



## **Oak Tree College**

**2/371 Somerville Road, West Footscray**

**S72 Amendment Application to Permit Conditions**

**Prepared by:**



**May 2026**

## Contents

1. Introduction .....	3
2. Site and Surrounds .....	4
2.1 Site.....	4
2.2 Surrounds.....	5
2.3 Title .....	6
4. The Proposal .....	8
5. Maribyrnong Planning Scheme .....	9
5.1 Planning Policy Framework .....	9
5.2 Zoning .....	10
5.3 Overlays .....	11
5.4 Particular Provisions .....	12
6. Planning Assessment.....	14
6.1 Assessment against Planning Policy Framework .....	14
6.2 Assessment against relevant Planning Provisions .....	15
7. Conclusion .....	18

## Appendix A – Title

## 1. Introduction

RPV have prepared this Planning Report on behalf of Oak Tree College (the School) in support of a Section 72 amendment application under the *Planning and Environment Act 1987* for their campus at 2/371 Somerville Road, West Footscray (subject site).

Planning Permit TP616/2018(3) was issued on 18 April 2019 by the City of Maribyrnong for the use of the subject site for the purpose of a place of worship and an education centre. Amendments have been issued previously, but not to the education centre's student and staff numbers or operating hours.

Under the planning permit's condition 3(b), operating hours at the Education centre are currently restricted to Monday to Friday between 9am to 5pm.

Student and staff numbers are restricted at the Education centre by Condition 4(b) to 40 students and 5 staff.

To meet growing demand for senior school places, it is proposed to increase student numbers to 50 and to support this increase, it is proposed to increase staff to 10. An increase to operating hours is proposed principally to enable teaching staff to arrive early and prepare for their classes and undertake administration tasks.

Our analysis has found that the School can house more students and staff comfortably and without impact to the surrounding area. An increase in placements will assist in addressing the considerable demand for specialist senior student places in the area.

This report provides an outline of the proposed student, staff and operation hours increase and assesses the proposal against the relevant provisions of the Maribyrnong Planning Scheme and potential impacts on external amenity, road infrastructure and parking and the ongoing functionality of the school site.

This Planning Report is organised as follows:

- Section 2 – Site Context provides details of the site and its surroundings
- Section 3 – Background and technical investigations
- Section 4 - The Proposal provides details of the proposal
- Section 5 – The Maribyrnong Planning Scheme outlines the relevant planning policies and controls
- Section 6 – Planning Assessment evaluates the proposal against the planning scheme.
- Section 7 – Conclusion provides a brief concluding statement.

## 2. Site and Surrounds

### 2.1 Site

The subject site is 817sqm with frontages to Kororoit Street (western) and Somerville Road (northern). The subject site is developed with a building containing both the Oak Tree College and Elevation Church Melbourne West (refer to **Figure 1** overleaf).

Oak Tree College is an independent specialist senior school for people aged between 15 and 20. It provides an important avenue for students that may have disengaged with education system to re-engage and finish their school studies.

The subject building is accessed via an on-site car park located to the north in the frontage to Somerville Road. The car park contains 21 spaces accessed from Kororoit Street. A side access and second vehicle crossover exists within Kororoit Street further to the south.

While the Elevation Church can currently operate Monday to Friday 10am to 6pm pursuant to Condition 4(a) of Planning Permit TP616/2018(3), during this time the use is restricted by this permit condition to 5 persons on-site at any one time. This means that while car parking is shared between the two uses, the school has access to at least 16 car spaces ( $21 - 5 = 16$ ) during school times.

There are four lots that comprise the title and these have all been developed with building. The subject building is in the north-west corner of the title.



Figure 1 – Subject Site

## 2.2 Surrounds

The site is in a Core Employment Area (Tottenham Precinct) pursuant to the Economic Framework Plan contained in the Maribyrnong Planning Scheme.

The immediate area is characterised by light industrial/warehousing, commercial and transport/logistic type uses. Princes Highway (Geelong Road section) is located directly to the south. Further south still is the West Gate Freeway.

The site is surrounded by a large catchment of residential dwellings (east, west and north). However, these more sensitive areas are separated from the site by the network

Public bus services run along/near Somerville Road including Routes 411, 412, 431, 472, and 223. These connect the area to the Werribee and Sunbury train lines.



