

Planning Assessment Officer Report

PA2503914 – 19 Diamond Street,
Eltham Catholic Ladies College



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL



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Executive Summary



| Key Information | Details | | |
|---|--|--|---|
| Application No: | PA2503914 | | |
| Received: | 4 September 2025 | | |
| Statutory Days: | 69 | | |
| Applicant: | Catholic Ladies' College c/- Natalie Gray Pty Ltd | | |
| Planning Scheme: | Nillumbik | | |
| Land Address: | 19 Diamond Street, Eltham | | |
| Proposal: | Buildings and works associated with an existing secondary school, including extension to gym building, permanent retention of single-storey portable classrooms and display of a business identification sign. | | |
| Development Value: | \$ 7.0 m | | |
| Why is the Minister responsible? | In accordance with Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for the development of land for a primary or secondary school, where the estimated cost of development exceeds \$3 million. | | |
| Why is a permit required? | Clause | Control | Trigger |
| Zone: | Clause 32.09 | Neighbourhood Residential Zone Schedule 1 (NRZ1) | <i>Clause 32.09-10 – Construct a building or construct or carry out works associated with Section 2 land use (secondary school)</i> |
| | Clause 37.03 | Urban Floodway Zone (UFZ) | N/A |
| Overlays: | Clause 42.01 | Environmental Significance Schedule 1 (ESO1) | <i>Clause 42.01-2 – Construct a building or construct or carry out works</i> |
| | Clause 42.01 | Environmental Significance Schedule 4 (ESO4) | N/A |
| | Clause 42.03 | Significant Landscape Schedule 2 (SLO2) | N/A |
| | Clause 44.04 | Land Subject to Inundation (LSIO) | N/A |
| Particular Provisions: | Clause 52.05 | Signs | <i>Clause 52.05-13 Display business identification sign</i> |
| | Clause 52.06 | Car Parking | N/A |
| Cultural Heritage: | The land is included in an Aboriginal Cultural Heritage Area, within 200 metres of Diamond Creek. The preparation of a Cultural Heritage Management Plan is not required given the land use operated lawfully on this site prior to 28 May 2007. | | |
| Total Site Area: | 9.66 ha | | |
| | <i>Gym extension</i> | <i>Portable classrooms</i> | |
| Gross Floor Area: | 762 sqm | 165 sqm | |
| Height: | 2 storeys | 1 storey | |



| | 9.21 metres | 3.87 metres | |
|-------------------------|--|--------------------|-----------------|
| Parking: | Cars | Motorcycles | Bicycles |
| | 149 (no change) | No change | No change |
| External Advice: | Nillumbik Shire Council (s52(1)(b) notice – no objection to resolution of key matters) | | |
| Public Notice: | Notice of the application was not undertaken. | | |
| Recommendation: | Grant planning permit PA2503914 | | |



Application Process

1. The key milestones in the application process were as follows:

| Milestone | Date |
|---|--|
| Pre-application meeting (DTP & applicant) | 19 August 2025 |
| Application lodgement | 4 September 2025 |
| Further information requested | 30 September 2025 |
| Further information received | First response: 19 December 2025 Second response: 22 January 2026 |
| Decision Plans | <p>Architectural Plans (gym extension) prepared by One Design Office Multidisciplinary Design, titled 'Catholic Ladies' College – Dance, Drama & Gym Extension', Revision C and dated 26 January 2026.</p> <p>Architectural Plans (portable classrooms) prepared by Ausco Modular, titled Catholic Ladies College, Revision A and dated 20 August 2025.</p> |
| Other Assessment Documents | <p>Arboricultural Impact Assessment, prepared by Action Tree Specialist and dated 13 October 2025.</p> <p>Bushfire Development Report prepared by Terramatrix and dated 11 March 2025</p> <p>Biodiversity Letter of Advice prepared by Biosis and dated 28 February 2025.</p> <p>ESD Memo and NCC Part J Report, prepared by Simpson Kotzman and dated 29 October 2025.</p> <p>Tree Protection Management Plan prepared by Action Tree Specialists and dated 13 October 2025.</p> <p>Waste Management Memo prepared by Catholic Ladies' College and dated 16 October 2025, Waste Service Agreement prepared by Veolia and dated 8 July 2024 and Commercial Cleaning Memo prepared by Ominta Commercial and dated 22 January 2026.</p> <p>Waste Sensitive Urban Design Memo prepared by Simpson Kotzman and dated 10 December 2025.</p> <p>Civil Site Plan prepared by FMG Engineering and dated 19 November 2025.</p> <p>Cultural Heritage Letter of Advice prepared by Ecology & Heritage Partners and dated 12 March 2021.</p> <p>Planning Report prepared by Natalie Gray and dated 19 December 2025.</p> |

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. The proposed gym extension and relocatable classrooms can be summarised as follows:

| Key Information | | Details | |
|--|-------------|--|--|
| | | <u>Gym extension building</u> | <u>Relocatable classrooms</u> |
| Gross Floor Area: | | 762 sqm | 165 sqm |
| Height: | | 9.21 metres (maximum) | 3.87 metres |
| Setbacks boundaries (minimum) | from | North – 92.58 metres South – 180.3 metres East – 173.66 metres West – 168.61 metres | North – 78.5 metres South – 278 metres East – 271 metres West – 68 metres |
| Land Uses: | | Education centre (secondary school) | |
| Car Parking: | | 149 spaces (no change) | |
| Bicycle Parking: | | No change | |
| Motorcycle Parking: | | No change | |
| Total Parking: | | 149 spaces (no change) | |
| Loading and Waste arrangements: | | Via existing vehicle access from Diamond Street and waste storage area adjoining western boundary. | |

4. Specific details of the application are provided below:

Gym extension

- The primary component of this application is an extension to the existing gym building.
- The existing gym is located to the eastern parts of the school campus and consists of indoor sports court, storage, change rooms and mezzanine storage areas, currently has a gross floor area of 1,271 sqm and a maximum building height of 9.63 metres
- The gym is constructed of brick and colorbond. A portion of the ground floor northern wall is proposed to be demolished to accommodate internal connection with the proposed extension.
- The proposed extension seeks to provide additional physical education and performing arts facilities to service the existing secondary school campus. Refer to the proposed floor plan at Figure 2.
- The proposal does not create capacity for any additional staff or students on the land, with the maximum capacity to remain as 850 students and 90 staff, consistent with existing operations.
- The proposed extension is double storey, with a maximum building height of 9.21 metres and is adjoining the northern wall of the existing gym and connected through a central atrium foyer area.
- The extension is well separated from all site boundaries, with a minimum setback of 92.58 metres from the northern boundary and setback exceeding 168 metres from all other boundaries.
- The gym extension consists of drama studio, high performance gym, one general learning classroom, storage and locker areas, office, amenities on the ground floor and dance studio space within the first-floor mezzanine space.



13. The extension has an internal gross floor area of 762 sqm, in addition to external stairs and seating orientated toward the eastern sports field, which is to follow the natural slope of the land.
14. The design includes concrete and metal panel external cladding, colorbond roof sheeting in surfmist and clear glazing. The extension is accessible via the central entrance foyer, connected to the existing concrete footpath to the west. Secondary access is provided via the ground floor gym.
15. A new retaining wall with maximum height of 0.550m is proposed adjacent to the western wall and portion of the northern wall, creating a concrete pathway around the building.
16. A 5000-litre rainwater retention tank and sewer pump is proposed adjoining the northern building wall. A larger 36,000-litre underground detention tank for stormwater retention is proposed to be installed immediately north of the development, for the temporary control of flow to the legal point of discharge.



