

TOWN PLANNING REPORT

Development of a Building Associated with the Extension of an Education Centre (Secondary School) and a Reduction in the Car Parking Spaces Required under Clause 52.06-5

184-186 Hearn Street, Colac

18 December 2024



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Planning

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1 Application Summary

Proposal	Development of Two Portable Buildings Associated with an Education Centre (Secondary School) and a Reduction in the Car Parking Spaces Required under Clause 52.06-5
Location	184-186 Hearn Street, Colac
Zone	Commercial 1 Zone
Overlays	Nil
Existing Use	Secondary School
Restrictions and Easements	Nil
Permit Triggers	<ul style="list-style-type: none"> • Clause 34.01-4 – Buildings and works • Clause 52.06-3 – Reduction in the car parking requirements required under Clause 52.06-5

2 Executive Summary

This planning report supports the application for a Planning Permit for a new building to be located on the land, extending the St Joseph's Flexible Learning College, Colac onto the land known as 184-186 Hearn Street, Colac.

The Planning Permit application is summarised as follows:

- Development of a building associated with a secondary school to cater for a maximum of 70 students and 12 staff;
- Reduction in car parking requirements, as there is no ability to provide on site car parking in a safe and manageable way.

St Joseph's Flexible Learning Centre works with young people who are disengaged from mainstream education with the aim of re-engaging them in creative, meaningful and intentional learning. The school works with young people through a trauma informed approach respectful to the educational needs of each learner. We understand that the school has been operating from the land for approximately three years.

2.1 Purpose of this Report

The purpose of the report is to:

- Explain the proposal.
- Provide a written response to the planning permit triggers and explain how the proposal meets the purpose statement and relevant decision guidelines identified in the Colac Otway Planning Scheme.
- Identify and consider any relevant general or particular provisions that are relevant.
- Provide an assessment of the proposal against the Municipal Strategic Statement and Planning Policy Framework as relevant to this application.

This report demonstrates that the proposal is an acceptable planning outcome which will result in net community benefit through:

- the provision of education for a sector of the community who may otherwise 'fall through the cracks';
- buildings which are single storey in scale and respectful of the scale and form of surrounding development;
- use of the indented car parking area in front of the site, and by relying on car parking credits, can provide for an appropriate car parking outcome.

An assessment of the proposal against the provisions of the Colac Otway Planning Scheme demonstrates that the development provides an appropriate outcome for the site and should be supported through the issue of a Planning Permit.

3 Site and Location Description

3.1 Subject site and surrounding area

St Joseph's Flexible Learning College has been operating from the site at 172 – 174 Hearn Street, Colac for the past three years and the site development can be seen in the image below.

The school has re-used two former shop buildings on Hearn Street and has established a portable building along the southern site boundary. A basketball court has been developed to the west of the former shop buildings and additional hard surface areas established on the land to provide for the needs of young people attending the school.

Recently the school purchased the western parcel of land, known as 184-186 Hearn Street, which includes a shed building and has added this site to the overall school site.

The image below shows the current development of the site.



Image 1 – Existing conditions

The school is located in a pocket of Commercial 1 zoned land, which originally would have provided a local shopping centre for the surrounding residential areas.

The land was developed with two buildings used as shops, most recently plumbing supplies and hairdressing salon. We also understand that the western titles of the subject site were previously used as a plant nursery.

A total of 12 indented car parking spaces are provided in the road reserve in front of the site on Hearn Street. Hearn Street is a collector street which provides for on-street car parking on both sides of the street.

An un-named laneway runs along the southern boundary of the site.

The subject site is surrounded by land which is located in the General Residential Zone and which is used for residential purposes. All land surrounding the site is developed with single storey dwellings on medium sized allotments. All dwellings are provided with onsite car parking, usually in garaging or carports located to the side of dwellings, with additional car parking available in driveway areas. The development in the surrounding area can be seen in the image below.



Image 2 - Site context

4 The Proposal

Approval is sought to develop a building on the land to support the continued operation of the school from the site. A permit is not required to use the land as an Education Centre in the Commercial 1 Zone.