Figure 2 – Subject Site and Surrounds (source Google maps)

### 2.3 Title

The school site is more formally known as Lot 3 on Plan of Strata Subdivision 037133V. Refer to **Attachment 1** for a copy of the title. **Figure 3** below provides the title plan.

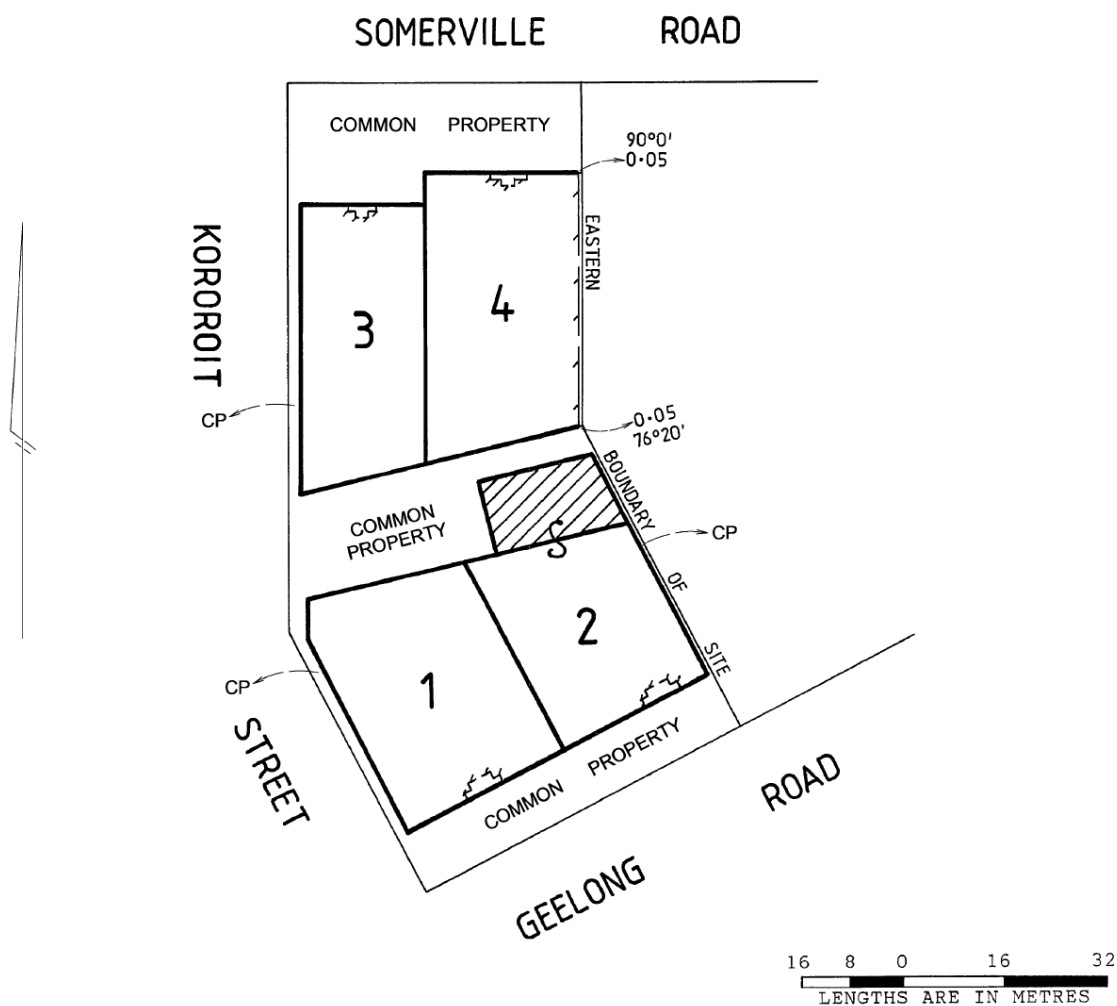


Figure 3 - Lot 3 on Plan of Strata Subdivision 037133V.

## 4. The Proposal

It is proposed to amend Planning Permit TP616/2018(3) under Section 72 of the *Planning and Environment Act 1987* to increase the student and staff cap and the hours of operation of Oak Tree College at the subject site.

Condition 3(b) of the planning permit currently restricts operating hours at the Education centre to Monday to Friday between 9am and 5pm. It is proposed to amend this condition to allow operating hours to be **Monday to Friday between 8:30am and 5pm.**

The reason for the proposed modest increase is to enable staff to prepare for lessons prior to commencing classes and to undertake administration tasks in the morning. This will assist the general operation of the college.