Figure 1 Existing gym as viewed from the north

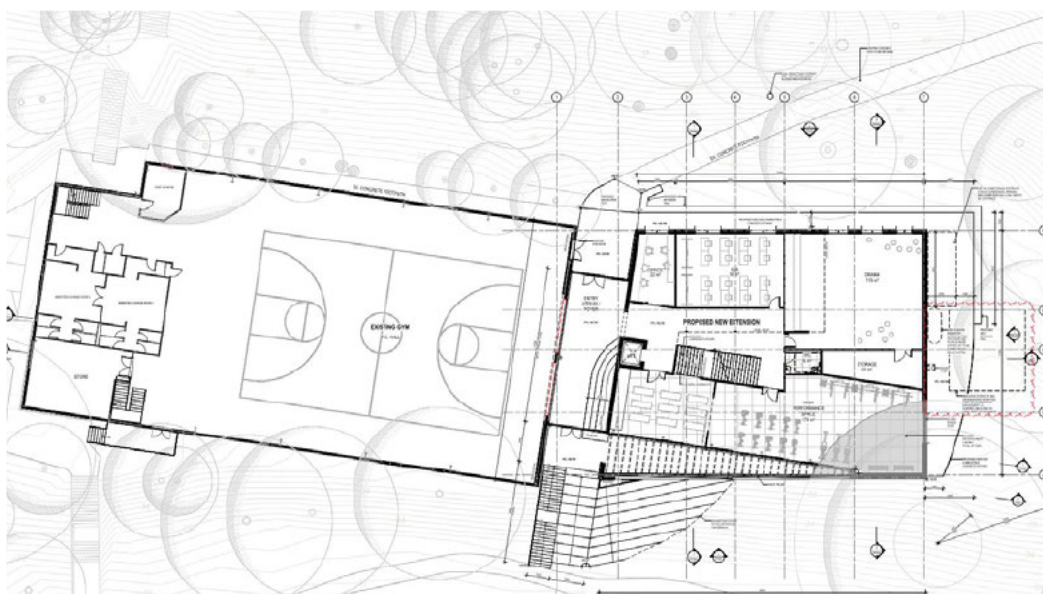


Figure 2 Proposed gym extension floor plan

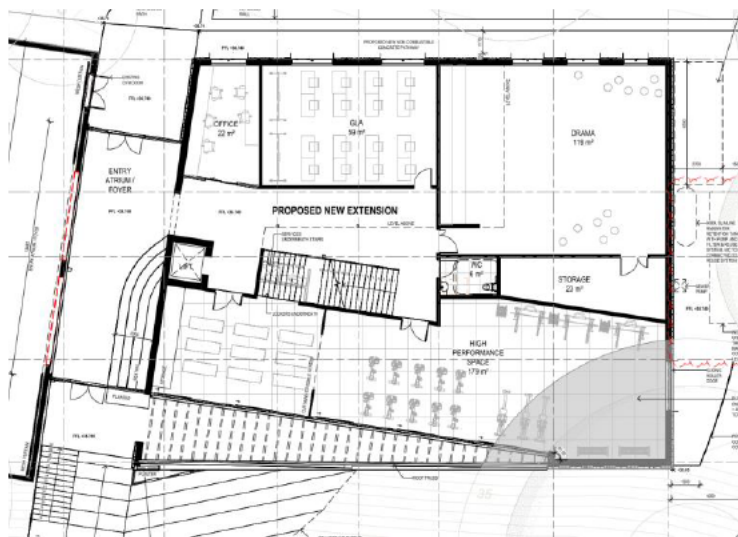


Figure 3 Proposed extension ground floor plan

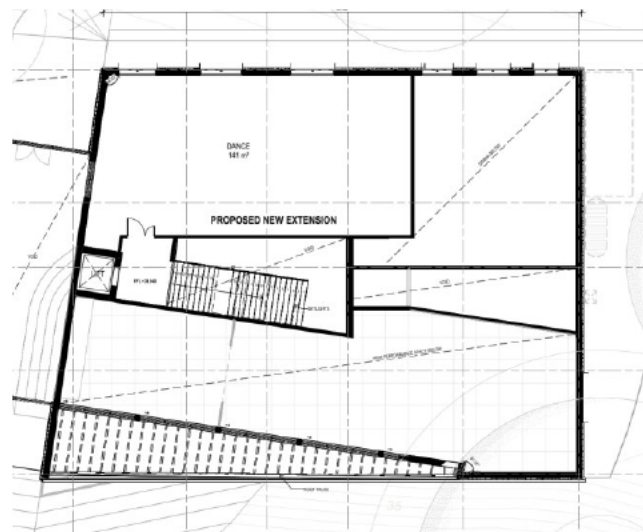


Figure 4 Proposed extension first floor mezzanine plan

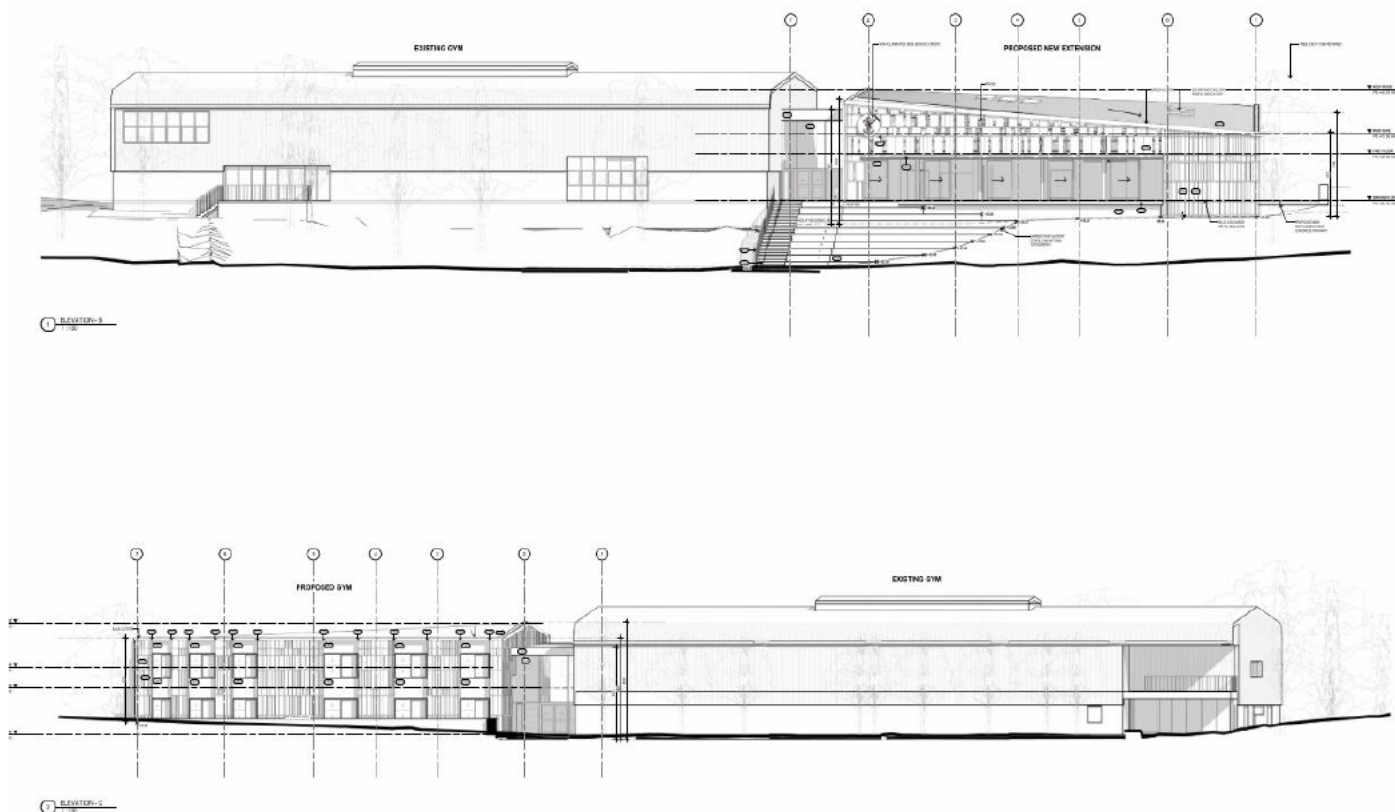


Figure 5 Proposed east and west elevation plans

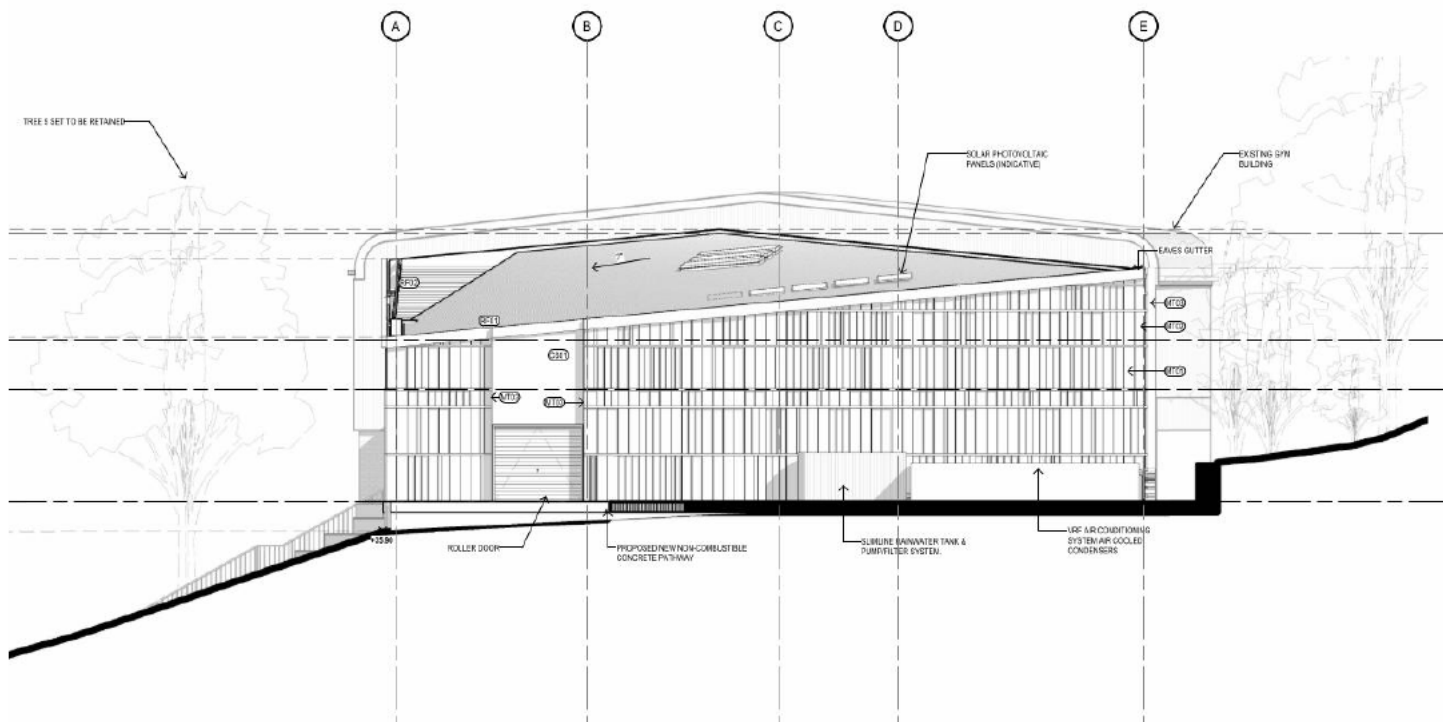


Figure 6 Proposed northern elevation plan

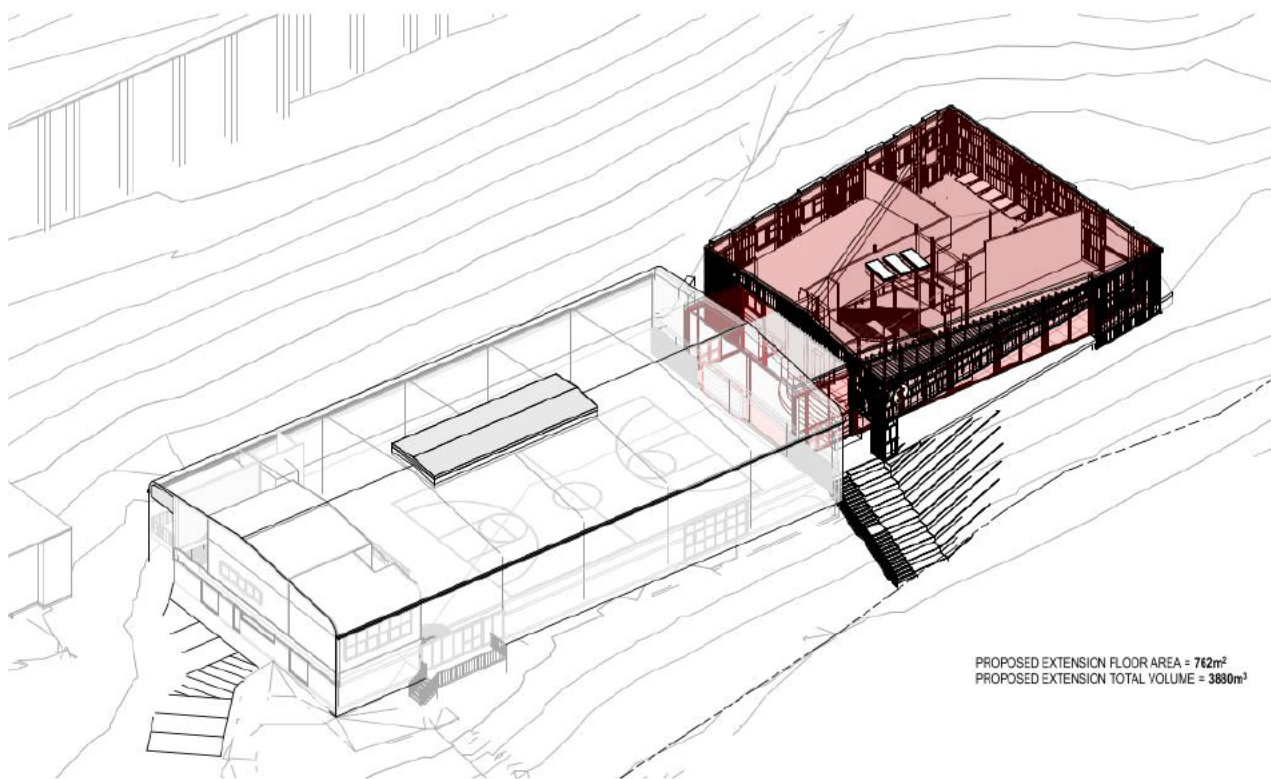


Figure 7 Proposed isometric plan

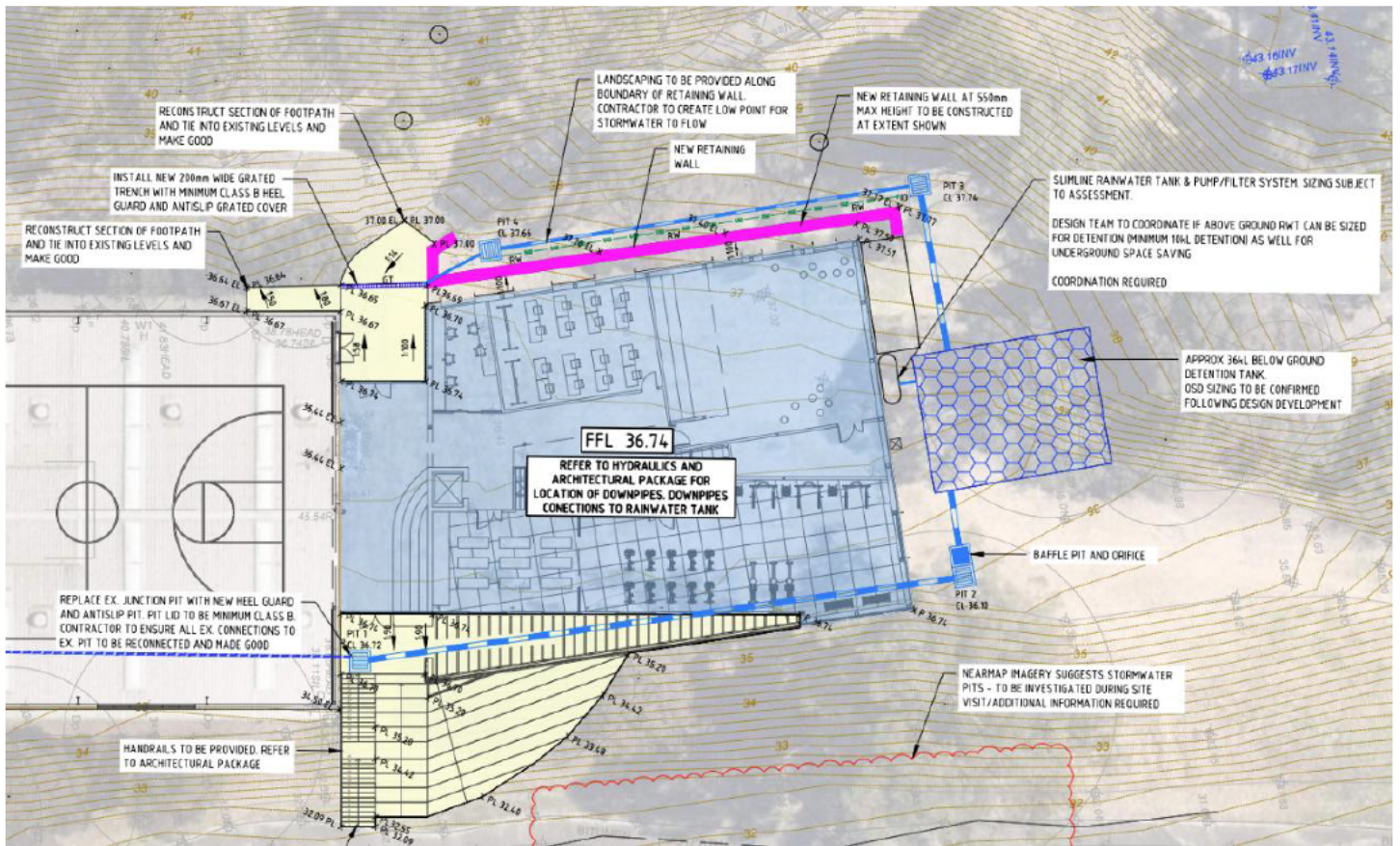


Figure 8 - Proposed civil works layout

Tree removal

- The development of the gym extension requires the removal of four existing trees, located immediately northeast of the existing gym building. The proposed trees include three Iron Bark Gum trees and one Willow Myrtle, all of which were planted on the land.

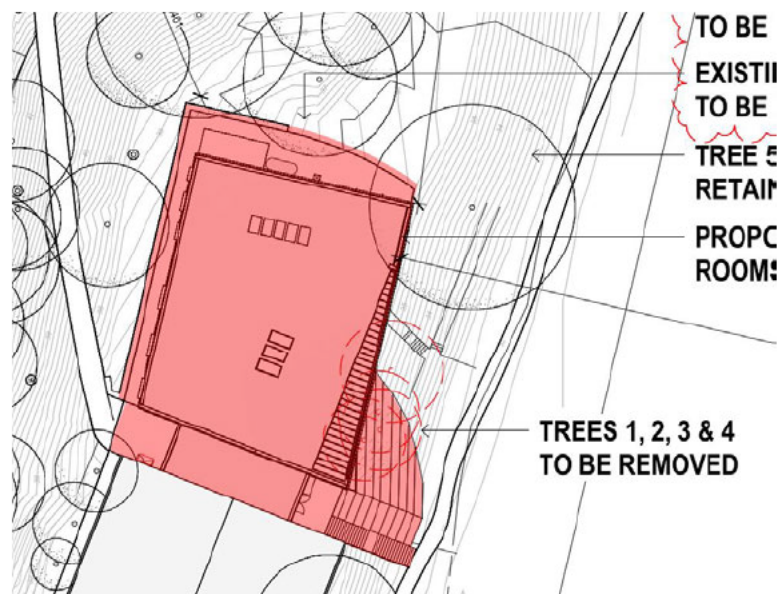


Figure 9 Location of Trees 1-4 proposed for removal

Business identification signage

18. A non-illuminated business identification sign is proposed to be displayed on the eastern elevation of the extended gym building, approximately 4.4 metres above ground level.
