



# Planning Report

Development of a Multi-Purpose School Building

St Patricks College, Ballarat

1431 Sturt Street, Newington

Ref No : 21503-03

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## Document Information

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0	02.07.2021	Internal Review	Andrew Grey	Chris Marshall
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Front Cover Image - Courtesy of John Wardle Architects

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## Attachments

- Attachment 1 Completed Planning Permit Application Form
- Attachment 2 Copy of Titles
- Attachment 3 Development Plans for Multi-Purpose Centre Building including Overall Campus Plan
- Attachment 4 Landscape Plans for Multi-Purpose Centre Building
- Attachment 5 Oval Car Parking Layout Plan
- Attachment 6 Oval Realignment Plan
- Attachment 7 Heritage Impact Statement
- Attachment 8 Transport Impact Assessment Report
- Attachment 9 Stormwater Management Plans
- Attachment 10 St Patricks College, Ballarat – Conservation Management Plan 2014

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## 1 Introduction

CardnoTGM has been engaged by St Patricks College, Ballarat to prepare and submit a Planning Permit Application on their behalf to the Minister for Planning for a multi-purpose school building with associated development at their school campus situated at 1431 Sturt Street, Newington in Ballarat.

The Minister for Planning is the responsible authority for this planning application pursuant to Clause 72.01 of the Victorian Planning Provisions. The application is for the development of land for an education centre on the same land as an existing secondary school and the estimated cost of development is greater than \$3 million.

Pre-application meetings were held with DELWP on the 18<sup>th</sup> February 2021 and with the City of Ballarat on the 24<sup>th</sup> February 2021. Feedback from these meetings have been incorporated into this application.

## 2 Application Summary

<b>Responsible Authority</b>	Minister for Planning	
<b>Municipal Area/Planning Scheme</b>	City of Ballarat/Ballarat Planning Scheme	
<b>Property Address</b>	1431 Sturt Street, Newington	
<b>Parcels of Land Affected by Development (10)</b>	Lot 1, TP901958S Lots 4-8, LP4852 Lot 1, TP916217	Lots 1 & 2, TP897603Y Lot 2, TP868100R
<b>Existing Site Use/Conditions</b>	Education Centre (non-government school)	
<b>Proposed Development</b>	Multi-purpose school building with associated works and fences Demolition of buildings and works Relocated and reconstructed infrastructure including car parking Works and fences associated with a realigned sports oval Removal of four trees	
<b>Building Uses</b>	Performing arts, teaching, exams, assemblies, school functions	
<b>Auditorium seating capacity</b>	804	
<b>Maximum Building Height</b>	14.7 metres	
<b>Relocated car parking spaces</b>	79 (no net loss of car parking on-site)	
<b>Campus student/staff numbers</b>	Unchanged	

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### 3 Relevant Planning Scheme Provisions

<b>Planning Policy Framework</b>	Clauses 15.01-1S, 15.01-2S, 15.01-5S, 15.03-1S, 17.01-1R, 18.02-4S, 19.02-2S, 19.03-3S
<b>Local Planning Policy Framework</b>	Clauses 21.06-1, 21.06-2, 21.06-3, 21.07-2, 22.05
<b>Zoning</b>	Special Use Zone – Schedule 5 (Private Education Establishment)
<b>Applicable Overlays</b>	Heritage Overlay – Schedule 164 Design and Development Overlay – Schedule 11 Design and Development Overlay – Schedule 12 Design and Development Overlay – Schedule 20 Vegetation Protection Overlay – Schedule 2
<b>Particular Provision</b>	Clause 52.06 Car Parking Clause 53.18 Stormwater Management in Urban Development Clause 53.19 Non-Government Schools
<b>General Provisions</b>	Clause 65 Decision Guidelines
<b>Operational Provision</b>	Clause 72.01 Responsible Authority For This Planning Scheme

