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7 November 2024

Ms Vassie Emsley
Development Approvals and Design
Department of Transport and Planning

Submitted via online portal

Dear Vassie,

PLANNING PERMIT APPLICATION – 133 MARSHALL STREET, IVANHOE IVANHOE GIRLS' GRAMMAR SCHOOL

1. INTRODUCTION

Urbis acts on behalf of Ivanhoe Girls' Grammar School (the School) in support of a planning permit application for the proposed use of the land at 133 Marshall Street, Ivanhoe (the subject site) for the purposes of an education centre.

This planning permit application seeks approval for the use of the land as an education centre ancillary to, carried out in conjunction with, and on contiguous land in the same ownership as Ivanhoe Girl's Grammar School. A permit is sought under Clause 32.09-5 of the Banyule Planning Scheme.

To assist with your assessment of this application, please find enclosed:

- Completed planning permit application form
- Certificate of title
- Feature Survey Plan

2. BACKGROUND

Planning Permit P1142/2015 was granted by Banyule City Council on 5 February 2016 for the subject site. The Permit allowed for the 'use of the land as a temporary school administration building associated with an existing education centre'.

This Permit was extended by Council for a period of two years in 2022, noting that the Permit will expire on 5 February 2024. In Council's letter dated 4 January 2022 which relates to this extension, Council noted:

'this recent extension of time (2 years) will allow the temporary planning permit to be in operation for 8 years. Given the length

of time and the

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temporary nature of the planning permit it is considered that another extension of time is highly unlikely to be supported by Council.

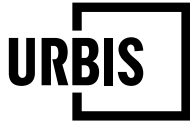
Accordingly, this Permit seeks to use the site for education use, by the School on a permanent basis.

Figure 1 – IGGS Campus



Figure 2 – Aerial view of the subject site





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3. SUBJECT SITE AND CONTEXT

3.1. SUBJECT SITE

IGGS was established in 1903 and is an independent Anglican school for girls. It is non-selective and currently caters to over 900 students from 'Early Learning' to Year 12. The Ivanhoe campus comprises of several school buildings, which include two libraries, café and Performing Arts Centre.

More broadly, IGGS combines multiple parcels owned by the school along Marshall Street, Noel Street and Upper Heidelberg Road. The extent of the IGGS campus is shown in Figures 1 and 2 below.

The land subject to this planning application is 133 Marshall Street, Ivanhoe which is formally described on the Certificate of Title as Lot 1 on Title Plan 709717.

The site has a frontage to Marshall Street of 18.29 metres, and a depth of 50.92 metres, with a total area of 931.32m². The land currently accommodates a double-storey brick building, setback approximately 11.45m from Marshall Street and with minimal side setbacks. The building, being within Ivanhoe Girls' Grammar School's ownership, has previously been used for School administration and storage ancillary to the use of the main campus, located at 123 Marshall Street, Ivanhoe.

3.2. IMMEDIATE SURROUNDS

The land immediately adjacent to the subject site can be described as follows:

- **To the north** is 135 Marshall Street, a residential property, which accommodates a double-storey dwelling, setback approximately 11 metres from the Marshall Street frontage.

Further to the north, the land at 137 Marshall Street is within the School's ownership and is used for education use in association with the School (in accordance with Permit PA2201991).

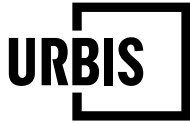
- **To the east** is Marshall Street, a local road which provides access between Studley Road in the north and Sherwood Road to the south. The road accommodates a landscaped median strip, and residential properties are located on the eastern side of the road.
- **To the south and west** the land comprises the broader Ivanhoe Girls' Grammar School's main campus, at 123 Marshall Street. The subject site is located within their land holdings, as shown in Figure 1 above.

4. PROPOSAL

The application seeks approval for use of the land as an education centre that is ancillary to, carried out in conjunction with, and on contiguous land in the same ownership as Ivanhoe Girls' Grammar School.

The School seeks to use the existing building on the land to complement its various administrative buildings along Marshall Street, allowing flexibility in the use of the space for various purposes ancillary to the needs of the School.

Given the ancillary nature of the site to the broader campus, the number of staff proposed to be located on the subject site at any given time will be limited. The current staff numbers of the School will not change as a result of the proposal, with the staff proposed to use the subject site being part of the overall staff numbers.



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Hours of operation of the site are anticipated to be approximately 7am to 9pm. While the number of staff using the site will be limited across these times, these hours of operation will allow staff to use the site before and after typical School hours, including for maintenance and cleaning purposes.