19. The sign is to display the school logo in navy and white, with a maximum area of 2.01sqm. The sign will be orientated toward the internal sports fields and will not be visible outside the campus.



Figure 10 Signage location - eastern elevation

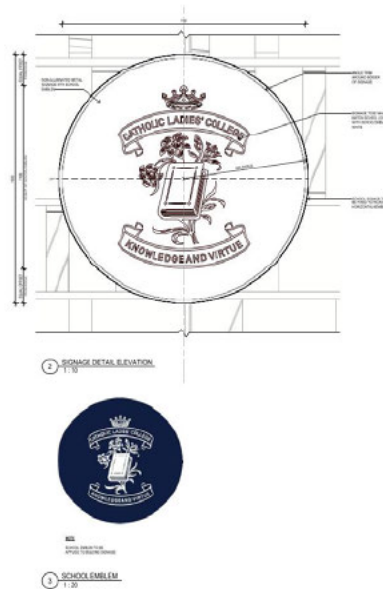


Figure 11 Signage details

Portable classrooms

20. As part of the application, it is also sought to formalise an existing single-storey portable classroom building which has been installed at the northwest of the site, adjoining the science laboratories and centenary building.
21. The portable building consists of two general learning classrooms and two central offices/ preparation rooms. The building was initially installed as temporary space but is now intended to be retained indefinitely by the school.
22. The classroom buildings have a combined floor area of 165sqm and maximum height of 3.87 metres.
23. The buildings incorporate trimdeck roof cladding, CCS Mesa exterior cladding and clear glazing. A covered verandah is also provided along the southern elevation, providing pedestrian canopy to classroom entrances.
24. The building is setback a minimum of 65 metres and obscured from view from outside the campus.