### 4 Permit Triggers

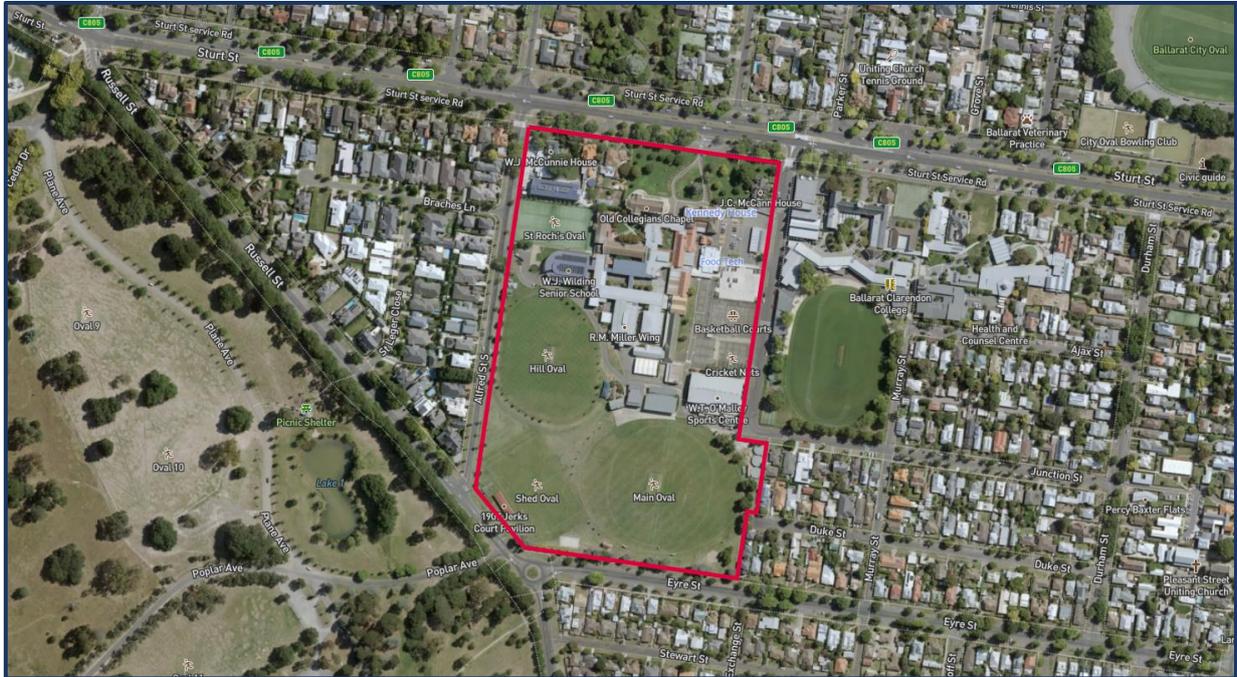
The development requires a planning permit under the following provisions of the Ballarat Planning Scheme :

<b>Provision</b>	<b>Clause</b>	<b>Development</b>
> <b>Special Use Zone</b>	<b>37.01-4</b>	Construction of buildings and works
> <b>Vegetation Protection Overlay</b>	<b>42.02-2</b>	Removal of vegetation
> <b>Heritage Overlay</b>	<b>43.01-1</b>	Construction of buildings and works
	<b>43.01-1</b>	Demolition of buildings and works
	<b>43.01-1</b>	Construct a fence visible from a street
> <b>Design and Development Overlay</b>	<b>43.02-2</b>	Construction of buildings and works
	<b>43.02-2</b>	Construct a fence greater than 1.2m