The secondary school established on the adjoining land is a St Joseph's Flexible Learning Centre (FLC) - part of the Edmund Rice Education Australia Flexi Schools Network. The EREA Youth+ services initiative includes twenty Flexible Learning Centres located Australia wide which offer full time and multi-year secondary education and social inclusion programmes for young people who are disengaged from mainstream education.

St Joseph's FLC offers an inclusive and non-discriminating learning community to young people with enrolled students from a variety of genders, sexualities, language, cultural and religious backgrounds, with particular sensitivity to indigenous culture and from backgrounds of socio-economic disadvantage.

The new building is single storey in scale and of a simple design with a low, single pitched roof form, as can be seen in the image below. The building does not exceed 3 metres in height.

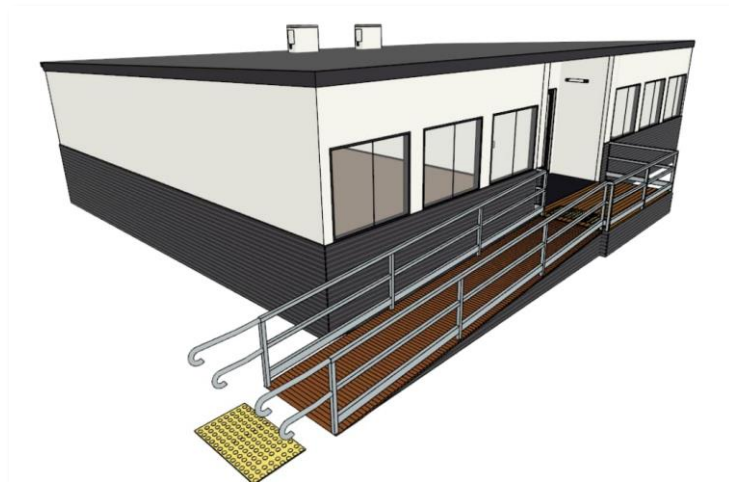


Image 3 - Proposed building

The new building, when combined with the existing school on the adjoining land, will support a total of 70 young people and a maximum of 12 staff within the secondary school. The particulars of the site are such that it is not practicable to provide for onsite carparking, instead the school relies on the on-street parking supply, including the indented parking spaces located in front of the site on Hearn Street. A Traffic Engineering Assessment, prepared by a Traffic Engineer is submitted in support of the application. We understand that although the school has been operating from the

adjoining land, it was unaware of the requirement to seek approval to waive car parking. This application seeks to address that oversight.

5 Relevant Planning Controls

5.1 Commercial 1 Zone

The subject site is located within the Commercial 1 Zone.

COMMERCIAL 1 ZONE (C1Z)

SCHEDULE TO THE COMMERCIAL 1 ZONE (C1Z)



Image 4 - Zone map

The Purpose of the Commercial 1 Zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

5.1.1

Response to the zone

As has been noted, a Planning Permit is not required to use the land for an Education Centre.

The building which is proposed will ensure that the site is available for an important community use, consistent with the purpose of the zone.

The application responds positively to the decision guidelines of the Commercial 1 Zone, as detailed below, and is consistent with the Municipal Planning Strategy and the planning policy framework as detailed later in this report.

The domestic scaled building which is proposed is separated from adjoining residential land uses by the road network, ensuring minimal impact to the surrounding area, particularly in relation to overshadowing and overlooking. The low scale development which is proposed is responsive to the predominantly single storey scale of development in the area.

The new building is setback 2 metres from Borwick Street, consistent with the siting requirements of Clause 54. Existing buildings are located with a zero lot line to Hearn Street and will remain as the most dominant built form on the site, with a 2 metre front setback also adopted.

The building can be appropriately drained to the existing drainage network, and if further details are required to understand how this will occur, a permit condition can address this issue.

The site is connected to the required services and the adjoining land has been supporting a school land use for a number of years. As such, waste has been appropriately managed on the site and areas of the site will continue to be available for waste storage.

The site is land which was intended to host a range of commercial uses and it is serviced by a collector road which can easily accommodate the traffic generated.