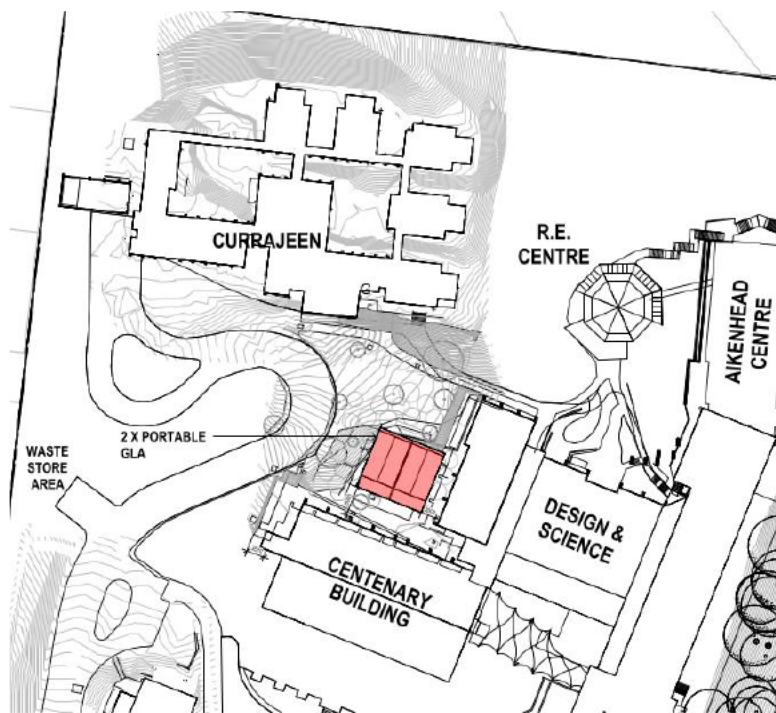


Figure 12 Portable classroom building - site plan location

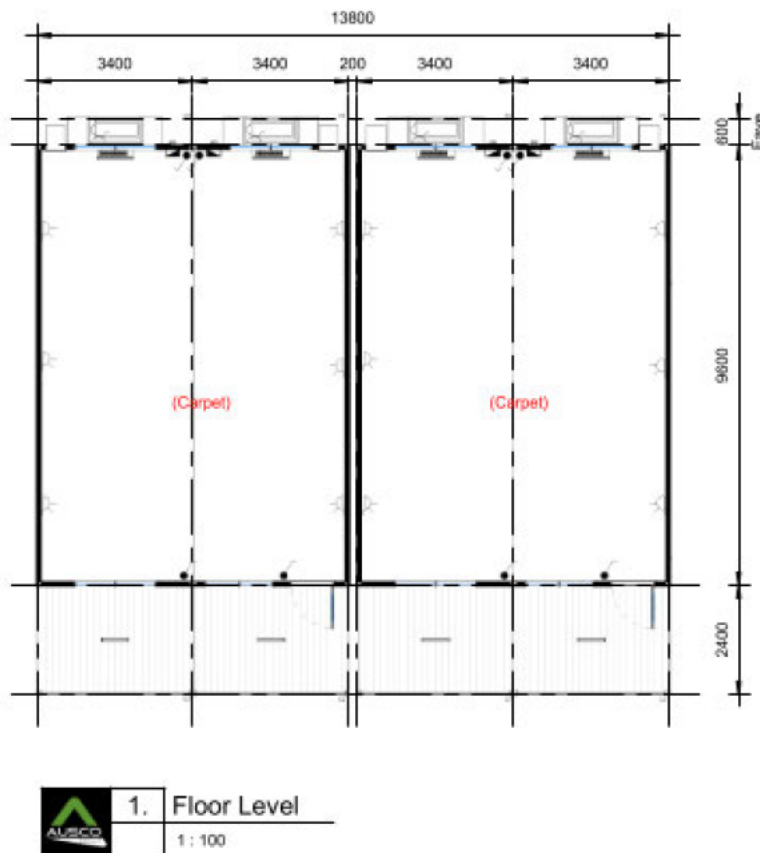


Figure 13 - Portable classroom building floor plan



Figure 14 - Portable classroom building elevation plans

25. The applicant has provided the following concept images of the proposal:



Figure 15 Concept image - Gym extension eastern interface with existing sports fields



Figure 16 Concept image - Gym extension, eastern external stairs and seating



Figure 17 Concept image - Gym extension western elevation and adjacent retaining wall



Site Description

26. The irregular shaped parcel has an overall area of approximately 9.66 ha, with a street frontage of 271 metres to Diamond Street, the only street frontage to the site. The site is formally described as Lot 1 on Title Plan 851954C.
27. The land is developed and operates as Catholic Ladies College secondary school, which was originally established on the land in 1971.
28. The land is occupied by various school buildings, sports fields, carparking and internal private roads. The land falls significantly to the southeast, toward the Diamond Creek corridor. Consequentially, the steep eastern portion of the land is largely undeveloped.



Figure 18 Aerial image of subject site and surrounds

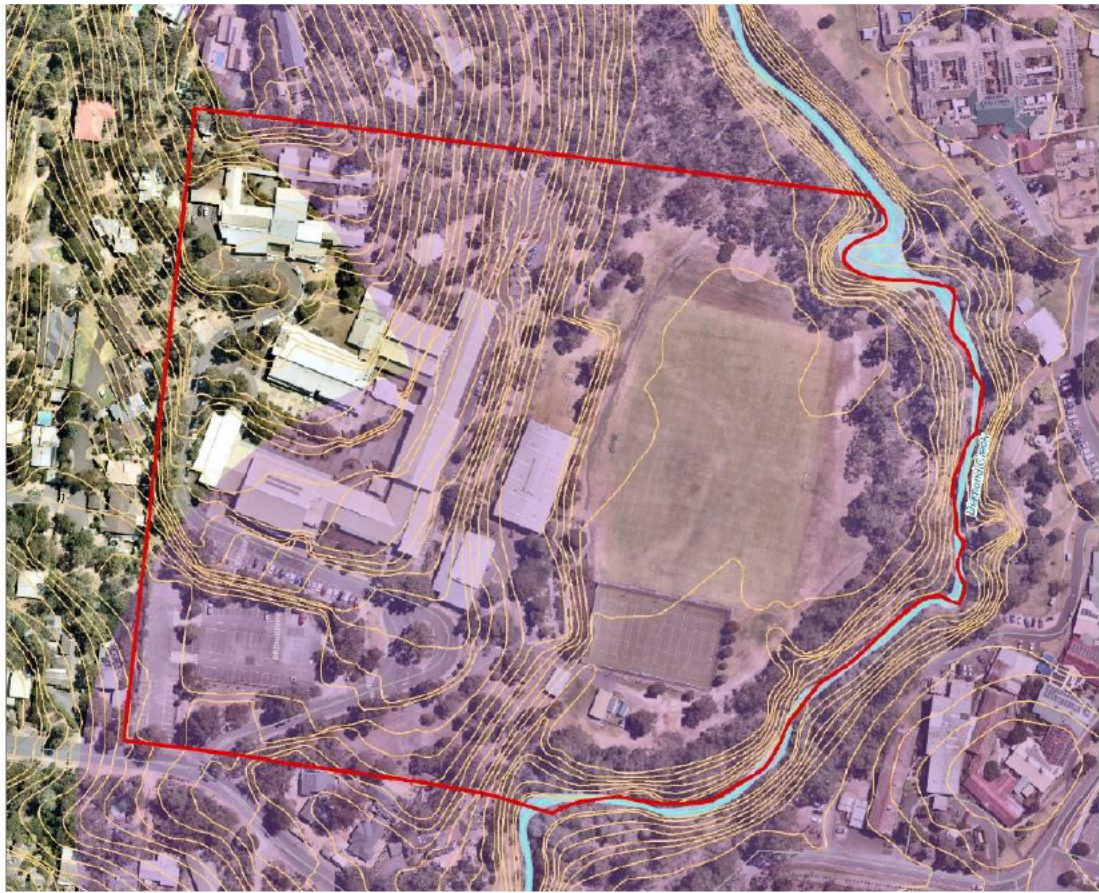


Figure 19 Land contours showing the topography of the site



Figure 20 Site frontage and entrance from Diamond Street (Source: Google Maps)

29. The majority of the site is included in the Neighbourhood Residential Zone (Schedule 1), while the eastern boundary adjoining the creek is included in the Urban Flood Zone.

30. The land is partially affected by several overlays, specifically:

- Environmental Significance Overlay (Schedules 1 and 4)
- Land Subject to Inundation Overlay
- Significant Landscape Overlay (Schedule 2)

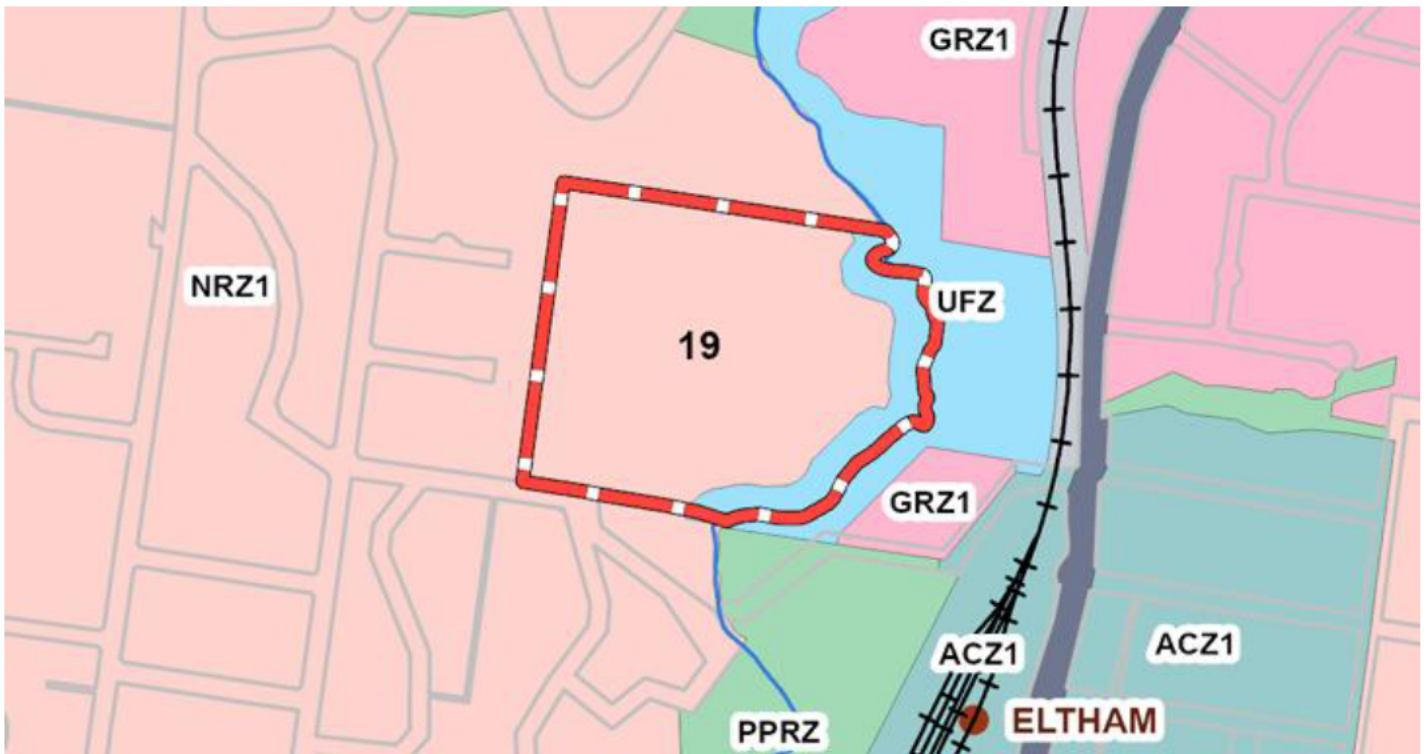


Figure 21 Subject site zoning



Figure 22 Extent of SLO and ESO



Figure 23 Extent of LSIO

31. The land is not affected by any covenants or restrictions; however, the following easements exist on the site, which are shown in Figure 24. The proposed buildings and works are not constructed over any of the easements.