Student and staff numbers are restricted at the Education centre by Condition 4(b) to 40 students and 5 staff. It is proposed to amend this condition to allow **50 students and 10 staff.**

The reason for this increase is to allow the school to meet growing demand for specialist senior school places in the area. The increase in student places will enable more students to benefit from the college. The increase in staff numbers will facilitate the increase in student numbers and help to ensure that students are appropriately supported.

Based on the above changes, condition 3(b) and 4(b) will read as follows:

- **Condition 3(b) Education Centre:**
  - **Monday to Friday 8:30am to 5pm.**  
**Except with the written permission of the responsible authority.**
- **Condition 4(b) Education centre:**
  - **50 Students and 10 staff.**

## 5. Maribyrnong Planning Scheme

The following section outlines the key policy considerations of the State and Local Planning Policy Frameworks as well as the planning controls which apply to the site and proposal. An assessment of the proposal against the planning assessment framework will be addressed in Section 6 of this report.

### 5.1 Planning Policy Framework

The Planning Policy Framework aims to facilitate proposals in a way that positively impacts local communities and the broader region.

The State Planning Policies outlined below are pertinent to the proposal:

- Clause 11 – Settlement
- Clause 17 - Employment
- Clause 19 – Infrastructure

The key policy directions which emerge from these include:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities (Clause 11.01-1S).*
- *Ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1S).*
- *Manage the sequence of development in areas of growth so that services are available from early in the life of new communities (Clause 11.02-3S).*
- *Maintain and enhance the economic development role of Core Employment Areas (Clause 17.01-1L).*
- *Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities (Clause 19.02-2S).*
- *Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass) (Clause 19.02-2S).*

- *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access (Clause 19.02-2S).*
- *Consider the existing and future transport network and transport connectivity (Clause 19.02-2S).*
- *Encourage the development of education facilities including private education facilities (Clause 19.02-2L).*

## 5.2 Zoning

The subject site is zoned Commercial 2 Zone (C2Z) (refer **Figure 4** overleaf). The purpose of the zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Education centre is a Section 2 (Permit required) Use pursuant to the land use table at Clause 34.02-1.

Pursuant to Clause 34.02-2 (Use of land), a use must not detrimentally affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

Relevant Decision Guideline at Clause 34.02-7 include:

- *The effect that existing uses may have on the proposed use.*
- *The drainage of the land.*
- *The availability of and connection to services.*
- *The effect of traffic to be generated on roads.*
- *The interim use of those parts of the land not required for the proposed use.*

