



The Planning Professionals

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Planning Report

Use of the land for a Secondary School
Alteration of access to a road in a road zone Category 1
Signage

127 - 131 Torquay Road, Grovedale

June 2021
(Amended August 2021)

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Introduction

This is a submission made on behalf of the permit applicant supporting the use of the land for a new secondary school, as well as alteration of access to a road in a road zone and signage.

By way of background, the existing building on the site previously operated as a reception centre.

The site has a current planning permit which allows for the land to be used for an 'education centre'. This permit was issued by the City of Greater Geelong on the 16th February 2021. Planning Permit PP-1212-2020 allows for the "*use of the land for an education centre and alter access to a road in a road zone Category 1*". Plans were never endorsed for this permit.

The permit applicant now wishes to submit a new application for the use of the land as a secondary school, which more accurately reflects the activities which take place on the land.

The subject land is 127 - 131 Torquay Road, Grovedale and the proposal is substantially described by the accompanying plans and following report, which together form part of the application documents.



1. Application summary/background

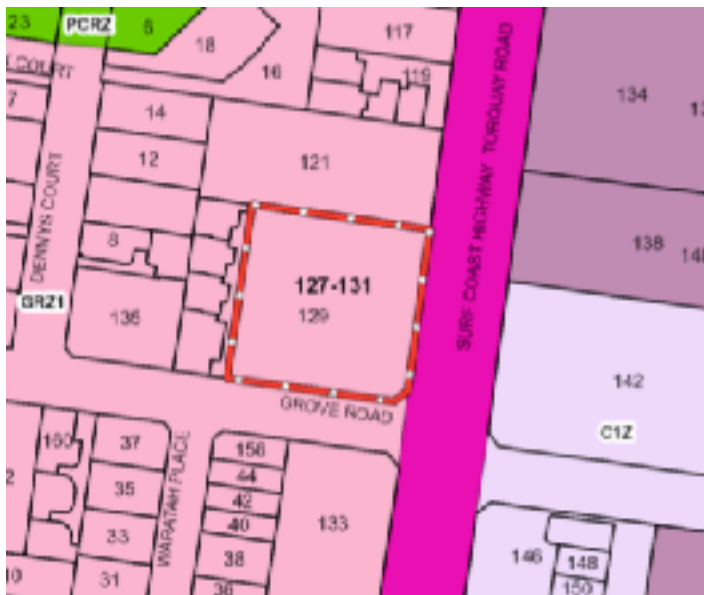
Address	127 - 131 Torquay Road, Grovedale
Title	Lot 1 PS 722545E Vol 10817 Fol 216
Zone and Overlays	General Residential Zone (GRZ) General Residential Zone - Schedule 1 (GRZ1) Area of Aboriginal Cultural Heritage Sensitivity Abuts a Road Zone - Road category 1
Proposal	Secondary School
Land use definition	Education Centre <i>Land used for education</i>
Permit triggers	Clause 32.08-2 - Education establishment, section 2 use Clause 52.29 - Alteration of access to a road in a road zone Category 1 Clause 52.05 - Signage
Car Parking	1.2 to each employee that is part of the maximum number of employees on the site at any time
Relevant planning provisions	Clause 62.02-1 - Buildings and works not requiring a permit
Relevant local provisions	Clause 22.01 - Discretionary uses in residential areas

2. The locality and existing conditions

- 2.1. The subject premises is 127 - 131 Torquay Road, Grovedale
- 2.2. The site is located at the intersection of Grove Road and Torquay Road (see below)



Figure 1. Subject premises identified in RED (nearmap)



Subject premises and surrounding zoning (VicPlan)



