

# 28 Selby Road, Warrnambool

Planning Permit Application No.  
PA2402851



Officer Assessment Report  
Development Approvals & Urban Design

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# Summary

Key information	Details
<b>Application No.:</b>	PA2402851
<b>Received:</b>	15 April 2024
<b>Applicant:</b>	Myers Planning & Associates
<b>Planning Scheme:</b>	Warrnambool
<b>Land Address:</b>	28 Selby Road, Warrnambool VIC 3280
<b>Proposal:</b>	Buildings and works to construct a new general purpose learning area (GPLA) building and associated works with the existing primary school.
<b>Total site area:</b>	3.2ha (approx)
<b>Development Value:</b>	\$5.5 million
<b>Land Uses:</b>	Existing primary school campus for Our Lady Help of Christians Primary School.
<b>Staff/Students</b>	<ul style="list-style-type: none"> <li>• Increase in student numbers from 475 in 2023 to a projected 525 if all classes are at maximum capacity.</li> <li>• Possible increase of several staff members in addition to existing 57 staff.</li> </ul>
<b>Cultural Heritage</b>	The site is within an area of cultural heritage sensitivity. Pursuant to Section 46 Subsection 2 of the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) is not required where the works are associated with a purpose for which the land was being used before 28 May 2007 as the proposal includes buildings and works that are associated with a land use (education centre) that has been operating since 1974, a CHMP is not required.
<b>Zone:</b>	General Residential Zone – Schedule 1 (GRZ1)
<b>Overlays:</b>	Nil
<b>Particular Provisions:</b>	Clause 52.06 – Car Parking Clause 52.17 – Native Vegetation – Proposed removal of three trees ( <i>permit not required under Clause 52.17-7 – planted vegetation exemption.</i> ) Clause 52.34 – Bicycle Facilities Clause 53.18 – Stormwater Management Clause 53.19 – Non-Government Schools
<b>Why is a permit required?</b>	<ul style="list-style-type: none"> <li>• A permit is required to construct a building or construct or carry out works associated with a section 2 use (education centre) within the GRZ1.</li> </ul>
<b>Referral authorities/ Notice</b>	Warrnambool City Council - (Section 52(1)(b) – Notice)
<b>Public Notice</b>	<p>Yes. The application has the potential to cause material detriment and notice was given to owners and occupiers of adjoining lots in accordance with the notice requirements of section 52(1)(a) of the <i>Planning and Environment Act 1987</i>.</p> <p>Notice of the application was given via mail/email to adjoining land owners and occupiers.</p> <p>Two submissions (objections) were received, including one from Warrnambool City Council.</p>
<b>Delegates List</b>	Approved for Minister's Delegate List on 27 August 2022.

# Background

1. Pursuant to Clause 72.01-1 of the Warrnambool Planning Scheme, the Minister for Planning is the responsible authority for a development at an existing primary or secondary school with a development value greater than \$3 million.
2. Clause 53.19 applies to the use or development of 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.
3. The key milestones in the process of the application were as follows:

Milestone	Date
Pre-application meeting	26 March 2024
Application lodgement	4 April 2024
Further information requested	9 July 2024
Further information received	24 June 2024
Further information satisfied	24 June 2024
Further plans submitted (formally under section 50 of the Act)	5 July 2024
Further informally amended plans/reports submitted	<ul style="list-style-type: none"><li>• Updated Town Planning drawings prepared by Y2 Architecture, dated April 2024 (TP-03, TP-04, TP-06, TP-07) and May 2024 (TP-00, TP-01, TP-02, TP-05).</li><li>• Updated Town Planning report, prepared by Myers Planning and Associates, dated 3 June 2024.</li></ul>
Decision Plans	<ul style="list-style-type: none"><li>• Town Planning drawings prepared by Y2 Architecture, dated April 2024 (TP-03, TP-04, TP-06, TP-07) and May 2024 (TP-00, TP-01, TP-02, TP-05).</li><li>• Landscape concept plan prepared by 3 Acres Landscape Architecture, dated April 2024.</li><li>• Building masterplan by Y2 Architecture, received 9 July 2024.</li><li>• Stormwater Management Plan by RMG, dated June 2024.</li></ul>
Other Assessment Documents	<ul style="list-style-type: none"><li>• Targeted Tree Assessment, prepared by Carter's Tree Services and Arboricultural Consultancy, dated March 2022.</li><li>• Site report, prepared by Myers Planning and Associates, dated 18 March 2024.</li></ul>