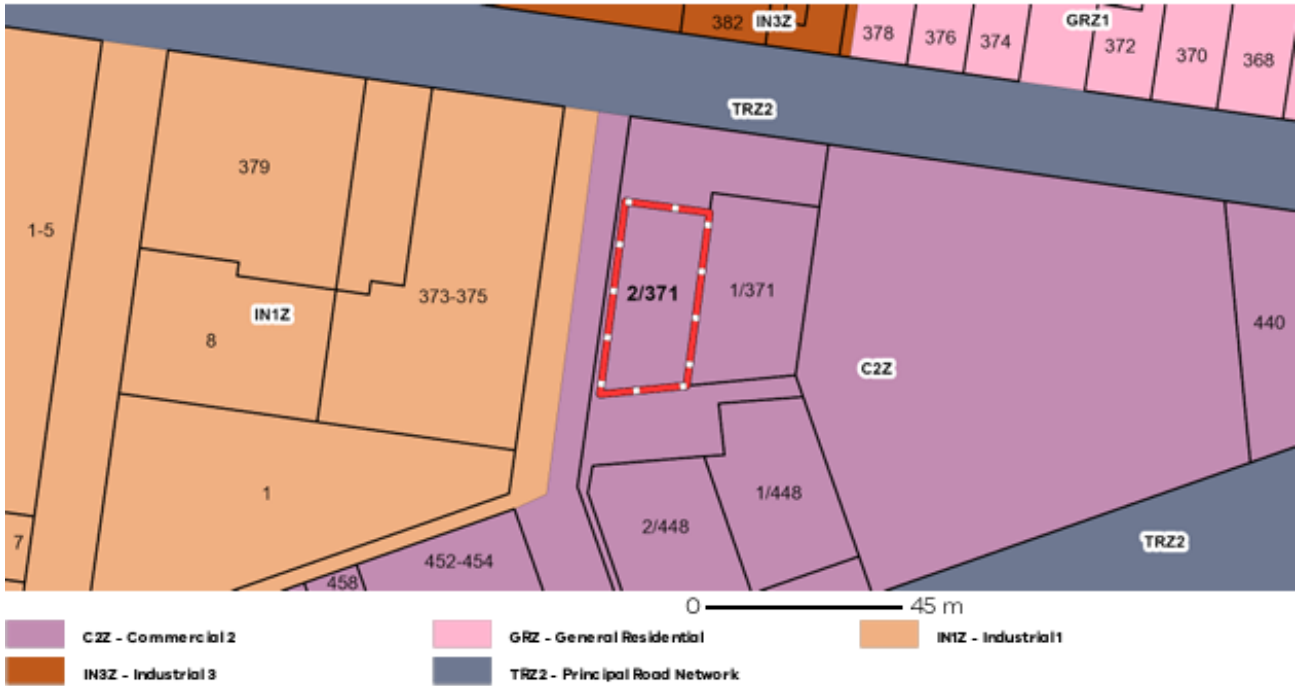


Figure 4 – Subject Site Zoning Plan

### 5.3 Overlays

The subject site is affected by the Development Contributions Plan Overlay - Scheule 2 (DCPO2) as shown in **Figure 5** below. However, given that development is not proposed, the overlay is irrelevant to this planning application.

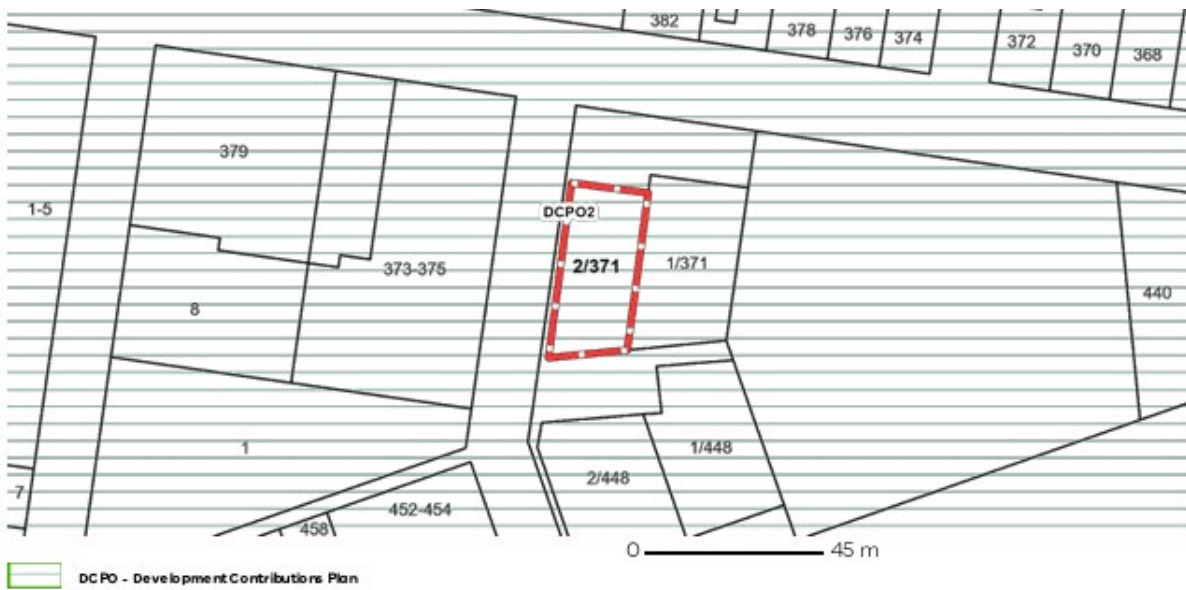


Figure 5 – Subject Site Overlay Plan.

## 5.4 Particular Provisions

### Clause 52.06 Car Parking

The purpose of Clause 52.06 is:

- *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.*

Pursuant to Clause 52.06-1, this provision applies to *an increase to an existing use by the measure specified in Table 1 in Clause 52.06-5 for that use.*

The subject site is listed as a Category 2 site in the Car Parking Requirement Maps (Department of Transport and Planning, 2025). Pursuant to Table 1 of Clause 52.06-5, the statutory car parking rate for secondary schools is 0.5 space to each employee that is part of the maximum number of employees on the site at any time.