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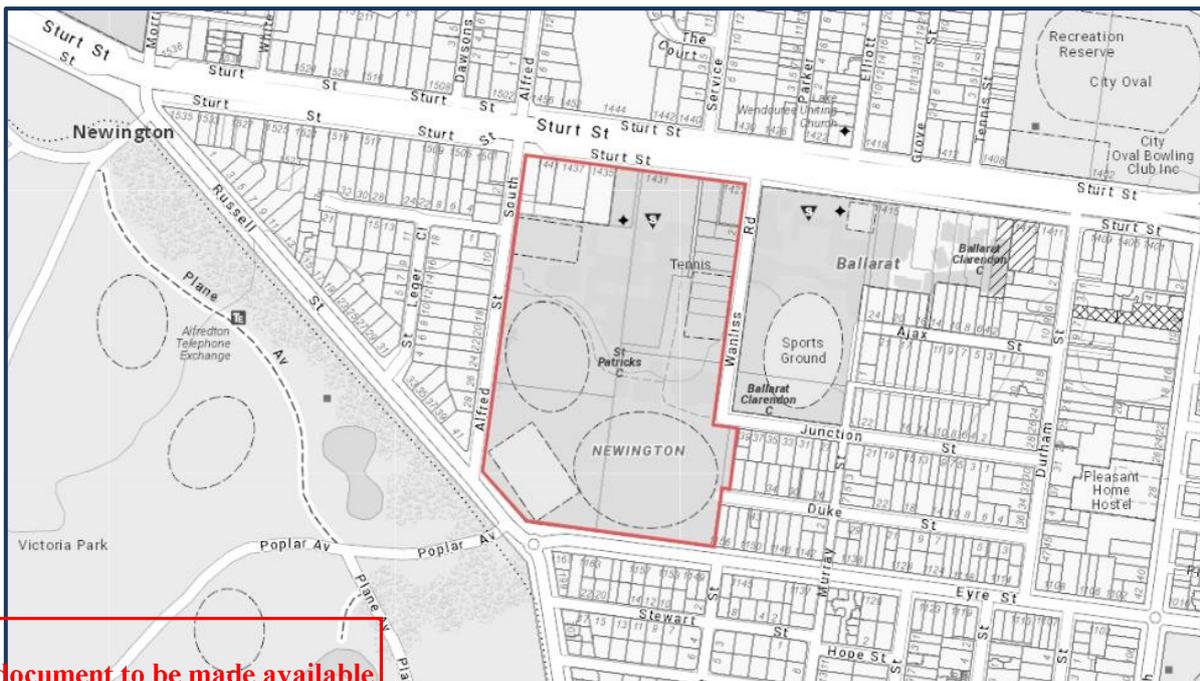
## 5 Subject Site and Context

The subject site is located on the St Patricks College (SPC) school campus which is located on the south side of Sturt Street in Newington, approximately 2km west of the Ballarat CBD.



Aerial of Locality

The senior campus of Ballarat Clarendon College, also a non-government school, is located to the east of the site on the east side of Wanliss Road. Sturt Street abuts the site to the north, residential properties are located on the north side of Sturt Street. Victoria Park, a large public park is located to the south-west and residential lots are located west of the campus, on the other side of Alfred Street South.



Map of Locality

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Aerial of Site with prominent roads, buildings and features labelled

Wanliss Road runs in a north-south direction along the eastern boundary of the St Patrick's College campus and the western boundary of Ballarat and Clarendon College's senior campus. It connects Junction Street to the south with Sturt Street to the north. Wanliss Road contains a fully constructed carriageway and a verge the SPC side which includes a bluestone drainage channel, kerbing nature strip and footpath.

