports Complex. The cumulative impacts of the surface road, elevated ramp, tunnel entrance and ventilation structure on the visual amenity of Carey Sports Complex is not currently aligned with Carey’s objectives of improving the entrance and identity of the site. The detailed design will need to be carefully reviewed and additional landscaping will be required to improve the outlook from the site to the new infrastructure.

Furthermore, it is noted that the lighting proposed for the Project may cause light spill to the site, which may impact on the lighting of the Carey Sports Complex during sporting activities held at night.

Site Access and Loss of Identity at Entrance

The Project will impact the identification and sense of address of the school site. This is particularly relevant in relation to the entrance upgrade envisaged for the site in the Carey Sports Complex Bulleen Masterplan November (2015).

- **Compliance with the Manningham Planning Scheme**

In this report we note a number of areas where the project requirements in the CSC area appear to not comply with several elements of the Manningham Planning Scheme. These matters are relevant only until or if, the Minister for Planning approves the Draft Planning Scheme Amendment and introduces a new Incorporated Document. The Incorporated Document thereafter will override any provisions of the Manningham Planning Scheme relevant to the NELP.

- **Bolin Bolin Water Supply**

We have included details in our submission of the infrastructure from the Bolin Bolin Water supply for the information of the Panel. It was to inform that Carey has an agreement with Manningham City Council to share this water supply for grounds irrigation. This supply is critical to the CSC particularly during the dry summer. We are not able to see whether this supply is
going to be affected by the Project but if it is, alternatives will need to be identified to ensure that it is maintained.

• Conclusion

So, in conclusion, the Carey Baptist Grammar School thanks the Panel for listening to our presentation today. We hope that this presentation has allowed you to gain a heightened understanding of the disruptions and difficulties that will be faced by the CSC over the 6-7 years of the project and further, in the ongoing operation of this project.

While we understand the benefits of the project to the traffic management of Melbourne, we have tried to clarify the problems that will be faced by the CSC in the future. What we have asked today is that due consideration is given to these problems and that initiatives are undertaken to alleviate these problems by the methods described in our presentation. If this is done, then the students, teachers, parents and other stakeholders involved with the CSC can continue to successfully operate this facility so important to the development and welfare of Carey’s students into the future.