## Site Description

4. The subject site is located on the west side of Selby Road, Warrnambool. It also has a number of small secondary frontages to Selby Road and Tower Square, as well as Raglan Parade.
5. The site is occupied by Our Lady Help of Christians, a Catholic primary school, comprising a range of school buildings, sports oval and other formalised play and sports areas.
6. The school campus has a frontage of approximately 150 metres to Selby Road, with a total site area of approximately 3.2 ha of land. The site is also affected by a 1.8m wide drainage and sewerage easement on the western boundary.
7. The site comprises of land formally identified as:
  - Lots 1, 2 and 3 PS53987
  - Lot 39 and 42 PS96297
  - Lot 1 LP29755.
8. There are no restrictions on the relevant titles. The title plan for the site shows a 1.8m wide drainage and sewerage easement on the north and west boundaries.
9. The site is generally flat and contains planted native trees of varying degrees of significance.
10. Other characteristics of the site include:
  - Vehicular access to existing carparks is provided from existing crossovers on Selby Road and Town Square.
  - Pedestrian access currently provided from the Town Square entrance and Raglan Parade.
  - A mix of school buildings including classrooms and admin, hall and relocatable buildings generally located within the centre of the site.
  - The plans also show an existing church and residence building on the eastern side of the site.
11. The site also comprises of large areas of open space and open play/sports grounds, including a formalised netball court and oval.



Figure 1: Subject site (Source: Application)



## Site Surrounds

12. The area surrounding the subject site consists mainly of conventional density residential development within the General Residential Zone, as well as public reserves and a commercial use.
13. Development surrounding the site can be described as follows:
  - To the **north** of the site is a row of lots occupied by single detached dwellings, which front a service road of Raglan Parade (Princes Highway) and back onto the school grounds. A single lot provides pedestrian access to the school from Raglan Parade.
  - To the **east** of the site are lots occupied by single detached dwellings fronting Selby Road. Two small public open spaces are also located in Selby Road opposite the site.
  - To the **south** of the site is a row of lots occupied by single detached dwellings and dual occupancies, which front Selby Road and back onto the school grounds. Three car parking spaces and accessways for the school are also located along this frontage. Lots on the opposite side of Selby Road are lots occupied by single detached dwellings. A public open space area is also located in the centre of Town Square.
  - To the **west** of the site is a motor equipment dealer at 153 Raglan Parade, as well as multi-dwelling sites at 151 Raglan Parade and 17 Town Square and public open space.



Figure 2: Proposed site plan (Source: Application)

14. The proposal is to construct a single level General Purpose Learning Area (GPLA) building near the south boundary. Key features of the building are:
  - Maximum building height of 7m.
  - Materials consist of a light grey Colorbond roof and a mix of brick, timber and dark grey Colorbond cladding to external walls.
  - Setback 5m from the south boundary, located between the existing multipurpose hall and a car parking area/driveway.
  - Floor area of approximately 931sq m, comprising classrooms, breakout area, planning room and amenities, as well as two outdoor learning areas.
  - Existing netball court and a playground will be removed.
15. A new netball court and playground are proposed on the north side of the site, to replace the ones removed.



16. The eastern carpark will also be modified to create car spaces near the entrance to Selby Road, as well as at the northern end of the carpark. Car parking adjacent to the proposed GPLA building will also be realigned. The existing number of 130 spaces onsite will be maintained.
17. No changes to bicycle parking facilities are proposed.
18. Six trees are proposed to be removed, located within the footprint of the proposed GPLA, netball court and associated earthworks and drainage, as shown on Figure 3 on the following page.

Refer to Figure 3 below and appendix B for the proposed development layout.