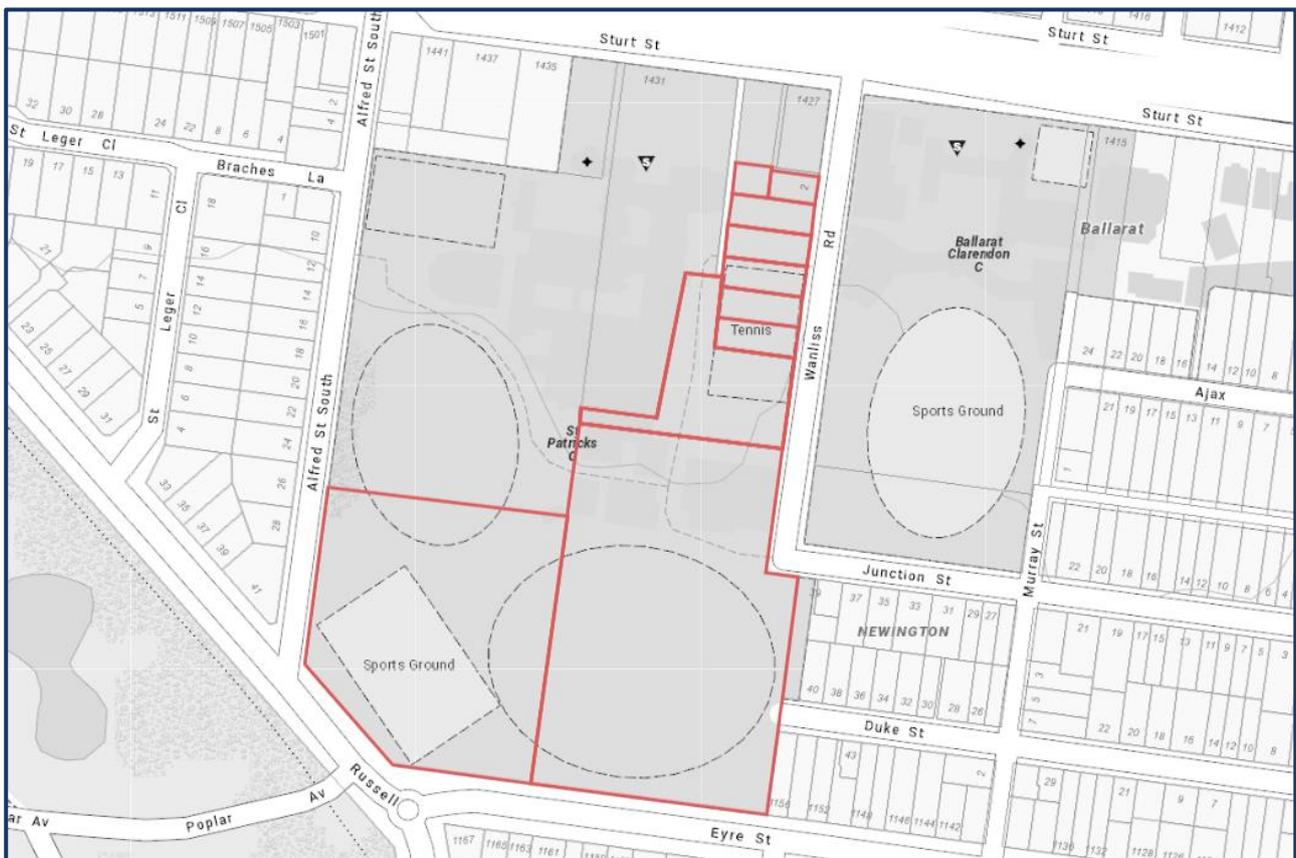
The campus is developed for the primary purpose of providing private education. The campus includes school buildings, active and passive open space areas as well as infrastructure including car parks. Prominent existing buildings and features relating to this application are the College Chapel, Kennedy House, McCann House, car parking areas off Wanliss Road, the asphalt sports courts and the main sports oval.

The campus is almost entirely surrounded by roads, with the exception of three residential lots. The sides of these lots abut the southern part of the campus's eastern boundary, beside the main sports oval.

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Specifically the proposed development areas are located on the eastern side of the campus, near its boundary with Wanliss Road, and southern parts of the campus. The development area consists of 10 parcels as follows:

- > Lot 1, TP868100R Vol. 6189 Fol. 798
- > Lot 1, TP901958S Vol. 7707 Fol. 048
- > Lots 4-8, PS004852 Vol. 8405 Fol. 012 & Vol. 8114 Fol. 747
- > Lots 1 & 2, TP897603Y Vol. 5092 Fol. 307
- > Lot 1, TP916217E Vol. 3143 Fol. 416



Parcels of land outlined in red where development is proposed

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The St Patricks College Campus is included within Special Use Zone – Schedule 5 of the Ballarat Planning Scheme. This is consistent with other private schools in the area including Ballarat Clarendon College. Surrounding land is predominantly zoned General Residential.