The school intends to use all of the land for the secondary school use and plans to use the existing shed on the western-most title as an arts centre.

The application is consistent with the purpose and decision guidelines of the Commercial 1 Zone.

5.2 Overlays

No overlays apply to the land.

6 General and Particular Provisions

6.1 Clause 52.06 – Car Parking

Car Parking requirements are set out at Clause 52.06 of The Planning Scheme. In accordance with 52.06-1, a new use must not commence, or the floor area of an existing use must not be increased until the required car spaces have been provided on the land or a permit granted to reduce the parking requirement is granted.

Table 1: Car parking requirement

Use	Rate	Rate	Car Parking Measure
	Column A	Column B	Column C
Secondary school	1.2	1.2	To each employee that is part of the maximum number of employees on the site at any time

The purpose of the clause is to, among other things, ensure the provision of an appropriate number of car spaces, to ensure that the design and location of car parking areas does not affect the amenity of the locality, in particular the amenity of pedestrians and other road users and to protect the role and function of nearby roads.

6.1.1 Response to Clause 52.06

The application is supported by a Traffic Engineering Assessment, completed by Traffix Group, which concludes advising that the reduction in car parking is satisfactory on the basis of the following:

- The availability of car parking in the area, including the 15 car spaces located along the site’s frontages;
- The historic use of the car spaces along the Hearn Street frontage by this land parcel;
- The practicality of retaining the existing structures on the site, while also providing for outdoor recreation areas, makes providing car parking not possible;
- The historic use of the site as shops would have generated an overflow of car parking associated with staff and customers. This demand would have been accommodated on street;
- The location of the site with respect to the bus stop on the south side of Hearn Street; and
- The provision of on-street bicycle lanes along Hearn Street and other higher order roads within the nearby area.

The report includes a car parking demand assessment as required by Clause 52.06-7 and the above summary demonstrates that the waiving of car parking is consistent with the purpose of Clause 52.06.

6.2 Bicycle Facilities

Bicycle facilities are set out in Clause 52.34 of the Planning Scheme.

Clause 52.34-5 sets out the following rate for bicycle facilities to be provided is determined by the sum generated by columns 2 and 3 of table 1:

Use	Employee/Resident	Visitor/Shopper/Student
Secondary school	1 to each 20 employees	1 to each 5 pupils

The purpose of this clause, is to amongst other things encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated amenities facilities across the site.

Response to Clause 52.34

The application plans include the provision of 16 on site bicycle parking spaces, exceeding the requirements of the above table.

6.3 **Clause 53.18 – Stormwater Management in Urban Development**

The purpose of this Particular Provision is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

6.3.1 **Response to Clause 53.18**

The new building will connect to Council’s drainage network. A permit condition can require further information about this issue, if required.

6.4 **Clause 53.19 – Non-Government Schools**

The purpose of this Particular Provision is to facilitate new non-government schools and to facilitate upgrades and extensions to existing non-government schools.

This clause applies to an application under any provision of this scheme, other than a VicSmart application, to use or develop land for a primary school, 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.

6.4.1 **Response to Clause 53.19**

An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.

In accordance with Clause 72.01-1, the Minister for Planning is the responsible authority for the purposes of this application.

6.5 Clause 65 – Decision Guidelines

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. To assist Clause 65 details a number of decision guidelines for guidance, some of these include:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*
- *Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.*

Response to Clause 65

This application results in an acceptable planning outcome, consistent with the decision guidelines of Clause 65.

The new building allows the the school to continue to provide an important service to the local and broader community, providing education to a sector of the community which may otherwise not complete their secondary education, providing for broader societal benefits.

The site is serviced by all the required infrastructure and the school will make good use of the indented car parking spaces located in the road reserve in front of the site.

The new building is reflective of the character of the area, maintaining the single storey scale of development and providing for a simple built form outcome.

The school is currently operating from the adjoining land and has operational issues in hand such as waste management and therefore a waste management plan has not been developed. If there is a requirement for a waste management plan, we request that this requirement is deferred to a permit condition.

In summary it is submitted that the proposal will result in an acceptable planning outcome and accords with the decision guidelines of Clause 65.