Figure 3: Proposed stormwater management plan (Source: Application)

19. A concept landscape plan has been provided, which includes planting of trees around the proposed GPLA.
20. The applicant has advised there may be several additional staff, but this is yet to be confirmed. The existing number of staff is 57, including 17 part time.
21. Enrolment is projected to increase from 475 in 2023 to 525 students in 2031.

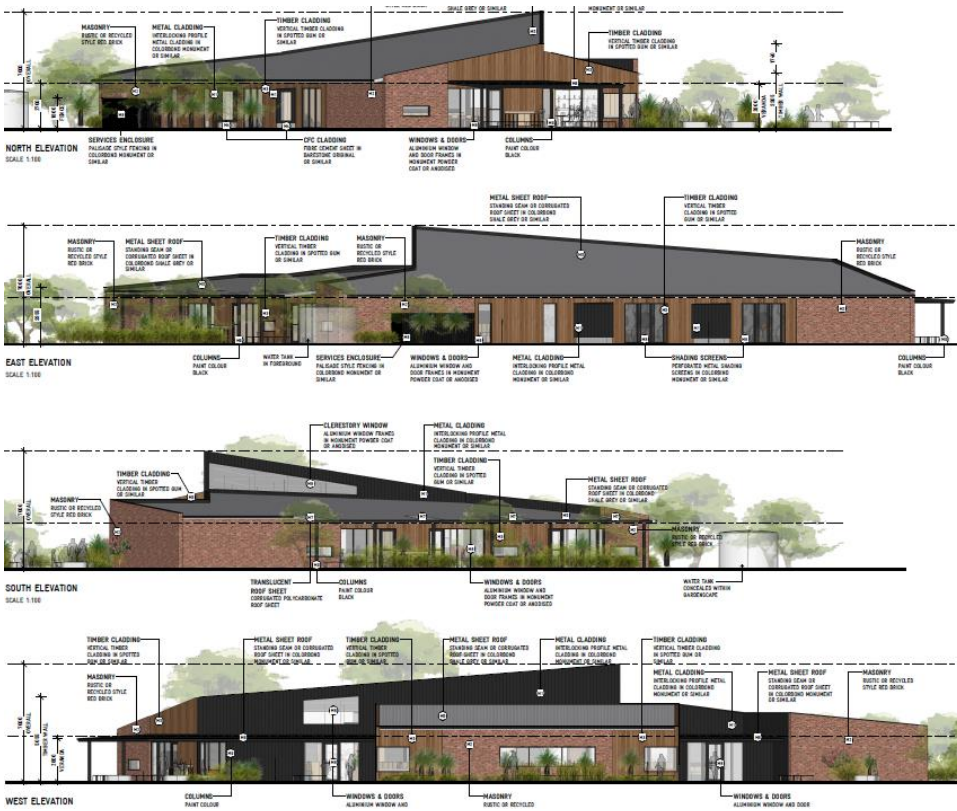


Figure 4: Proposed elevations of the General Purpose Learning Area building (Source: Application)



## Municipal Planning Strategy

22. Clause 2.0 of the Warrnambool Planning Scheme comprises the Municipal Planning Strategy and includes strategic directions to achieve the vision for the municipality, and strategic framework plans to support the strategic directions.
23. Clause 2.03-8 Transport and infrastructure includes strategic directions to support education institutions due to the social and economic benefits they provide to the city, to provide an integrated transport network, as well as facilitating the use of sustainable transport modes.
24. Strategic directions at Clause 2.03-5 Built environment and heritage are to facilitate walking and cycle access to everyday needs and promote ecologically sustainable development.


## Planning Policy Framework

25. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application:
  - Clause 13 – Environmental risks and amenity
    - Clause 13.05-1S – Noise Abatement
    - Clause 13.07-1S – Land Use Compatibility
  - Clause 15 – Built environment and heritage
    - Clause 15.01 – Built environment
      - Clause 15.01-2S – Building design
      - Clause 15.02-1S – Energy and Resource Efficiency
      - Clause 15.01-5S – Neighbourhood character
  - Clause 18 – Transport
    - Clause 18.01 – Land Use and Transport
      - Clause 18.01-3S – Sustainable and safe transport
      - Clause 18.01-3L – Sustainable and safe transport
    - Clause 18.02 – Movement Networks
      - Clause 18.02-2S – Cycling
  - Clause 19 – Infrastructure
    - Clause 19.02-2S – Education Facilities
    - Clause 19.02-2R – Education precincts – Great South Coast
    - Clause 19.03-3S – Integrated Water Management
    - Clause 19.03-3L – Integrated Water Management