Easement E-1



Drainage easement, abutting the western site boundary for approximately 112 metres, ranging from 2- 5.78 metres wide, at in favour of Melbourne Water (formally Melbourne & Metropolitan Board of Works)

Easement E-2

2-metre-wide drainage easement, abutting the western site boundary for approximately 112 metres, in favour of Nillumbik Shire Council (formally Shire of Eltham) and Melbourne Water (formally Melbourne & Metropolitan Board of Works).

Easement E-3

2.44-metre-wide drainage easement, located at the southwest of the site, in favour of Nillumbik Shire Council (formally Shire of Eltham).

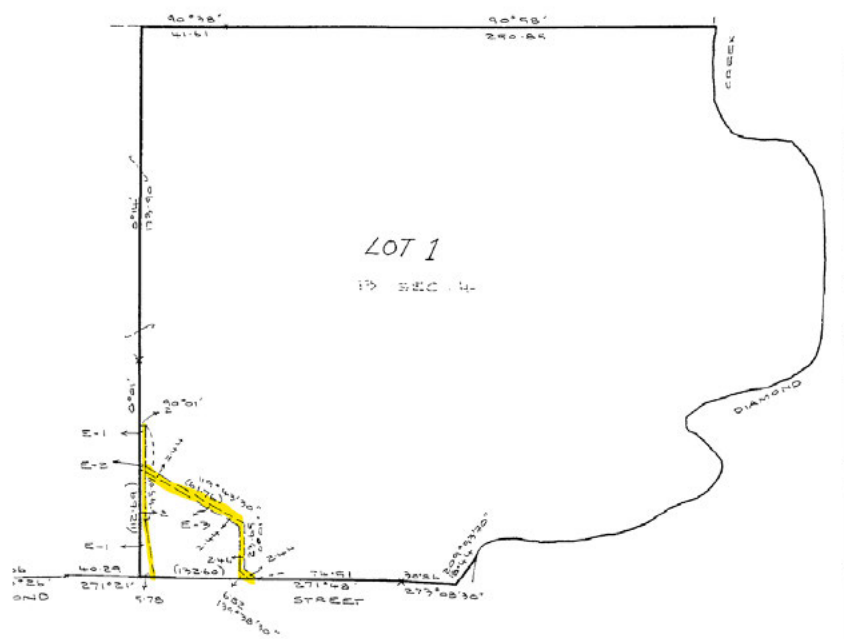


Figure 24 Plan of subdivision and existing easements

Site Surrounds

32. The surrounding development consists mainly of residential development, typically characterised by detached dwellings and vegetated gardens and road reserves.
33. The site is bounded to by the Diamond Creek corridor to the east and residential development to the north, west and south.
34. Development surrounding the site can be described as follows:
 - To the **north** of the site: Residential development, consisting of predominantly dwellings zoned within NRZ1.
 - To the **south** of the site: Residential development (predominantly dwellings zoned within NRZ1) and Andrew Park and Eltham Central Oval beyond.
 - To the **east** of the site: Diamond Creek corridor, Eltham Lodge Nursing Home and Hurstbridge railway line beyond.
 - To the **west** of the site: Residential development, consistent of dwellings zoned within NRZ1.



Figure 25 Aerial image of subject site and wider surrounds



Municipal Planning Strategy

35. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

| Clause | Description |
|---------|------------------------------------|
| 02.01 | Context |
| 02.02 | Vision |
| 02.03-1 | Settlement |
| 02.03-2 | Environmental and landscape values |
| 02.03-3 | Environmental risks and amenity |
| 02.03-5 | Built environment |
| 02.03-9 | Community Infrastructure |

Planning Policy Framework

36. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

| | |
|------------------|---|
| Clause 11 | Settlement |
| 11.01-1R | Settlement – Metropolitan Melbourne |
| 11.01-1L-01 | Settlement in Nillumbik |
| Clause 12 | Environmental and Landscape Values |
| 12.03-1S | River and riparian corridors, waterways, lakes, wetlands and billabongs |
| Clause 13 | Environmental Risks and Amenity |
| 13.02-1S | Bushfire Planning |
| 13.02-1L | Bushfire management in Nillumbik |
| 13.03-1S | Floodplain Management |
| 13.03-1S | Floodplains in Nillumbik |
| 13.07-1S | Land use compatibility |
| Clause 15 | Built Environment and Heritage |
| 15.01-2S | Buildings Design |
| 15.01-2L-01 | Building Design in Nillumbik |
| 15.01-5S | Neighbourhood Character |
| 15.01-5L | Neighbourhood Character – Nillumbik |
| Clause 19 | Infrastructure |
| 19.02-2S | Education facilities |
| 19.02-2R | Education precincts – Metropolitan Melbourne |

37. The assessment section of this report provides a detailed assessment of the relevant planning policies.



Zoning and Overlays

Applicable Zones

Clause 32.09 - Neighbourhood Residential Zone (Schedule 1)

38. A planning permit is required to construct a building or construct or carry out works for a use (secondary school) listed in section 2 of clause 32.09-2.
39. The relevant purposes of the Neighbourhood Residential 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 is responsive to 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.
40. The following sections include a discussion of how the proposal responds to these requirements.

Clause 37.03 - Urban Floodway Zone

41. The Urban Floodway Zone affects a portion of the subject site along the Diamond Creek, adjacent to the eastern boundary only.
42. As the buildings and works proposed through this application are contained entirely outside the land within in Urban Floodway Zone and as such no planning permission is required under this provision.

Applicable Overlays

Clause 44.04 - Land Subject to Inundation Overlay

43. The proposed buildings and works are located entirely outside the land affected by the Land Subject to Inundation Overlay.
44. Consequentially, no planning permission is required under this overlay Clause 44.04 – Land Subject to Inundation Overlay.

Clause 42.01 - Environmental Significance Overlay (Schedule 1)

45. The proposed gym extension and portable classroom buildings are located on land affected by Schedule 1 to the Environmental Significance Overlay.
46. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 42.01-2, given that the proposed buildings and works do not meet any of the exemptions provided at Clause 3.0, Schedule 1 to the ESO and consent is sought under this provision. The following sections include an assessment of the proposal against the requirements of the overlay.
47. The objectives of the overlay are:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To identify areas where the development of land may be affected by environmental constraints.
 - To ensure that development is compatible with identified environmental values.
 - To protect and enhance regional and strategic habit links, including sites of faunal and habitat significance identified in (Beardsell 1997) Sites of Faunal and Habitat Significance in North East Melbourne.



48. The four trees proposed to be removed through the proposal are identified as planted. The removal of this vegetation therefore meets the exemption provided at clause 3.0, schedule 1 to the ESO, which exempts the removal of vegetation which has been planted or grown for aesthetic or amenity purposes.
49. As such, planning permission relating to vegetation removal is not required under this schedule to the overlay and an assessment against the objectives of this provision is not required.

Clause 42.01 - Environmental Significance Overlay (Schedule 4)

50. Schedule 4 to the ESO affects a portion of the subject site along the Diamond Creek, adjacent to the eastern boundary only. The buildings and works and vegetation removal proposed through this application are contained entirely outside the land affected by the ESO4 and as such no planning permission is required under this provision. Clause 42.03 - Significant Landscape Overlay (Schedule 2)

Clause 42.03 – Significant Landscape Overlay (Schedule 2)

51. The proposed buildings and works are located entirely outside the land affected by the Significant Landscape Overlay. As such, no planning permission is required under this overlay and an assessment against the objectives of this provision is not required.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.05 - Signs

52. Clause 52.05 sets out the requirements for the construction and display of signage. The purpose of the provision is:
- To regulate the development of land for signs and associated structures.
 - To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
 - To ensure signs do not contribute to excessive visual clutter or visual disorder.
 - To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.
53. Pursuant to Clause 32.09-15, land within a *Category 3 – High amenity areas*.
54. Pursuant to Clause 52.05-13, a permit is required to construct and display a business identification sign.
55. The application seeks consent to install a 2.01sqm (non-illuminated), business identification sign on the eastern elevation of the proposed gym extension building.

Clause 52.06 - Carparking

56. Clause 52.06 sets out the requirements of car parking provision and design.
57. The purpose of the particular provision is:
- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
 - To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
 - To support sustainable transport alternatives to the motor car.
 - To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
 - To ensure that car parking does not adversely affect the amenity of the locality.



- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

58. Clause 52.06-1 specifies that the clause 52.02 applies to an increase in floor of an existing use.
59. Clause 52.06-2 specifies that before the floor area or site area of an existing use is increased, the minimum of car parking spaces for a use must be provided to the satisfaction of the responsible authority.
60. The subject site is partially included in car parking requirement areas category 1 and 2, with category 2 the prevailing category.
61. This application does not create capacity for any additional staff or students on the campus and as such does not generate any additional demand for carparking spaces. Consequentially, no planning permission to reduce the carparking requirement is sought under this overlay and an assessment against the objectives of this provision is not required.
62. Existing carparking areas are provided at the southwest and northern area of the site and will continue to cater for parking requirements, consistent with previous planning consents for the site.

Clause 52.17 – Native Vegetation

63. The application proposes the removal of 4 trees, including a Weeping Myrtle tree and three Iron Bark Gum trees, all of which are Australian native species.
64. The trees proposed for removal were planted as landscaping on the school site and meet the exemption provided for planted vegetation provided at Clause 52.17-7.
65. On this basis, no planning permission is required under this provision.