7 Planning Policy Framework

Relevant policies include:

- Clause 02.02 – Vision
- Clause 02.03-1 – Settlement
- Clause 11.01-1R – Settlement Geelong G21
- Clause 11.01-1L – Settlement Colac Otway
- Clause 11.01-1L – Colac urban growth
- Clause 15.01-2S – Building design
- Clause 15.01-1S – Building design
- Clause 15.01-5S – Neighbourhood character
- Clause 19.02-2S – Education facilities

Clause 02.02 | Vision

Colac Otway Shire commits to:

- *Plan for growth in business and employment in towns and settlements.*
- *Promote healthy, safe environments which enhance community life and well-being.*
- *Manage infrastructure assets so that they are sustainable in the long term.*
- *Support long term sustainability.*

The Colac 2050 Growth Plan (2019) includes the following vision for Colac as the major regional centre for the Shire:

- *Colac will be a vibrant, safe, healthy, inclusive and technologically advanced regional city.*

Clause 02.03-1 | Settlement

Council seeks to manage growth in the towns by:

- *Encouraging development within the major towns of Colac and Apollo Bay.*
- *Focusing development within existing town boundaries.*
- *Providing zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure.*
- *Limiting the development of old and inappropriate subdivisions including those in the localities of Cressy, Pirron Yallock, Gerangamete and Irrewillipe.*

Colac is the primary town in the Shire and has an estimated 2016 population of about 12,250. Colac is a targeted growth node in the G21 region. Colac is located on the southern banks of Lake Colac about 75 kilometres west of Geelong, 140 kilometres south west of Melbourne and 100 kilometres south of Ballarat. Colac is the major

regional centre in the Shire for residential, service and manufacturing industry, retail, office services, recreation and education facilities. Colac is central to a growing tourism industry being located at the gateway to the Otways and south west Victoria. It has a strong historical character and sits within an important cultural landscape for Aboriginal people.

Clause 11.01-1R | Settlement Geelong G21

Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focussing growth along key road and rail networks.

Plan for Colac and Winchelsea as new targeted growth nodes.

Clause 11.01-1L | Settlement Colac Otway

Encourage townships to have a definite visual edge, delineating the boundary between urban development and the natural landscape beyond.

Clause 11.01-1L | Colac urban growth

To support and manage the growth of Colac consistent with its role as the major urban centre of the Shire and a targeted growth node in the G21 region.

Clause 15.01-2S | Building design

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Clause 15.01-5S | Neighbourhood character

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Clause 19.02-2S | Education facilities

To assist the integration of education and early childhood facilities with local and regional communities.

7.1

Response to Planning Policy

This application is consistent with planning policy and will assist Colac Otway Shire in achieving its vision for Colac as a vibrant and safe regional city.

The St Josephs Flexi School is designed to provide for the education of students who are best accommodated outside of a mainstream educational environment. The school has been operating successfully from the adjoining site and assists in providing for the educational needs of Colac and the surrounding area, as encouraged by planning policy.

The new school building contributes positively to its local context, and the single storey scale of the building is responsive to the predominantly single storey scale of surrounding development.

The new school building provides for the expansion of the existing school established to the east, integrating this educational facility into the community, as encouraged by planning policy.

8 Aboriginal Heritage

The *Aboriginal Heritage Regulations, 2007* which specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity. Part 2 - Division 2 of the *Aboriginal Heritage Regulations, 2018* specifies exempt activities which do not require a Cultural Heritage Management Plan.

Areas of cultural heritage sensitivity are defined within Division 3 of the *Aboriginal Heritage Regulations, 2018*. The site is not located within an area of cultural heritage sensitivity and therefore **a CHMP is not required**.

9 Conclusion

This report has demonstrated that the development of a new school building and the associated waiving of car parking provides an acceptable planning outcome, responding to the requirements of the Colac Otway Planning Scheme and its Municipal Planning Strategies, the Planning Policy Framework, and relevant general and Particular Provisions.

We look forward to the issue of a Planning Permit which will provide for the expansion of the school, allowing the school to continue to provide a valued educational opportunity to an important sector of the community.