## Statutory Planning Controls

### General Residential Zone (GRZ1)

26. The subject site is within the General Residential Zone (clause 32.08). The land use term 'Primary School', and the parent term 'Education centre', are not listed the table of uses in clause 32.08-2; therefore, the land use is considered a section 2 use.
27. Pursuant to clause 32.08-10 a planning permit is required to construct a building or construct or carry out works for a use in section 2 of clause 32.08-2. It is noted that Schedule 1 to the General Residential Zone does not specify any design requirements that impact the proposal.
28. It is noted the proposed playground does not require a permit – see Clause 62.02 discussion later in this report.

- 
29. The purpose of the General Residential Zone is:
- *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 52.05 – Car Parking**

30. Clause 52.06 applies to an increase to an existing use by the measure specified in column C of table 1 in clause 52.06-5 for that use. Pursuant to clause 52.06-5, a primary school requires one car parking space to be provided to each employee that is part of the maximum number of employees on the site at any time.
31. The proposal noted the total number of staff may increase by several members. The school currently provides for 130 car parking spaces for the existing maximum of 57 employees on site at any one time.
32. The proposed works will maintain the existing number of car spaces. Based on the Clause 52.06 rate, there is a substantial surplus of car parking spaces provided onsite, that will accommodate the additional demand from any new staff that may be required for the proposed buildings and works. Accordingly, a permit is not required pursuant to Clause 52.06.

#### **Clause 52.34 – Bicycle Facilities**

33. An existing bicycle shelter with 48 bicycle spaces is located near the north boundary of the school.
34. Pursuant to clause 52.06-5, a primary school requires one bicycle space to be provided to each 20 employees and one to each 5 pupils over year 4. There may be several new staff members as part of the proposal, and the number of students over year 4 will increase by 9, generating a requirement for 1 additional employee bicycle space and 2 additional student spaces.
35. Based on the total number of 151 students over year 4, which includes the additional students, the statutory demand is for 30 bicycle spaces, as well as 4 spaces for the employees, resulting in a total demand for 34 spaces.
36. Given there are 48 spaces in the existing shelter and the total statutory demand under Clause 52.34 is for 34 spaces, the 3 additional spaces generated by the increase in students and potentially staff can be accommodated by the existing facilities.

#### **Clause 52.17 – Native Vegetation**

37. The works do not propose removing, destroying or lopping of naturally occurring indigenous trees on the site and therefore native vegetation controls associated with clause 52.17 do not apply.

#### **Clause 53.19 – Non-government Schools**

38. Clause 53.19 applies to use or development 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.
39. 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.

#### **Clause 62.02 – Buildings and Works**

40. Clause 62.02 sets out exemptions from permit requirements in the scheme relating to the construction of a building or the construction or carrying out of works.



41. Clause 62.02-2 provides that any requirement of the scheme for a permit, unless specifically required, does not apply to:
  - *Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.*
42. There is no specific permit requirement in the General Residential Zone for playground equipment associated with an education centre and therefore the proposed playground does not require a permit.