Sturt Street is a Road Zone Category 1 road which is the main arterial road connection to Ballarat CBD from the west.



Zoning aerial of the campus and its surrounds

The subject site is also affected by the following overlays of the Ballarat Planning Scheme:

- Heritage Overlay – Schedule 164
- Design and Development Overlay – Schedule 11
- Design and Development Overlay – Schedule 12
- Design and Development Overlay – Schedule 20
- Vegetation Protection Overlay – Schedule 2.

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The development site is not within an Area of Aboriginal Cultural heritage Sensitivity.

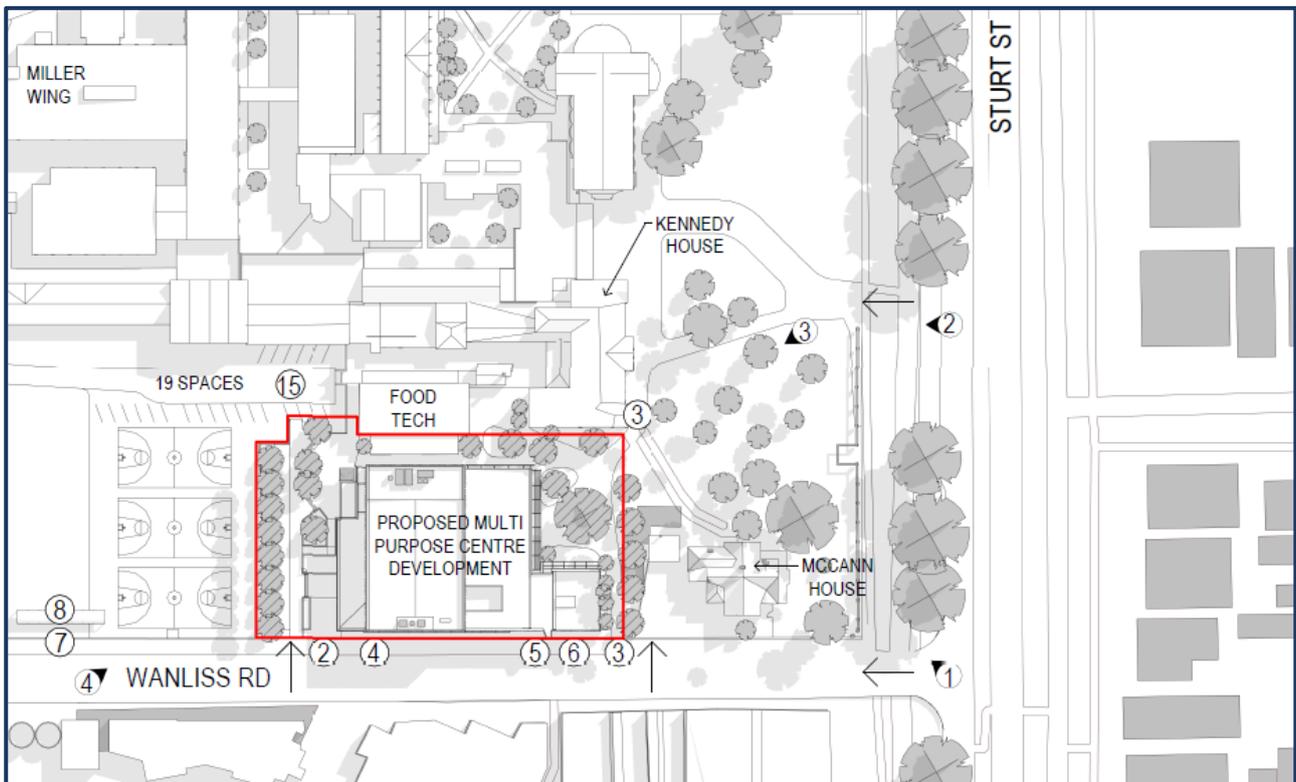
The development site is not within a designated bushfire prone area.