No works are proposed as part of the application, including in relation to car parking arrangements, nor is any change proposed to current staff numbers.

5. PLANNING CONTROLS AND POLICIES

5.1. ZONE

The site is located within the Neighbourhood Residential Zone, Schedule 3 which refers to Banyule Neighbourhood Residential Areas.

The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.09-2, a permit is required for the use of the land as an education centre.

5.2. OVERLAYS

The subject site is affected by the following overlays:

- Development Contributions Plan Overlay, Schedule 1 (DCPO1)
- Heritage Overlay (HO5)
- Vegetation Protection Overlay, Schedule 3 (VPO3)

Given no building and works are proposed, the above overlays are not considered to be of relevance to this application.

5.3. PARTICULAR AND GENERAL PROVISIONS

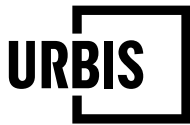
The following particular and general provisions are relevant to this application.

5.3.1. Clause 52.06 – Car Parking

Before a new use commences, car parking spaces must be provided to the satisfaction of the Responsible Authority, pursuant to Clause 52.06-2 of the Planning Scheme.

As the Land is located within the Principal Public Transport Network, the following car parking rates apply:

- 1.2 spaces to each employee that is part of the maximum number of employees on the site at any time;



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- 1 space to each employee that is part of the maximum number of employees on the site at any time.

5.3.2. Clause 52.34 – Bicycle Facilities

Clause 52.34 of the Planning Scheme aims to promote cycling as a mode of transport and aims to facilitate the provision of secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities.

The provision of bicycle facilities applies under the following conditions:

- *A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.*
- *Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.*

Clause 52.34-5 of the Planning Scheme sets out a rate of 1 bicycle parking space to each 20 employees for education centre use, and 1 bicycle parking space to each 20 full-time students.

5.3.3. Clause 53.19 – Non-Government Schools

Clause 53.19 of the Planning Scheme seeks to facilitate new non-government schools and provide upgrades and extensions to existing non-government schools.

It specifically applies to this application, being an application to use or develop land for a 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 or secondary school.

As such, pursuant to Clause 53.19-2, this application is exempt from the decision requirements of Sections 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987*.

5.3.4. Clause 65 – Decision Guidelines

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65.

5.4. OPERATIONAL PROVISIONS

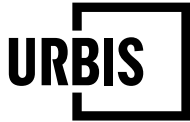
5.4.1. Clause 72.01 – Responsible Authority for this Planning Scheme

Clause 72.01-1 of the Planning Scheme states that the Minister for Planning is the responsible authority for the approval of a permit relating to the use and development of the land for:

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

- *There is no existing primary school or secondary school on the land.*
- *The estimated cost of development is \$3 million or greater....'*

Given the application seeks the approval of the land for the use of an education centre, which is ancillary to the function of, and is on contiguous land in the same ownership as, Ivanhoe Girls' Grammar School,



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and there is no existing primary school or secondary school on the land, the Minister for Planning is the responsible authority for this application.

5.5. PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to develop the objectives for planning in Victoria (as set out in the *Planning and Environment Act 1987*) to foster appropriate land-use and development planning and practices that encompass relevant environmental, social, and economic factors.

The following policies of the Planning Policy Framework of the Banyule Planning Scheme are relevant to the consideration of the proposal:

- **Clause 13 Environmental Risks and Amenity**
 - **Clause 13.07-1S (Land use compatibility)** seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
 - **Clause 13.07-1L (Non-residential uses in residential areas)** recognises the need for other land uses to be located within residential areas, including schools. This policy seeks to ensure that discretionary uses in residential areas do not adversely affect residential amenity.
- **Clause 19 Infrastructure**
 - **Clause 19.02-2S (Education facilities)** recognises and understands the importance of providing community resources such as education and seeks to ensure that education facilities are in well-connected areas with access to public transport and bicycle networks.
 - **Clause 19.02-2L (Education facilities)** encourages the preparation of master plans to guide development or expansion of educational facilities.

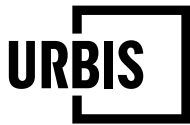
6. PLANNING ASSESSMENT

The proposed use of the site as an Education Centre is considered appropriate for the reasons outlined in the sections below.

6.1. EDUCATION CENTRE USE

A permit is required for the use of the site as an Education Centre, pursuant to the Neighbourhood Residential Zone, Schedule 3 of the Banyule Planning Scheme. The zone, and more broadly, the Planning Policy Framework of the Planning Scheme provides strong policy support for the use of the site for this purpose.