## Referrals

43. No referrals were required for the application.

## Notice

44. An application to construct a building or construct or carry out works associated with a primary school is not exempt from the notice requirements of section 52(1)(a), (b), (c) and (d), of the Act.
45. Notice of the application was given via mail/email to adjoining landowners and occupiers under section 52(1)(a).
46. Two (2) objections were received, including one from Warrnambool City Council, which is discussed under 'Municipal Council Comments' below. The other objection raised the following grounds of concern:
- Inadequate siting and setbacks
  - Overshadowing
  - Noise and amenity impacts
  - Insufficient car parking
  - Development is inconsistent with the residential zone.
47. It is noted the objector's property is located some distance from the school, while no objections were received from adjoining or nearby properties.
48. The proposed GPLA building is a modest 7m maximum height with an 5 metre setback to the south boundary from the proposed verandah. Landscaping and an outdoor classroom area is proposed along the residential boundary interface.
49. Diagrams for overshadowing have been provided to illustrate no negative amenity impacts to adjoining dwellings. The highest point of the roof is setback 23.7m from the south boundary. The closest point of the building – the verandah – will be 2.6m high and setback 5m from the south boundary. The proposal would allow adequate solar access to the rear private open space of dwellings adjoining the south boundary, using the Clause 55.05-5 Solar access to open space standard as a guide, although not applicable to this application for a school building. Under this standard, the setback required from the verandah would be 4.3m – which will be provided fully within the subject site.
50. It is further noted that the proposed building, while 7 metres in height at the top of the roof pitch, has a lower profile for much of the building. The materials and colours used for the roof and wall cladding are complementary to existing school buildings and the residential area. It is considered the proposed building is a modest addition to the school and would not create any unreasonable amenity impacts.
51. The building will also be setback well within the site and will only be partly visible, over some distance, from the public realm.
52. 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.
53. .

## Municipal Council Comments

54. The Warrnambool City Council (the council) was given notice of the application under section 52(1)(b) of the Act and on 22 July 2024 advised that it does object to the application on the following ground:

*"...insufficient information has been provided with the application to confirm whether the development should be supported in relation to traffic and vehicle movements."*

55. Council had also requested traffic and stormwater management plans be provided in a further information letter on 12 April 2024. Issues identified were:

*The site already has a number of parking and traffic issues where this development proposes to alter and reduce parking.*



And

*It is requested that more information be provided on proposed treatment and reuse of stormwater, and where the stormwater will be discharged to. It is Council's opinion that an application of this nature should be provided with a stormwater management plan, and that this should not be left to a permit condition.*

56. There is no planning permit requirement for a TIA to be undertaken as the modifications to the car park will not result in the loss of any spaces. For further discussion on car parking, see the Assessment section later in this report.
57. The stormwater management strategy provides for stormwater to be drained, detained and treated in accordance with best practice standards. For further discussion, see the Assessment section later in this report.



## Key Policy Issues

58. The proposal will deliver enhanced facilities for the existing school, which is in an established urban area of Warrnambool. No change in the use of the school is proposed by this application. The proposed upgraded facilities are consistent with the site's existing use and character and designed to respect adjacent buildings and are compatible with the surrounding residential area (Clause 15.01-2S).
59. The proposed netball court will be located at a relatively non-sensitive interface, adjacent to the adjoining commercial site and a driveway. It is not considered this would generate an unreasonable level of noise, noting it is also adjacent to an existing playground. The proposed playground near the north boundary does not require a permit and therefore does not require consideration under this application.
60. The proposed modifications to the car park are appropriate and will ensure the existing level of car parking continues to be provided for staff. The existing bicycle spaces can accommodate the proposed additional students and staff. (Clause 18.02-2S).
61. The proposed landscaping will provide some screening to the proposed building, softening the built form to the residential interface and enhancing the spaces around the building. (Clause 15.01-2S)
62. Stormwater will be managed in accordance with best practice standards in accordance with the Stormwater Management Strategy, to reduce and treat run-off (Clause 15.02-1S).

## Land Use and Built Form Issues

63. The proposed buildings and works are in keeping with the use of the land as a primary school and are not contrary to any purpose of the zone. It is further considered the increase in students is not a significant intensification of the use on the land as a primary school. Increase to student numbers is to be expected over time and is supported by state and local policy.
64. As discussed earlier, the proposed General Purpose Learning Area (GPLA) building is a modest 7m height with a 5 metre setback to the south boundary and landscaping proposed along the residential boundary interface.
65. The proposal appropriately responds to the decision guidelines for non-residential use and development outlined in the GRZ through maintaining car parking provision as well as the high-quality appearance of the proposed building and landscaping.
66. The change in enrolments and the proposed building and associated carpark, netball court and landscaping upgrades do not represent a significant change or offer potential to damage amenity of the area, given the school use and access arrangement would generally continue to operate under the same conditions as existing circumstances, except for rearranging the on-site car parking to ensure the same number of spaces is maintained onsite.