- 2.3. The subject land has formerly been used as a reception centre, and has more recently undergone a land use change to an "education establishment".
- 2.4. The former reception centre is an impressive building located towards the south west corner of the site.
- 2.5. Car parking is provided to the north and western portions of the land
- 2.6. Access to the site is available off Grove Road and the Torquay Road.
- 2.7. Vehicles can currently only exit the site via Torquay Road (no change is proposed).
- 2.8. There are some 29 car parking spaces serving the property and its current use.
- 2.9. Car parking spaces are generally located to the north of the building, with some limited parking within the Torquay Road frontage setback.
- 2.10. There is a minor site access of Grove Road (entry to the site only).
- 2.11. As a reception centre, the property held a liquor licence allowing accommodation of up to 550 people at any one time. As an "education establishment" the site operates under a planning permit authorising an enrolment of 80 students.
- 2.12. A caretaker's dwelling is located within the building complex (with its own double car garage).
- 2.13. The building formerly included three large reception rooms, a lounge area, entry foyers, full commercial kitchen, and toilet facilities to cater for up to 550 people. The conversion to an education establishment occurred in late 2020 and early 2021.
- 2.14. Abutting land is located within a General Residential Zone, as is land to the south across Grove Road.
- 2.15. Land opposite, over Torquay Road is within Commercial 1 and Commercial 2 zones.
- 2.16. The site to the immediate north is vacant.
- 2.17. Land to the immediate west is occupied by four single storey dwellings with a common driveway adjacent the subject land.
- 2.18. Land opposite, across Grove Road is occupied by an APCO service station.
- 2.19. Land opposite, across Torquay Road, is occupied by an Aldi supermarket and associated car parking at the intersection of Grove and Torquay Roads, whilst to the north of the supermarket, that land is occupied by a number of restricted retail premises.
- 2.20. Torquay Road itself is a divided road with two lanes with side, together with a parking/bicycle lane.
- 2.21. There is a bus stop and shelter on the Torquay Road frontage, immediately outside the subject land, as well as one directly opposite the land.
- 2.22. Two hour kerbside parking is generally in Torquay Road to the north of the land, beyond the site.
- 2.23. Torquay road is an arterial road ultimately connecting the Geelong urban area with Torquay via the suburbs of Armstrong Creek and Warralilly.
- 2.24. Grove Road is a collector street, connecting residential areas to the west with Torquay Road.
- 2.25. Surrounding land uses to the west are typical suburban residential.
- 2.26. Torquay Road creates relatively poor residential amenity due to high traffic volumes.



3. What is proposed?

- 3.1. The proposal is to operate a Secondary School from the site, as defined by the Scheme.
- 3.2. The school will be operated by the Edmund Rice Education Australia (EREA) network.
- 3.3. The Edmund Rice Education Australia (EREA) network, currently operates 22 flexible learning centres, each a registered school, around the country, as part of the overall network of 55 schools operating in all states and territories.
- 3.4. The EREA flexible learning centres focus on preparing young people and those who work with them to understand how work is changing and to build the skills needed to navigate the future, and how to navigate Year 13, in preparation for entering the workplace.
- 3.5. Flexible Learning Centres provide accredited pathways for young people and respond to their educational needs.
- 3.6. The centres provide accredited flexible education services enabling young people an opportunity to re-engage in education and schooling and obtain accredited qualifications.
- 3.7. The focus is on individual plans and pathways for young people to be able to grow into employment or a self sufficient life beyond school and the Flexible Learning Centre.
- 3.8. Young people are supported and they are able to choose their own pathways with assistance from teachers and other support staff. The emphasis is on functionality and suitability of the learning pathway for each individual young person to ensure the best chance for a successful transition into the world.
- 3.9. The registered school is most accurately defined by the planning scheme as a Secondary School.
- 3.10. The accompanying drawing shows the intended layout of the premises.
- 3.11. The internal works to convert the building into an education centre consisted of some internal wall removals, installation of new walls to divide reception rooms into learning spaces, creation of a servery/service area off the existing kitchen to create a cafeteria facility, and the conversion of some rooms creating administration facilities.
- 3.12. No changes to the external fabric of the building were undertaken or are now proposed.
- 3.13. Two demountable/portable classrooms have been positioned in the car parking area in the south western corner of the site. Whilst this will reduce the number of car parking spaces available to staff and students, the remaining parking space numbers will meet the numbers required by the planning scheme (see parkign/traffic report).
- 3.14. A series of ball play courts have been created on the western side of the building, within the former car parking area. The car parking requirements of the planning scheme will still be met. A fence separates the ball play courts from the car parking area.
- 3.15. A total of 24 car space will be provided on t he northern side of the building and will be provided with a turn around area at the western end of the car park.
- 3.16. A further 6 spaces will be provided along the Torquay Road frontage. Another two spaces will be made available within the existing double car garage of the former care taker's residence, on the southern side fo the site.
- 3.17. The total number of car spaces to be provided on the site will be 32.
- 3.18. Four double sided bicycle hoops are positioned on the northern side of the building, next to the existing water tank.