The Neighbourhood Residential Zone, Schedule 3 seeks amongst other things *'to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate location'*, clearly recognising that educational uses are integral to the community infrastructure which underpins the residential area. This policy directive is further supported by Clause 13.07-1S (Land use compatibility), Clause 13.07-1L (Non-residential uses in residential areas) and Clause 19.02-2S (Education facilities) of the Planning Scheme, which recognise the same. In this regard, the application seeks approval for educational use, enhancing the existing educational offering of the area.



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Collectively these policies, including the zoning of the land, seek to ensure that non-residential uses are appropriately located within residential areas, to ensure that the potential for off-site amenity impacts are minimised.

The subject site is located adjacent to the main campus of Ivanhoe Girls Grammar School at 123 Marshall Street, which has been in operation since 1903. The School has a long established presence in the area, positively contributing to the broader community for many years, and the proposed use of the subject site seeks to allow for the continued functional use of the School in this location.

The subject site itself has been associated with, and part of, the Ivanhoe Girls Grammar School campus for several years. Specifically, the subject site has been in operation in association with an education centre for 8 years, since Permit 1142/2015 was originally granted in 2016.

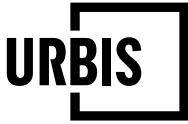
The location of the subject site, immediately adjacent to the existing main campus, provides a logical expansion to the School's existing facilities. While it is not intended for the subject site to be used for additional classrooms, the ancillary use of the site for the School's purposes will allow for additional storage, maintenance and administration requirements, and flexibility of the space, to ensure the efficient use of the balance of the School grounds.

Furthermore, as no buildings and works are proposed as part of the application, the existing neighbourhood character of the area will be maintained.

6.2. AMENITY IMPACTS

The proposed education use is considered to be an appropriate use of the subject site and anticipated to have minimal off-site amenity impacts, having regard to the following:

- Taking into account the existing building on the subject site, the land is relatively constrained in the type of activities which can be accommodated for the School's purposes. The building on the subject site provides for a flexible space which is likely to be used for storage, cleaning purposes, and the like, in association with School's requirements, it is not intended to be used for classrooms.
- In terms of the potential for noise impacts, given the limited number of staff which are anticipated to use the site throughout the day and that the site is not intended to be used for classrooms, the noise impacts are anticipated to be negligible. This is particularly in the context of what would be expected for a typical residential property.
- While the proposed hours of operation are longer than a typical School day, the use will be relatively limited before and after School hours for use by cleaning and maintenance staff, for example.
- The proposed use of the site is anticipated to be consistent with what was previously permitted on the land under Permit P1142/2015.
- School staff will continue to use staff car parking provided on the broader campus, while on-street parking restrictions encourage staff to use other modes of transportation.
- Given no buildings and works are proposed, there will be no external amenity impacts created by way of overshadowing or visual bulk.



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6.3. CAR AND BICYCLE PARKING

Pursuant to Clause 52.06-3, before a new use commences, the number of car parking spaces required must be provided to the satisfaction of the responsible authority, with a permit required to reduce (including to zero) the number of car parking spaces required.

Applying the more conservative statutory car parking rate associated with a secondary school, 1.2 spaces are required to each employee that is part of the maximum number of employees on site at any time.

However, the proposed use of the subject site is not associated with an increase in staff numbers, whereby staff on the subject site will already be working on the main campus and using the existing car parking provision across the broader campus. As such, while no additional car parking is proposed as part of this application, as there is no increase in staff proposed, there is no increase in car parking demand.

In terms of bicycle parking, pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities is provided on the land, whereby a permit can be granted to vary, reduce or waive this requirement.

The proposal does not include the provision of any bicycle parking spaces however this is considered acceptable given the proposed use of the land for educational purposes is not associated with an increase in the overall staff and student numbers of the broader campus. Similarly to the car parking requirements, the existing car and bicycle parking on the broader campus can appropriately accommodate the needs of staff and students respectively in this regard.

7. CONCLUSION

The application for use of the subject site as an education centre in associated with the Ivanhoe Girls' Grammar School provides an appropriate planning outcome. The proposal is suitably located, immediately adjacent to the existing campus and will not result in any unreasonable amenity impacts on surrounding residential properties. Overall, an approval will offer certainty and allow for the continued use of the land in associated with the broader IGGS campus.

If you have any questions or require any additional information, please do not hesitate to contact me on the below details.

Yours sincerely,

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