## 6 Proposal

### 6.1 Proposed Multi-Purpose School Building Location

A multi-purpose centre building (MPC) is proposed to be constructed in the campus area between Wanliss Road and the existing food technology building (as indicated below). It would have minimal setback from Wanliss Road (1.27 metres), in keeping with other school buildings on both sides of Wanliss Road.

From Sturt Street, the MPC would be located behind McCann House and with greater setback than Kennedy House (more than 60 metres).



MPC Location on St Patricks College Campus

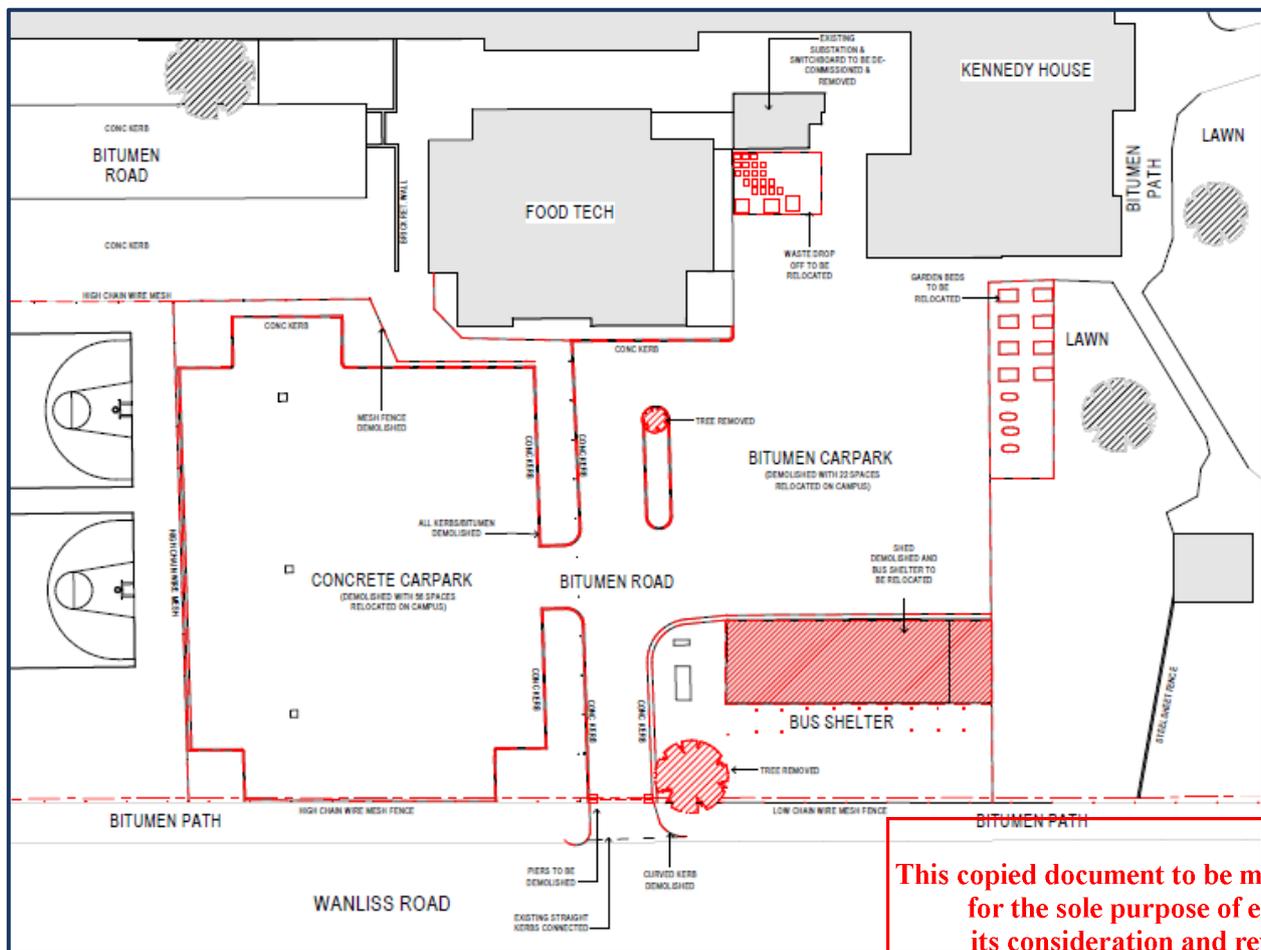
The general location of the proposed building, within the overall St Patricks College campus, is one which was identified in the St Patricks Campus, Ballarat Conservation Management Plan 2014 as a location where new large scale development and contemporary design could be considered (pages 104 and 105).