- 3.19. The facility will operate with a maximum of 27 staff on site at any one time. The school will cater for up to 140 enrolled students, with around 70 to 80 on site at any one time.
- 3.20. The hours of operation of the school would occur within the following general framework:
- | | | |
|-----------------|----------|-------------------|
| Monday - Friday | Students | 9.30 am - 3.00 pm |
| | Staff | 8.00 am - 4.00 pm |
- 3.21. An existing vehicle entry along the Torquay Road frontage is to be closed off to vehicles. The crossover is to be removed and reinstated as kerb, channel and nature strip.
- 3.22. Two new signs displaying the details of the school are to be placed onto two existing pylon sign frames, one of which is located within the frontage to Torquay Road and the second located at the intersection of Torquay Road and Grove Road.



4. Why is a permit required?

CLAUSE 32.08 - GENERAL RESIDENTIAL ZONE
Purpose
*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.*

Clause 33.08-2 Table of Uses
Section 2 use - Permit required

Use	Condition
<i>Any other use not in Section 1 or 3 (Education centre is innominate)</i>	

Clause 32.08-11 Application requirements
*An application must be accompanied by the following information, as appropriate:
Plans drawn to scale and dimensioned which show:*

- Site shape, size, dimensions and orientation.*
- The siting and use of existing and proposed buildings.*
- Adjacent buildings and uses.*
- The building form and scale.*
- Setbacks to property boundaries.*

The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

- 4.1. The permit triggers are:
- Clause 32.08-2 General Residential zone - change of use - Education Establishment - section 2 - permit required
 - Clause 52.05 - Signs
 - Clause 52-29 - Alteration of access to a road in a road zone Category 1



5. Planning provisions

Response

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

- 5.1. The proposal clearly provides for an educational activity, entirely consistent with this zone purpose.
- 5.2. The fact that the proposed use replaces a land use type under a different definition means that whilst in technical planning speak there is to be a change of use, the operational and functional activities will remain unchanged from that authorised by the current planning permit.
- 5.3. The current and indeed ongoing activity is more community based than the previous reception centre use.
- 5.4. The proposal represents a positive response to the zone purpose.

Application requirements

An application must be accompanied by the following information, as appropriate:

Plans drawn to scale and dimensioned which show:

- *Site shape, size, dimensions and orientation.*
- *The siting and use of existing and proposed buildings.*
- *Adjacent buildings and uses.*
- *The building form and scale.*
- *Setbacks to property boundaries*

- 5.5. The drawings accompanying the application include the relevant information, and more.
- 5.6. The proposal responds positively to the application requirements, as scheduled.

The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

- 5.7. The previous use was an activity which was permitted to operate well into evenings, and generated a high parking and traffic demand.
- 5.8. The proposed use would not generate exceptional levels of noise - it is a school.
- 5.9. The proposal would generate less traffic and a reduced parking demand than the previously permitted reception centre. This is reflected by the car parking demand assessment provided by One Mile Grid.
- 5.10. There will be no deliveries of significance to the site.
- 5.11. Deliveries would occur during the hours of operation of the facility and consist of food stock and supplies for the cafeteria. Such deliveries would be significantly less in frequency and volume than those associated with the previously reception centre.
- 5.12. The proposed hours of operation mean that there would be no "late night" use of the premises, unlike the previous permitted use of the land.
- 5.13. The operation and activities would be those not uncommon in residential areas and would have no adverse impact on the surrounding area or land uses.



CLAUSE 32.08-13 - 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 Municipal Planning Strategy and the Planning Policy Framework.

The purpose of this zone.

The objectives set out in a schedule to this zone.

...

Non-residential use and development

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.

- 5.14. Whilst we may comment on the decision guidelines, those guidelines are clearly and unambiguously directed at the Responsible Authority, after all the Responsible Authority is the decision making authority, not the permit applicant.

Comments

- 5.15. The Municipal Planning Strategy and the Planning Policy Framework are general in their application. It is the local parts of the planning scheme that are most relevant to consideration and assessment of this application.
- 5.16. The proposal is entirely compatible with residential use. It is also noted that residential use of land only occurs to the west of the subject land and that dwellings on the adjacent property are separated from the subject land by a driveway.
- 5.17. It is beyond doubt that the proposal would serve the local community. The application represents a community based use.
- 5.18. The proposed use of the land would arguably be no different to the current permitted use of the land.
- 5.19. The provision of on site car parking would meet the planning scheme requirements of Clause 52.06.
- 5.20. Bicycle parking will also be provided, meeting the requirements of Clause 52.34.
- 5.21. Deliveries of stock for the cafeteria would occur during the normal hours of operation of the facility.
- 5.22. Refuse collection would be managed by the school as part of its usual operational requirements.