Clause 52.37 - Canopy Trees

66. Clause 52.37 was introduced into all planning schemes through Scheme Amendment VC289, which was gazetted on 15 September 2026. This application was on lodged on 4 September 2026, prior to the gazettal of this amendment. A planning permit is required to remove, destroy or lop a canopy tree in residential zones in accordance with clause 52.37-2. This provision also sets out minimum requirements for site canopy coverage.
67. Transitions provisions provided at Clause 52.37-9 state the requirements of the provision do not apply to the removal of tree in accordance with a planning permit if the application for that permit was made before the approval of VC289.
68. On this basis, the application takes benefit of the transitional provisions and the clause does not apply to this application and have not been assessed.

General Requirements and Performance Standards

Clause 53.18 - Stormwater Management in Urban Development

69. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater management for site management and buildings and works.
70. The following sections include a discussion of how the proposal meet the objectives and standards of this provision.

Clause 53.19 - Non-Government Schools

71. Clause 53.19 seeks to facilitate upgrades and extension to existing non-government school and is applicable to the buildings and works of this application.



72. Pursuant to 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.



Referrals

73. The application was referred to the following groups:

| Provision / Clause | Organisation | Response and date received |
|-----------------------------|-------------------------|---|
| Section 52(1)(b)– Notice | Nillumbik Shire Council | <p>First response: 30 September 2025 (objection)</p> <p>Second response: 2 February 2026 (no objection, subject to further clarification)</p> |

Municipal Council Comments

74. The Nillumbik Shire Council (the council) provided an initial referral response, objecting to the application on 30 September 2025. The objection and DTP response is summarised in the table below:

| Key issue | Council comments | DTP response |
|-------------------------------------|---|---|
| Incomplete application | <p>The proposed architectural plans state the removal of the Manna Gum is sought separately through Planning Permit application 135/2025/10P.</p> <p>Council wishes to highlight that this application was refused by Council on 24 July 2025 and has not been appealed to VCAT. It is appropriate that this current planning permit application and the architectural plans proposed identify the removal of the Manna Gum tree as Nillumbik Shire Council have not granted any tree removal permit/s.</p> <p>As such, the following permit triggers are missing from the application which in turn, require re-advertising of the application:</p> <ul style="list-style-type: none"> • Clause 42.01-2 – Removal of vegetation* • Clause 52.37 – removal of canopy tree/s** • Clause 52.17 – Removal of Native Vegetation* <p>For completeness, Council provides indicative comments in relation to the removal of vegetation to assist in the progression of this application to re-advertising or otherwise.</p> | <p>The application has been updated in response to these comments, specifically:</p> <ul style="list-style-type: none"> • The proposal has been amended to accommodate the retention of the significant Manna Gum (Tree 5). • It has been confirmed by biodiversity consultant Trees 1 - 4 proposed for removal are planted vegetation and are exempt from the permit requirements for vegetation removal under Clause 42.01 and 52.17. |
| Removal of native vegetation | <p>Under the provisions of Clause 42.01-2 (ESO1) a planning permit is required to remove, destroy or lop vegetation.</p> <p>Under the provision of Clause 52.17 (Native Vegetation), a planning permit is required to remove, destroy or lop native vegetation on land which, together with all contiguous land in one ownership has an area greater than 0.4 hectares.</p> | <p>As above, the application has been amended to accommodate the retention of the Manna Gum Tree.</p> <p>Based on the arboricultural assessment provided, the proposed development will encroach 10.15% on the Tree Protection Zone, however, can be retained through tree protection measures including:</p> <ul style="list-style-type: none"> • Further non-destructive root zone investigations |



| | | |
|--|---|---|
| | <p>The purpose of this provision is to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) the Guidelines:</p> <ol style="list-style-type: none">1. Avoid the removal, destruction or lopping of native vegetation.2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. <p>It is understood that the extent of internal decay has been conducted through sonar tomography testing and identified the decay of the Manna Gum is limited to 4% - noted as minor.</p> <p>Thorough testing has been undertaken to determine the exact nature of the tree's decay and to pinpoint where this proverbial 'pinch point' is. This assessment went beyond the standard arboricultural assessment (in accordance with AS 4970-2009) and sonic tomography testing was undertaken to better refine the investigation.</p> <p>Council identifies that remediation measures can be conducted to manage the tree and retain it. This could include removal of the smaller stem from the main trunk union to eliminate strain on the union. Furthermore, commence reduction of the eastern stem beginning with a 30% terminal reduction with scope to entirely remove the stem of a further 2 pruning events across 10 years.</p> <p>The complete removal of the tree is not supported, and the building form has not considered to avoid removal of vegetation, failing to meet Clause 52.17 (Native Vegetation).</p> <p>Council notes that the other four trees to be removed to accommodate the works have been planted and therefore do not require a planning permit or consideration.</p> | <ul style="list-style-type: none">• Establishment of tree protection fencing around protection zones• Restricting activities in the TPZ• Any works within the TPZ supervised by project arborist. <p>There is also a minor encroachment (6.13%) to the tree protection zone of Tree 11, Prickly Paperbark to the west of the existing gym. The tree is also to be retained through the above tree protection measures.</p> <p>As noted above, the application is not proposing to remove any native vegetation.</p> |
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| Building Design | <p>The site is located within a residential zone (NRZ1) and ESO1 which consider the appearance, built, form, scale and intensity of the proposed works in the environmental context.</p> <p>The building forms are considered complementary to the existing structures on site and appropriately scaled and setback from the residential interfaces of the site. The building material has been considered appropriate and responsive to the landscape context.</p> <p>The package of documentation provided for comment does not include a response to Clause 53.18 (Stormwater Management in Urban Development). The site is located within the Urban Growth Boundary and works are greater than 50 square metres in area. The building design is likely able to provide an appropriate stormwater response but at this point in time, Council cannot provide commentary response against this consideration due to lack of information.</p> <p>It is unclear the increase in waste collection required for the school as a result of the proposed building works. An appropriate waste management plan is required in response to Clause 65 of the planning scheme.</p> <p>It is not understood whether the extension of the education facility will increase the school student capacity or number of employees on site. As such, Council cannot provide commentary in response to car parking and bicycle parking provisions.</p> <p>Given the nature of works are focused around a new gymnasium, there is an anticipated increase to noise impacts that are likely to be generated by the proposed development. It is acknowledged that the positioning of the gymnasium is central to the site, however the extent of potential noise pollution to adjacent residential properties has not been properly considered per Clause 13.07-1S (Land Use Compatibility). The application ought to provide an Acoustic Impact Assessment to appropriately identify whether noise attenuation measures are required to soften the transmission of noise in this residentially zoned context.</p> | <p>An updated WSUD memo was submitted as part of further information response, which details how the proposal complies with Clause 53.18. The development achieves compliant STORM rating score of 101% and meets the requirements of Clause 53.18-5 through maximising the capture of stormwater in on-site 5KL rainwater and reuse of stormwater for toilet flushing.</p> <p>Compliance with Clause 53.18-6 relating to site management during construction will be managed through sediment and erosion control measures to collect litter, waste and any hazardous materials will be implemented by the site builder to avoid discharge into the stormwater network.</p> <p>Specific requirements will be requested to be included in the amended WSUD memo submitted for endorsement required by permit conditions.</p> <p>DTP do not consider the preparation of an acoustic assessment is required in this instance, given the significant separation between the development and sensitive residential interfaces.</p> <p>The proposed extension includes drama/ dance studio spaces and high-performance gym/ weights room. None of these operations are considered to be particularly high noise emitting activities and will not generate noise impacts beyond the existing gym and indoor sports courts.</p> <p>The development is typical to a secondary school use and is not likely to create any unreasonable acoustic impact adjoining properties compared with the existing secondary school.</p> <p>On this basis, an acoustic report is not required to assess the application.</p> |
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| | <p>If such an assessment is prepared and demonstrates that noise pollution to nearby residential properties is mitigated, then Council would not rely on this as a point of issue. However, as it stands, the potential amenity loss perpetrated by noise pollution is a factor in Council's position.</p> | |
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75. Following the submission of further information, the revised application was considered by the council who provided an updated response on 2 February 2026.
76. Based on the changes, the council no longer objected to the proposal. The revised comments are summarised and responded to below.

| Key issue | Council comments | DTP response |
|-------------------------------------|--|--|
| <p>Retention of Tree 5</p> | <p>The revised application now retains and protects Tree 5. Council are satisfied with the tree protection measures outlined within the documentation and are satisfied that the tree will remain in good condition.</p> | <p>Noted. DTP support the retention of Tree 5 as an improved outcome.</p> |
| <p>Removal of vegetation</p> | <p>Council agree with the documentation and that no planning permit is required for the removal of Trees 6, 7, 8, 9, 10 and 11 under ESO1 or Clause 52.17 (Native Vegetation) of the Nillumbik Planning Scheme as the vegetation is understood to be planted or grown as a result of direct seeding and for amenity purposes.</p> <p>It is also noted that all trees proposed for removal are exempt from a local law permit either due to being located within a Bushfire Prone Area or a DBH less than 50cm.</p> | <p>Noted. All trees proposed for removal are planted and do not trigger consent under the ESO1 or Clause 52.17.</p> |
| <p>Building design</p> | <p>The site is located within a residential zone (NRZ1) and ESO1 which consider the appearance, built form, scale and intensity of the proposed works in the environmental context. The building forms are considered complementary to the existing structures on site and appropriately scaled and setback from the residential interfaces of the site. The building material has been considered appropriate and responsive to the landscape context.</p> | <p>Noted. DTP agree the proposed built form is appropriate in the context of a secondary school campus and is sited to minimise amenity impacts to any surrounding properties.</p> |
| <p>Stormwater Management</p> | <p>The proposal demonstrates a response to Clause 53.18 (Stormwater Management in Urban Development) including the collection of hard surfaces into a 5,000L gravity fed rainwater tank. There is an indication that the proposal meets a minimum 100% stormwater rating through Blue Factor and therefore provides a reasonable response to water sensitive urban design.</p> | <p>Noted. DTP agree the development is designed to integrate appropriate WSUD measures.</p> |