## Car Parking and Traffic Impacts

67. As discussed earlier, the proposal will maintain the existing number of car parking spaces onsite. There is a substantial oversupply of car parking onsite which can accommodate the potential for several additional staff and accordingly there proposal meets the car parking rate required under Clause 52.06.
68. A condition of permit will require the proposed new car parking spaces to be shown on the town planning drawings with dimensions and aisle widths in accordance with the design standards for car parking in accordance with Clause 52.06-9.
69. Notably the eastern carpark, where the changes are proposed, is accessed separately from the pick up/drop off area. Changes to the operation of school car parking onsite will therefore be minimal.

The car park works will maintain the capacity of the primary school to accommodate staff, visitors and deliveries and reduce amenity impacts on the surrounding streets.





## Landscaping

70. The landscape concept plan prepared by 3 Acres Landscape Architecture and dated April 2024 details the proposed planting, plant species, surface treatments and outdoor furniture. The proposed landscape plan includes the planting of new trees, shrubs and groundcovers.
71. The arboricultural assessment report indicates the trees onsite are planted and therefore do not require a permit for removal pursuant to Clause 52.17. The report also rated only two trees onsite as High significance, but recommended their removal due to poor health and/or structure.
72. The proposed tree removal is considered appropriate, as the works fall within the footprint of the proposed buildings and works. The removal cannot be avoided given the limited space available onsite to locate the GPLA building and netball court. The netball court cannot be moved further east, as it would encroach the grassed sports area, of which the goal posts are located close by. According to the arboricultural assessment, the trees proposed for removal are either not of high significance, or require removal in any case due to poor health and/or structure.
73. It is considered that the nominated landscaping on the landscape concept plan is appropriate for the school use and acceptable having consideration to the site's context. The landscaping will not unreasonably impact useable open space for the students, it will soften the built form as viewed from adjoining dwellings, and incorporate indigenous trees, shrubs and grasses to create an environmentally sustainable landscape. A condition of permit will require the submission of a detailed landscape plan to be provided in accordance with the concept plan.

## Civil Works and Drainage

74. The Stormwater Management Strategy by RMG, dated June 2024, shows drainage for the proposed buildings and works will be treated by a bioretention swale to be constructed along the northern boundary. The strategy addresses the requirements of Clause 53.18 by managing the retention, treatment and discharge of stormwater from the proposed buildings and works, in accordance with best practice standards.
75. The proposed building and netball court are shown on the plans located outside the easement. It is unclear, however, whether the earthworks associated with the netball court, or the drainage works, both shown in the stormwater strategy, will be located close to or on the easement. It is the responsibility of the proponent to seek approval to build any structure on the easement from Warrnambool City Council and any relevant service authority. A note should be included on the permit to this effect.
76. A condition of permit will require the town planning drawings to be updated to show the earthworks associated with the netball court and proposed drainage works, as well as the easements shown on title.

# Conclusion



77. The development is generally consistent with the relevant planning provisions of the Warrnambool Planning Scheme.
78. **It is recommended** that Planning Permit No. PA2402851 be issued for buildings and works in accordance with the decision plans at 28 Selby Road, Warrnambool, subject to conditions.
79. It is recommended that the applicant and objectors, including council, be notified of the decision in writing.



Prepared by: [Redacted]

I have considered whether there is a conflict of interest in assessing this amendment and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
  - Completed the **State Planning Services declaration of Conflict/Interest form**.
  - Attached the State Planning Services declaration of Conflict/Interest form on to the hardcopy file.
  - Attached the State Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

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Name: [Redacted]  
Title: Senior Planner, Development Approvals and Design  
Phone: [Redacted]

Signed:	[Redacted]
Dated:	13/09/2024

Reviewed by:

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I have considered whether there is a conflict of interest in assessing this amendment and I have determined that I have:

- No Conflict**
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  - Attached the State Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

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Name: [Redacted]  
Title: Manager, Development Approvals and Design  
Phone: [Redacted]

Signed:	[Redacted]
Dated:	17/09/2024