CLAUSE 52.06 CAR PARKING

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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 promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

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.

Scope

Clause 52.06 applies to:

a new use...

Clause 52.06-2 Provision of car parking spaces

Before:

a new use commences.....

the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority in one or more of the following ways:

on the land; or

in accordance with a permit issued under Clause 52.06-3; or

in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

52.06-5 Number of car parking spaces required under Table 1

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table

Table 1: Car parking requirement

<i>Education centre other than listed in this table</i>	<i>0.4</i>	<i>To each student that is part of the maximum number of students on the site at any time</i>
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Response:

- 5.23. The secondary school will cater for up to 140 enrolled students, with around 70 to 80 on site at any one time. The facility will operate with no more than 27 staff, at any one time. Some of these staff will work remotely and thus not attend the site every day.
- 5.24. With a maximum of 27 staff, this generates a car parking requirement under the Table 1 to Clause 52-06 of 32 spaces.
- 5.25. The application drawings show the provision of 32 car parking spaces, located to the north of the site, along the Torquay Road frontage and in the existing garage access from Grove Road.
- 5.26. This meets the car parking requirements and thus consent is not required under Clause 52.06.
- 5.27. The Traffic Impact Assessment prepared by One Mile Grid provides further details in relation to car parking on the site and demonstrates how the design has been modified to comply with the conditions of the current planning permit issued by Council.



CLAUSE 52.29 LAND ADJACENT TO A ROAD ZONE, CATEGORY 1

Purpose

To ensure appropriate access to identified roads.

To ensure appropriate subdivision of land adjacent to identified roads

52.29-1 Application

This clause applies to land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

52.29-2 Permit requirement

A permit is required to:

Create or alter access to:

A road in a Road Zone, Category 1.....

52.29-4 Referral of applications

An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act. ...

52.29-5 Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Response:

- 5.28. The existing entry/exit on Torquay Road, in the north east corner of the site, will remain unchanged.
- 5.29. The former left-in entry on Torquay Road has already been converted into a car space, with the crossover to be removed and nature strip regressed and the kerb and channel reinstated.
- 5.30. The site is fenced and gated for the safety of students and to prevent "after hours" access to the site.



CLAUSE 62.02 BUILDINGS AND WORKS

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

62.02-1 Buildings and works not requiring a permit

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

...

A temporary portable classroom associated with an education centre located on a site for three years or less.

...

62.02-2 Buildings and works not requiring a permit unless specifically required by the planning scheme

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

A fence.

...

Response:

- 5.31. A pair of portable/demountable classrooms have been placed in the south western corner of the site, within the existing car parking area, as described by the accompanying drawings.
- 5.32. A planning permit is not required for works associated with the placing of the classrooms on the site.



22.01 DISCRETIONARY USES IN RESIDENTIAL AREAS

This policy applies to the consideration of use and development applications within the Residential Growth, General Residential and Neighbourhood Residential Zones.

Objectives

To provide for non-residential and service uses which are compatible with the residential character, scale and amenity of neighbourhoods.

To provide for non-residential uses which serve the needs of the local community.

To encourage the re-use of purpose built non-residential buildings for a mix of appropriate local convenience/service and commercial uses.

To ensure that car parking can be appropriately accommodated on site and that on street parking is relied upon only where it can be demonstrated that it will not be to the detriment of surrounding residential uses.

To ensure that traffic generated by the use can be accommodated within the surrounding street network.

To discourage new non-residential uses in residential zones that could reasonably be located in a nearby commercial or mixed use zones.

To avoid the concentration of non-residential uses where it would create a de-facto commercial area, isolate residential properties or contribute to unplanned expansion of commercial or mixed use zones into surrounding residential land.