While it is proposed to increase the number of employees at the school, the Education centre has access to a minimum of 16 spaces and maximum of 21 on-site car spaces<sup>1</sup>, which will more than exceed the planning scheme's statutory requirement for the proposed 10 employees (just 5 spaces would fulfil statutory requirement).

The school also currently operates two private school buses, which collect students and drops them off from school. At present, approximately 8-10 students use each bus on a normal school day (16-20 students in total).

---

<sup>1</sup> 16 spaces take into consideration that the Church can operate during school hours from the site, albeit only with 5 persons attending the site at any one time as restricted by condition 4(a) of Planning Permit TP616/2018(3).

**Clause 52.34 – Bicycle Facilities**

This provision aims to encourage cycling as a mode of transport, and provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Pursuant to Clause 52.34-5, the following bicycle parking rates apply to secondary school developments:

- *Employee spaces: 1 to each 20 employees; and*
- *Secondary student spaces: 1 to each 5 pupils.*

Clause 52.34-1 states that 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.

**Staff Spaces**

Given that 5 additional employees are proposed, no increase in bicycle spaces is required.

**Secondary Student Spaces**

The proposed increase of 10 students would result in a requirement for 2 additional bicycle spaces.

No additional spaces are proposed and the appropriateness of this is discussed at Section 6.0 of this report.

**Clause 53.19 – Non-Government Schools**

This provision helps to streamline the process for development of new, and the upgrade and expansion of existing, non-government secondary schools.

As per Clause 53.19-2, 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 (i.e. there is no opportunity for the planning application to be appealed to VCAT by a third party).

## 6. Planning Assessment

Oak Tree College provides an important contribution to the education needs of the Maribyrnong Council area and surrounds through providing specialist secondary education places for 15-20 year olds.

The school caters for students that might otherwise exit the school system early if only having access to regular secondary education centres. By providing an alternative that specifically caters to this age group and particular student requirements, the school provides an important service to the community.

The proposal to modestly expand student and staff numbers and operating hours is consistent with the Planning Policy Framework and the relevant provisions of the Maribyrnong Planning Scheme, which is now discussed.

### 6.1 Assessment against Planning Policy Framework

The proposal is consistent to the Planning Policy Framework as follows:

- The proposal will provide additional student places to satisfy ongoing demand for specialist private school places in the Maribyrnong Council area and beyond through increasing an existing school's student and staff number cap, consistent with the objectives and strategies of Clauses 11.01-1S, 11.02-3S, 19.02-2S and 19.02-2L.
- The proposal supports a carefully considered expansion of an existing education centre use in a community that is experiencing population increase and change. The proposal addresses this demand through increasing specialist student places in the 15-20 year age group in sequence with the community in accordance with Clause 11.02-3S.
- The proposal will provide a modest increase in employment opportunities and thus will enhance the economic development role of the Tottenham Core Employment Area in accordance with Clause 17.01-1L.
- The proposal will enable an established school to provide ongoing high-quality specialised education, consistent with the objectives and strategies of Clause 19.02-2S and Clause 19.02-2L (Education facilities). The proposed modest increase in hours will enable to staff to more efficiently run the school and help teachers to prepare for classes prior to commencement.

- The proposal is further supported by Clause 19.02-2S through:
  - Ensuring adequate on-site parking for both staff and visitors, noting that the current provision of 21 spaces is well in excess of the statutory requirements of the planning scheme.
  - Maximising the site's capacity to accommodate education facilities in response to current and future community educational needs.

## 6.2 Assessment against relevant Planning Provisions

### **Commercial 2 Zone (C2Z)**

The proposal is consistent to the Purpose, Objectives and Decision Guidelines of the C2Z, discussed as follows:

- The proposed increase in student and staff numbers and operation hours will enhance this private school's ability to service local community needs and provide a modest increase in employment opportunities in a defined Core Employment Area.
- The expansion of the use will not detrimentally impact the amenity of the neighbourhood, which is characterised by light industrial and commercial use. Staff arriving half an hour earlier in the morning is highly unlikely to have any perceivable impact to surrounding uses and roads.
- No changes will occur to the physical appearance of the school, to deliveries or to emissions that will be perceivable from beyond the property boundaries (while noise emissions could perceivably increase, these will not be noticeable given the nature of the area).
- Well-located education centres are critical to the health and well-being of communities and consolidating the use of existing centres is a sustainable form of land-use.
- The expanded use of the site as an education centre is compatible with nearby uses, particularly residential that are located in the broader area, as the school is central to a large catchment of dwellings in a location that will minimise any potential amenity impacts such as noise, parking and traffic.
- The increase in student numbers is supported by the number of car spaces available on site. The school is able to use 21 on-site spaces shared with the Church. Given that 10 staff are proposed, the available car parking is viewed as more than adequate. The available spaces will also cater for students driving themselves to the school (noting again that the school caters for 15 to 20 year olds).