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| Waste collection | The indication of waste collection for the school due to the extension is considered reasonable in response to Clause 65 of the Nillumbik Planning Scheme. | Noted. DTP agrees with the justification provided. The proposed development does not facilitate an increased student/ staff capacity and waste volumes generated from the extended gym building can be readily accommodated by the existing waste storage and collection arrangement in place for the broader school campus. |
| Car and bicycle parking | The revised documentation indicates that there is no increase in staff or student numbers as a result of the building extensions and therefore no assessment or commentary is required against Clause 52.06 (Car parking) or Clause 52.34 (Bicycle Parking) of the Nillumbik Planning Scheme. | Noted. There are no changes to existing carparking, or bicycle parking provision proposed. This report does not include assessment of the proposal against Clause 52.06 or Clause 52.34. |
| Noise | <p>Given the nature of works are focused around a new gymnasium, there is an anticipated increase to noise impacts that are likely to be generated by the proposed development. It is acknowledged that the positioning of the gymnasium is central to the site, however the extent of potential noise pollution to adjacent residential properties has not been properly considered per Clause 13.07-1S (Land Use Compatibility).</p> <p>The application ought to provide an Acoustic Impact Assessment to appropriately identify whether noise attenuation measures are required to soften the transmission of noise in this residentially zoned context. Council strongly recommend further consideration into this matter as there will be noise controls administered through the relevant authorities.</p> | As above, DTP do not consider the preparation of an acoustic assessment is required in this instance. The proposed development will accommodate drama, dance and sports classes for existing students within school hours. The building is setback a minimum of 92 metres from site boundaries and subsequently any acoustic impact is anticipated to be negligible compared with existing conditions. |

Advice sought from other agencies

77. The application was not required to be referred to any external agency.



Notice

78. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 32.09-10 (NRZ1) – Buildings and works associated with Section 2 use
 - Clause 42.01-2 (ESO1) – Construct a building and carry out works
 - Clause 52.05-7 (Signs) – Construct and display business identification sign
79. The application was not advertised, other than to the municipal authority under section 52(1)(b), as it was considered not to cause material detriment to any person because:
- The proposal will not alter the staff numbers, student numbers, or the ways in which the site is accessed or serviced.
 - The buildings are substantially separated from all site boundaries, with a minimum setback of 92 metres proposed for the stadium extension and minimum setback of 68 metres associated with the existing portable classroom buildings. These setbacks provide generous separation from nearby properties. Additionally, the extent of planting along site boundaries will ensure the proposed developments will be entirely obscured from view from the public realm. On this basis, no visual impact is anticipated.
 - Any acoustic impacts of the buildings are considered to be mitigated by the large setbacks, and noise generated is not anticipated to affect adjoining lots beyond the existing school operation.
 - The proposed non-illuminated business identification sign is to be displayed on the eastern elevation of the gym extension building, oriented internally within the site. The sign will not be visible from outside the campus and therefore will not create any offsite impacts.



Strategic Direction and Land Use

80. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.

Municipal Planning Strategy

81. The relevant MPS policies have been considered in assessing the application. Nillumbik's high landscape value is recognised and appropriately responded to through this application. The proposed buildings are contained centrally within the existing school site, well setback from site boundaries which continue to be well screened by established vegetation. The siting and scale of the buildings are considered to protect environmental, landscape and habitat values, consistent with the municipal vision set out at Clause 02.02 and the strategic directions identified at Clause 02.03-2 (Environmental and landscape values) and 02.03-5 (Built Environment).
82. The proposed vegetation removal sought to accommodate the existing to the gym building is identified as planted trees and not defined as native vegetation or sever existing habitat corridors across the site, which are sought to be protected through Clause 02.03-2 (Environmental and landscape values).
83. The development seeks to provide additional facilities within an existing secondary school. The development does not encroach on the interface with Diamond Creek or interrupt open space networks along the corridor, consistent with the objectives of Clause 02.03-9 (Community Infrastructure).

Planning Policy Framework

84. The application is considered to align with the objectives of the relevant PPF policies.
85. The proposed development seeks to improve and expand secondary school buildings, facilitating improvements to education precincts consistent with clause 11.01-1R (Settlement – Metropolitan Melbourne).
86. The separation provided between the development and the Diamond Creek corridor recognises the ecological and biodiversity values of this corridor and will ensure visual intrusion on the natural landscape is minimised, consistent with the objectives of clause 12.03-1S (River and riparian corridors).
87. The land is located within a bushfire prone area, and the application is supported by a Bushfire Development Report, which responds to the requirements of Clause 13.02-1S (Bushfire Planning) and Clause 13.02-1L (Bushfire Management in Nillumbik). Refer to below discussion.
88. The proposed school buildings have been located outside of the land included in the Urban Floodway Zone and areas affected by the Land Subject to Inundation Overlay. This is consistent with the objectives of Clause 13.03-1S (Floodplain Management) seeking to locate development outside of land subject to funding, and avoids the need for importation of fill as encouraged by Clause 13.03-1L (Floodplains in Nillumbik).
89. The location of the proposed works will ensure there are no visual impacts from the public realm or adjoining properties. The function and appearance of the building are typical to the education centre land uses and will not undermine the landscape significance of the surrounding area. The generous setbacks further minimise potential for adverse impacts on neighbouring residential dwelling, consistent with the objectives of clause 13.07-1S (Land use compatibility).
90. The proposed gym extension incorporates various design measures which improve energy performance, including external shading façade elements, use of low-embodied energy materials and siting glazing to ensure good winter solar access. The development will utilise stormwater captured on the site for reuse through toilet flushing, reducing potable water usage. These efficiencies are consistent with strategies set out at clause 15.01-2S (Building Design).
91. The extension incorporates cement and metal cladding and muted tones and colorbond roofing in surfmist. These materials are low-glare and will not have any visual impact in the landscaped context of the school campus, aligning with Clause 15.01-2L-01 (Building Design in Nillumbik).



92. As discussed, the proposed buildings and vegetation removal are contained entirely within the school site boundaries and will be obscured from sight for adjoining land, ensuring any impact on neighbourhood character is negligible. Clause 15.01-5L (Neighbourhood Character – Nillumbik) identifies the subject site within Semi Bush 3 Precinct, which encourages development which sits within the topography and allowing for sufficient setbacks for tree canopies, which is achieved by the siting of school buildings.
93. The proposal enables the expansion of facilities within a secondary school to meet existing and future needs, aligning with clause 19.02-2S (Education facilities).

Buildings and Works

94. The purpose and decision guidelines of the Neighbourhood Residential Zone have been considered in the assessment, and the proposed buildings and works respond well to the relevant purposes and decision guidelines within the NRZ.
95. The application seeks to add facilities within an existing secondary school which is deemed to serve the needs of the surrounding community.
96. The application does not create capacity for additional staff or students on the land and as such will not create any safety or traffic congestion impacts beyond the existing conditions associated with operation of the school.
97. The proposed buildings are generally low scale and consistent with development typical of an education land use. The siting and separation from boundaries minimise any impacts on adjoining properties and ensure the additions sit comfortably within the existing campus context.

Gym expansion

98. The proposed scale and appearance of the proposed gym extension is suitably responsive to the context, providing a contemporary extension to the existing gymnasium.
99. The development has a maximum building height of 9.21 metres, which is a slightly lower scale than with the existing gym.
100. The gym extension setbacks range between 92.58 and 180.3 metres from site boundaries and the development is considered to have no impact on the neighbourhood context given the significant separation from the public realm. The setbacks allow the school campus to retain significant expanses of vegetation along all site boundaries and between buildings.
101. Overall, the design the gym expansion is considered appropriate within the context of the zone.

Portable classrooms

102. The proposed formalisation of the portable classrooms building at the west of the site is also considered to align with the purpose and decision guidelines set out in the zone.
103. The existing classrooms are low scale with a maximum height of 3.87 metres. The classrooms are setback between 68 – 278 metres from site boundaries and have no visual impact on the surrounding properties.
104. Noting these classrooms are existing on the land, any adverse impacts of permanent use of these buildings are considered to be negligible.

Signage

105. The business identification sign is modest, proposed as a non-illuminated sign logo to be displayed on the eastern elevation of the gym. The sign has a maximum area of 2.01sqm and is orientated internally within the school campus, obscured from view from the surrounding properties and the public realm.
106. The sign is well designed to align with the school branding and will not create visual clutter or visual disorder.



107. As the sign is not proposed to be illuminated, there is no risk of glare or amenity impacts associated with light spill.
108. The signage design is considered typical to a school land use and is located to ensure no loss of amenity for surrounding land.
109. The sign is modest in area and will not overwhelm the building façade.
110. Given the location, design and form of the sign, the proposed sign is consistent with the purpose and decision guidelines provided at clause 52.05.

Amenity Impacts

Amenity Impacts (internal and offsite)

111. The proposed buildings are to be completely obscured from adjoining properties given the topography of the land, extent of boundary planting and substantial setbacks.
112. On this basis, the proposed buildings will not cause any unreasonable visual impacts beyond the boundaries of the school campus.
113. Any acoustic impacts are expected to be very minor based on the separation from sensitive land uses and dwellings nearby. While the gym extension includes high performance gym space, dance and drama studio, which may generate more noise than typical classroom learning, the noise is not anticipated to result in any noticeable impact on surrounding properties, relative to the existing secondary school operation. The application does not seek to introduce any new land use and preparation of an acoustic assessment was not deemed necessary based on the nature of the operation and separation from adjoining properties.

Overshadowing

114. The gym extension is located well away from all site boundaries, ensuring that there is no overshadowing impacts to adjoining properties.
115. A shadow analysis has not been provided; however, it is clear there will be no shadowing impact on adjoining parcels given the significant separation between the development and site boundaries.
116. Similarly, the portable classrooms are existing on the land and located to be well separated from all site boundaries, ensuring any overshadowing is contained to the subject land.
117. There remain large portions of open space across the school campus which receive unobstructed solar access.