Policy

- *It is policy that:*
- *Non-residential uses are located so as to benefit and be convenient to local residents.*
- *Non-residential uses generally be encouraged to locate on sites which have access to a Road Zone and discouraged from locating within a local access street, access lane or access place. Other locations may be considered appropriate where it can be demonstrated that residential amenity can be protected.*
- *Residential properties are not isolated between non-residential uses.*
- *Non-residential uses are encouraged to locate on sites where it can be demonstrated that due to existing conditions or constraints the site has a low standard of residential amenity.*

Response:

- 5.33. The proposal responds positively to the relevant objectives of the clause:
- Despite being a non-residential use it will serve the needs of the local, albeit, wider, community.
 - It will achieve the re-use of a purpose built non-residential building for an appropriate community based activity.
 - All required car parking can be provided on site.
 - Traffic generated by the proposal can readily be accommodated in the surrounding road network, particularly Torquay Road.
- 5.34. It is planning policy that such uses be located on sites which have access to a Road Zone. This proposal achieves that preference.
- 5.35. Residential properties will not be isolated by the proposal.
- 5.36. The use is proposed for a site which has a lower standard of residential amenity than usually found in suburban areas.
- 5.37. Residential amenity will not be affected by noise, light or odours, or general disturbance.
- 5.38. It is policy that the re-use of buildings originally built for non-residential uses be encouraged and facilitated. The proposal is entirely consistent with this objective and should be encouraged by the Responsible Authority. The use of the words "encouraged" and "facilitated" cannot be overlooked or underestimated in this context, and provides a direct and clear obligation to the Responsible Authority.
- 5.39. The landscape character of the area would be maintained, and indeed it can be argued that this character has been enhanced since the education establishment has occupied the site.



- 5.40. Adequate area is set aside for on site car parking.
- 5.41. The parking areas are existing and do not dominate the streetscape.
- 5.42. The "hours of operation" would not impact adversely on the nearby residential area.
- 5.43. Loading and unloading of vehicles will only occur between the hours of 8am and 4pm.
- 5.44. The signs to be displayed have been installed upon existing sign infrastructure associated with the previous use (reception centre).



6. Clause 65 Decision Guidelines

65.01 APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

The matters set out in section 60 of the Act.

The Municipal Planning Strategy and the Planning Policy Framework.

The purpose of the zone, overlay or other provision.

Any matter required to be considered in the zone, overlay or other provision.

The orderly planning of the area.

The effect on the amenity of the area.

The proximity of the land to any public land.

Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.

The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Response

These considerations are clearly and unambiguously directed at the Responsible Authority, after all the Responsible Authority is the decision making authority, not the permit applicant.

It is observed however that many of these provisions are general in nature such as the objectives of planning.

The State Planning Policy Framework is broad in its application. The Local Planning Policy Framework informs the application in greater detail. Relevant planning policy has been considered.

The proposal is a discretionary use, it is consistent with the purpose of the zone. All relevant zone provisions have been considered. The proposal represents a change of land use definition, rather than a fundamentally different change of use. This is required for school registration purposes, rather than as a result of a land use change.

All matters relating to the orderly planning of the zone, and the effect on the amenity of the locality have been considered and proven to be acceptable.

Not relevant, are matters of land degradation, salinity, native vegetation, flooding, fire hazard or the like.

The adequacy of loading facilities has been addressed.

Concluding Response

- 6.1. Relevant policies contained within the SPPF, MSS and the LPPF have been discussed considered.
- 6.2. It is clear and self evident that the proposal is not in conflict with these policies.
- 6.3. There is nothing in the application which requires special or more careful consideration under the provisions of this clause.



7. Merits of the proposal

- 7.1. The State policies are broad in their application. It is the local parts of of the planning scheme that are more relevant to the application.
- 7.2. The proposal anticipates the conversion of substantial building, formerly used as a reception centre, into a Secondary School, in name only. It is a land use that would have far less impact on the adjacent residential area than the previous reception centre use and change to the land use definition is required for registration and technical purposes only.
- 7.3. The proposed use would generate activity during the day.
- 7.4. The proposal would have a negligible impact on existing neighbouring land uses.
- 7.5. The provision of on site car parking meets the requirements of the planning scheme.
- 7.6. Given the nature and scale of the proposed use, and the generally positive response to planning provisions, the proposal is worthy of support by the Responsible Authority.
- 7.7. The proposal is consistent with planning policy, and the relevant detailed provisions of the scheme, as far as can reasonably be applied.
- 7.8. The proposal includes updates to the plans which were requirements of the current planning permit issued by Council, fulfilling the requirements of Condition 1 of this permit.

8. Conclusions – should a permit be granted?

- 8.1. The proposal is consistent with planning policy, and responds well to relevant policies.
- 8.2. The proposal would not result in off-site amenity impacts or cause material detriment to any party.
- 8.3. For these reasons, and the reasons contained in the body of this submission, it is respectfully submitted that a permit , effectively only re-defining the current land use, should be granted.

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