- An appreciable increase in car vehicle movements is not anticipated, and the road system is unlikely to be over-burdened by the proposed increase in students given the collector/arterial nature of surrounding roads.
- Public transport is available and this includes several bus routes that provide connection to nearby train lines.

### **Clause 52.06 – Car Parking**

The proposal is supported by Clause 52.06 as follows:

- The statutory requirement for this education centre is 0.5 spaces per employee. Given that the school has shared access with the church to 21 spaces, the proposed increase to 10 staff will continue to be catered for adequately by the existing on-site spaces. This is taking into consideration that the church is restricted by condition 4(a) of Planning Permit TP616/2018(3) to having a maximum of 5 persons on-site during the school hours. In the worse case scenario, the school would have access to 16 spaces, which at a statutory rate of 0.5 space per employee would enable 32 staff.
- The on-site spaces satisfy the projected empirical needs of the school following the proposed increase of 10 students and 5 staff. It is possible that a proportion of the new students will drive themselves to the school given that it caters for 15 to 20 year olds. In the very unlikely case that all 10 new students drive, there would continue to remain a surplus of car space available in the car park at the subject site.
- It is noted again that the school operates a private bus service that 16-20 of the current 40 students utilise. Therefore, this service caters for a large proportion of the current students and presumably will cater for a proportion of the new students.
- The school is conveniently accessible by public transport including bus.
- The proposal is consistent with planning policy and provides adequate infrastructure to support the proposal.

**Clause 52.34 – Bicycle Facilities**

Clause 52.34-1 states that 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. The following assessment is provided:

Staff Spaces

- No additional staff spaces are required by the planning scheme.

Secondary Student Spaces

- The proposed increase of 10 secondary students at the school would result in a requirement for 2 additional bicycle spaces. As noted, no additional bicycle spaces are proposed due to the lack of perceived demand.
- According to the school, students rarely if ever access the site by bicycle. This is due to the school's location which is more accessible by the private bus service and public transport, which is the favoured form of travel.
- Accessing the school by bicycle would generally mean travelling on main roads that are not particularly safe for this mode of transport.
- Space does exist for bicycles, and if there was demand for spaces the school would consider installing racks. However, this has not been sought by staff or students to-date.

**Clause 65.01 Decision Guidelines – Approval of an Application or Plan**

The proposal is consistent with Clause 65.01, discussed as follows:

- The proposal will not impact loading and refuse collection facilities at the site.
- The combination of distance from dwellings and building siting will mean that any additional noise or impact to amenity from the increase in students will be minimised and inconsequential to the surrounding area.

## 7. Conclusion

The proposal demonstrates appropriate compliance with the Planning Policy Framework, the C2Z, Clause 52.06, Clause 52.34 and other relevant planning scheme provisions. It involves expanding the capacity of an existing school to deliver essential educational facilities that will benefit the local and broader community.

The proposal represents orderly planning of the area through improving the utilisation of existing infrastructure. Consolidating existing school facilities is a sustainable approach to land use. The site has the capacity to accommodate the additional students and staff and increase operating hours without compromising the broader planning values of the area.

The proposal provides continued support for a Core Employment Area through modestly increasing employment opportunities.

The proposal will not result in unacceptable impacts on the surrounding area due to parking and traffic. The existing provision of on-site spaces meets the statutory and empirical requirements of Clause 52.06.

The proposed reduction of bicycle parking requirements is justified. The use of bicycles is not a preferred mode of travel. The site is highly accessible via public transport and the school operates a private bus service that has a high level of use. This counters the need for bicycle spaces.

In light of the proposal's strong alignment with the relevant assessment criteria, approval of the application to increase student and staff numbers and operating hours through amending Condition 3(b) and 4(b) of Planning Permit TP616/2018(3) is justified.

## Appendix A - Title