Public Realm & Landscaping

Landscaping

118. The proposed development is fully contained within the school campus and will not have any impact on the surrounding public realm or planting on public land.
119. No changes to the landscaping provision surrounding the existing portable classroom buildings are proposed.
120. The proposed gym extension requires the removal of four trees adjoining the school oval. The surrounding area is proposed be landscaped with lawn only, consistent with existing conditions surround the gym building.
121. A formal landscaping plan has not been submitted. However, DTP officers are satisfied that there is sufficient space for meaningful landscaping and planting opportunities. This can be confirmed by required by permit condition requiring to show the appropriate planting, ground covers and surface finishes.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

122. There are three carparking areas existing on the school campus, providing 149 spaces across the site. The school operates with a maximum of 90 staff and the current carparking provision substantially exceeds the minimum requirement of 45 spaces (0.5 spaces per employee) as required by Category 2 at Clause 52.06.
123. There are no changes to the existing carparking, or access configuration proposed as part of this application.
124. The proposed development does not provide capacity for any additional staff or students and seeks to provide additional facilities to service the existing school only. On this basis, the application does not trigger any additional demand for carparking on the land.
125. Existing carparking areas are provided at the southwest and northern area of the site and will continue to cater for parking requirements, consistent with previous planning consents for the site.

Bicycle Facilities

126. The proposed development does not create any additional demand for bicycle parking spaces and there are no changes sought to the existing bicycle parking provision on the site.

Loading and Waste

127. There are no changes to the loading and waste arrangements to service the school campus.
128. Loading and waste vehicles access the site via the main entrance from Diamond Street, using internal roads to access the waste and loading area at the west of the site adjoining the admin and centenary buildings, highlighted in Figure 26 below.

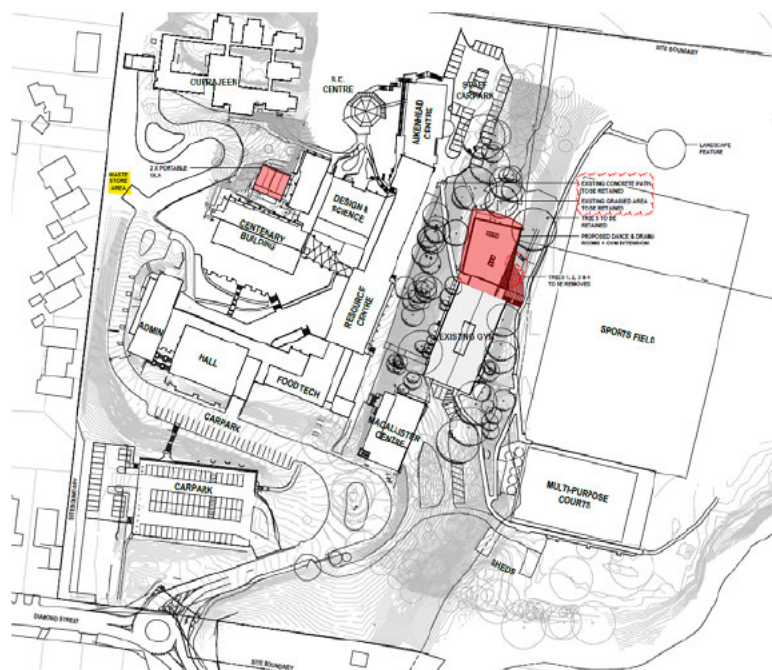


Figure 26 Proposed site plan and location of existing waste storage/collection area

129. The proposed gym extension building is sought to be used for active learning and are anticipated to generate very little waste compared with typical to general learning classrooms. The portable classrooms are existing on the site and waste generated in these areas are already accommodated in the school's waste system.



130. School cleaning staff currently transfer rubbish across the site to the waste storage area. Waste is collected through private contractor, utilising a front lift collection vehicle. The waste service agreement has been provided which identifies collection frequencies for each waste stream.
131. Based on the nature of the proposed works, which provide no additional staff or student capacity the generation of waste is anticipated to be generally consistent with existing conditions and able to be easily absorbed through the established waste system.

Flood Mitigation

132. The proposed buildings are located outside land affected by the Land Subject to Inundation Overlay, which is mapped consistently with the 1 in 100-year flood event level, as shown in Figure 27 below. On this basis, flood mitigation measures have not been required to be integrated into the design response.



Figure 27 Extent of 1% Annual Exceedance Probability (1 in 100-year flood) and LSIO - development areas highlighted in red

Bushfire Risk

133. The subject site is identified as within a Bushfire Prone Area, however, is not affected by the Bushfire Management Overlay.
134. The application is supported by a Bushfire Development Report which demonstrates the proposed gym extension responds to the requirements of Clause 13.02-1S, 13.02-1L and relevant construction standards.
135. The surrounding landscape risk is identified as low, with the site surrounds largely urbanised and no unmanaged remnant native vegetation within 100 metres of the development site.
136. The gym extension is classified as a Class 9b building through National Construction Code, associated with a secondary school which is deemed as a 'vulnerable use'. The development is to be constructed to BAL 12.5 rating, as required within Bushfire Prone Areas and is designed to meet all relevant building requirements relating to setbacks from hazardous vegetation, water supply and access.
137. The bushfire assessment also notes the proposal does not seek to increase the number of student enrolments or staff on the land and as such current emergency exit arrangements will continue to apply. There is no change to site access and egress proposed which would impact evacuation process in a bushfire emergency.



138. In relation to the portable classroom buildings, these are existing on the land and are managed through the existing bushfire management procedures on the site.
139. Based on the material submitted, the proposed development is considered to be appropriately located on the site and incorporate the bushfire management protection measures required to address the identified bushfire risk.

Sustainability

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

140. The gym extension development is considered to deliver an appropriate level of ESD, through incorporating the following ESD initiatives:
- Passive thermal performance compliance with NCC2022, including building orientation, insulation, sealing, provision of double glazing and external façade window shading elements reduce energy requirements associated with building heating and cooling.
 - Use of low embodied energy building materials, including concrete and steel sourced locally and from responsible suppliers accredited to the Environmental Sustainability Charter of the Australian Steel Institute.
 - Stormwater capture through 5,000-litre rainwater tank and reuse for toilet flushing within the development.
141. While a PV solar system is not proposed to be installed as part of this development, the ESD response identifies the school is currently preparing to install an 84.8kW system across viable roof areas. Once installed this can supplement energy demand throughout the entire school campus, including the proposed extension.
142. These initiatives are considered acceptable and will ensure good internal amenity for future students and the users of buildings.

Stormwater Management

143. The proposed gym extension development is designed to capture the majority of stormwater runoff, to be reused for toilet flushing within the building. A 5000-litre tank is proposed at the northwest of the development to retain stormwater for on-site reuse.
144. Stormwater is captured across the majority of the development footprint, excluding small, roofed areas across the central entry foyer and external stairs and pathways as demonstrated in Figure 28.
145. An additional 36,000-litre underground detention tank is proposed immediately north of the gym extension. This tank is proposed to capture overflow from the 5,000-litre tank and retain flows on the site to ensure discharge rate to the legal point of discharge does not exceed the maximum allowable outflow in a major flood event.

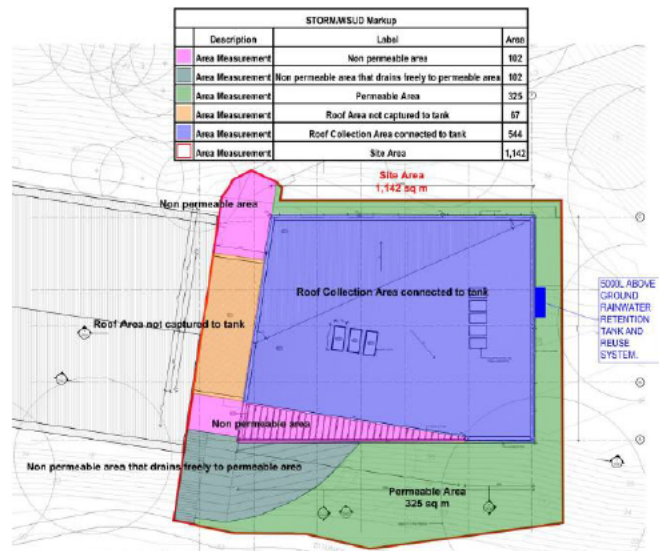


Figure 28 Stormwater capture plan - gym extension building

146. The submitted WSUD memo demonstrates the development achieves compliant STORM rating score of 101% and meets the requirements of Clause c3.18-5 through maximising the capture and reuse of stormwater. Ongoing maintenance including roof and gutter cleaning and installation of guards will minimise impacts of pollutants and sediment discharging into the stormwater system.
147. Compliance with Clause 53.18-6 relating to site management during construction will be managed through sediment and erosion control measures to collect litter, waste and any hazardous materials will be implemented by the site builder to avoid discharge into the stormwater network. Specific details are to be included in the amended WSUD Memo, to be required by permit conditions.
148. The existing portable classroom building is connected to the existing school stormwater system and is to remain unchanged.
149. Subject to the above, the proposal will result in appropriate stormwater management outcomes.

Native Vegetation

150. The proposal seeks to remove four trees on the land, including three Iron Bark Gums and one Weeping Myrtle tree.
151. These trees were planted on the land by the school and are deemed to meet the exemption for planted vegetation provided at Clause 52.17-7.
152. Notwithstanding the exemption and as noted above, the removal of the trees are acceptable and will not detract from the existing landscape setting.

Other Matters

Cultural Heritage

153. The subject site is partially identified as an area of aboriginal cultural heritage, specifically within 200 metres of the Diamond Creek corridor.
154. The application is supported by Cultural Heritage Letter of Advice, which include desktop analysis of cultural heritage values and need for further assessment, including Cultural Heritage Management Plan. The letter



155. The construction of an education centre is deemed a high impact activity under the Aboriginal Heritage Act 2006. However, the advice confirms the proposed development is not considered high impact, given the construction is proposed in association with a land use which has operated lawfully on the land prior to 28 May 2007.
156. The school has operation on the land since 1971, and on this basis, the preparation of a Cultural Heritage Management Plan is not required.

Recommendation



157. The proposal is generally consistent with the relevant planning policies of the Nillumbik Planning Scheme and will contribute to the provision of improved education facilities within the Eltham area.
158. Nillumbik Shire Council was notified of the application, and their comments have been considered that as part of this application.
159. The application was not advertised
160. It is recommended that:
- Planning Permit No. PA2503914 for the Buildings and works associated with an existing secondary school, and display of a business identification sign at 19 Diamond Street, Eltham be issued subject to conditions.
 - the applicant and the council be notified of the above in writing.
 -

Prepared by:

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

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

Approved by:

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

- No Conflict**
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