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## 6.2 Consequential Demolition/Relocation of Existing Works and Infrastructure

To make the chosen location ready to accommodate the proposed multi-purpose school building, the following infrastructure must be demolished and/or relocated onto other parts of the campus:

- > Two car parking areas, currently providing a total of 78 spaces, would be demolished. These spaces are to be provided within a new on-site car parking area beside the main oval to ensure no net loss of car parking on the site. Refer to section 6.5 of this report.
- > The schools bus shelter, which fronts the Wanliss Road bus pick-up area, would be relocated further south along Wanliss Road. Refer to section 6.7 of this report.
- > A waste storage and collection area, north of the food technology building, would be relocated to the centre of the campus. Refer to section 6.7 of this report.
- > Two trees (including a >4 metre high Callery Pear adjacent Wanliss Road) and a garden bed area would be removed and replaced by landscaping designed in conjunction with the multi-purpose building. Refer to submitted Landscape Plan.
- > Removal of fencing along the Wanliss Road frontage.
- > Demolition and removal of the “O’Shea piers” which were erected on the Wanliss Road frontage in 1982.
- > The existing vehicle access off Wanliss Road, which provides for approximately 160 vehicle movements per school day, would be removed.



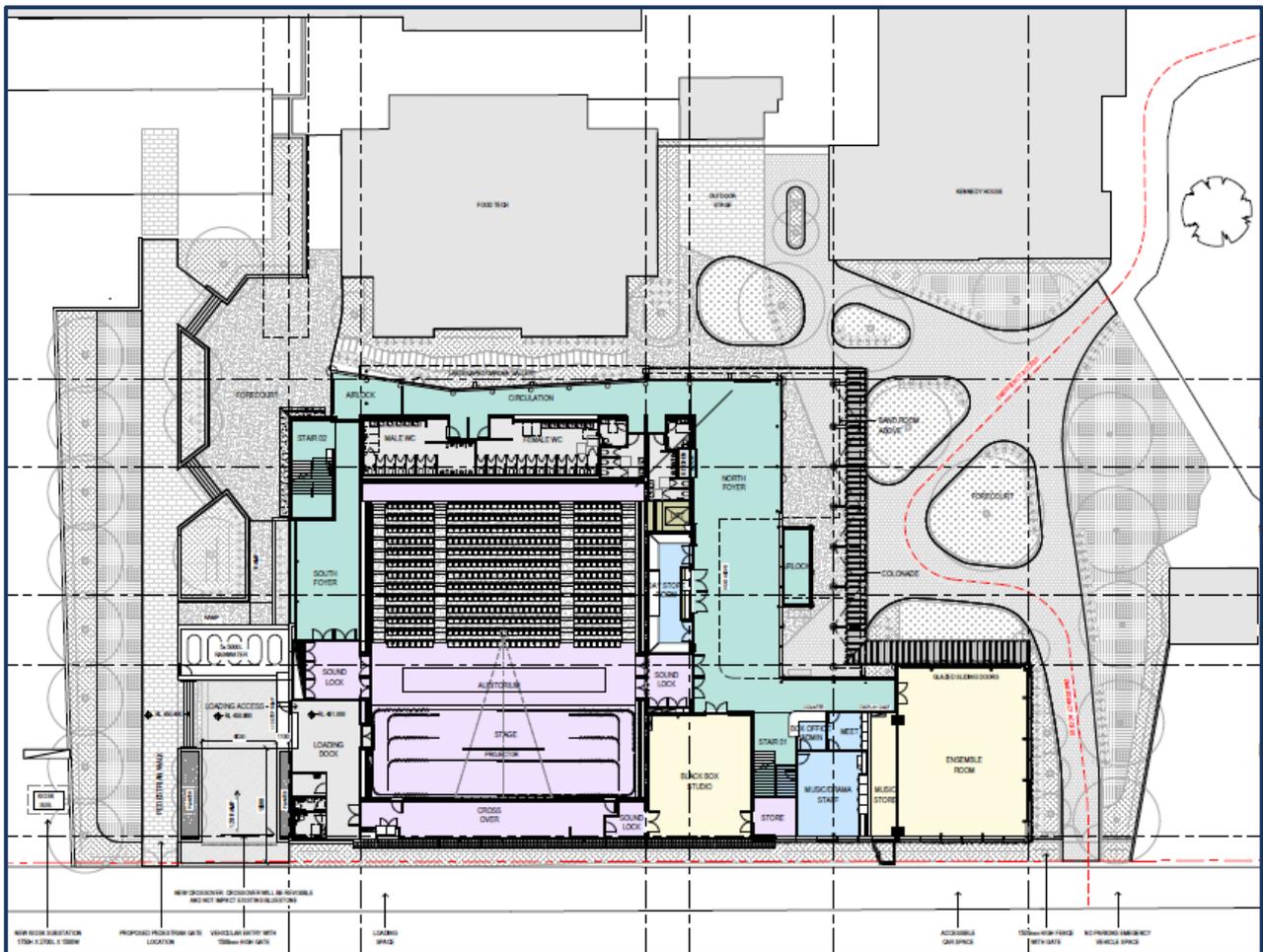
Plan of Demolition/Removal Works

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### 6.3 Construction of Multi-Purpose School Building, Works and Landscaping

The buildings functions would include providing for performing arts education, school exams, large meetings/assemblies and school functions. The main part of the building consists of an auditorium together with various smaller spaces for student learning.

The building is designed so that its front is at the northern end where the foyer welcomes entrants via the campus grounds from the north and west in combination with new landscaped open space areas. The southern part of the building is where services are located including rainwater tanks and a kiosk. The eastern elevation and the southern part of the western elevation would be landscaped at ground floor level and include minimal access points.



Site Development Plan

One of the main intentions of the layout is to, as much as possible, remove vehicles from this part of the site. A pedestrian access (with emergency vehicle access only) would be located off Wanliss Road at the north of the building, serving the front of the MPC and continuing past Kennedy House to the campus's front garden near Sturt Street.

Loading would take place via a loading dock on the southern end of the building with access to Wanliss Road. Loading would only take place at this location outside of school hours.

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The proposed MPC building consists of two storeys plus plant and would be a maximum height of 14.7m towards its rear (south). The front (northern) portion of the main building would be less than 9m high.

A combination of finishing materials would be used, predominantly red oxide perforated metal and red pre-cast concrete panels would be seen from Wanliss Road above a dwarf wall screened by landscaping within the setback. These would also be the predominant materials visible from Sturt Street and provide a contemporary yet complimentary response to the materials used in Kennedy House.



Proposed Elevation from Wanliss Road Highlighting Buildings and Fences

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1.5 metre high light grey metal fences and gates with high transparency would be erected along the Wanliss Road boundary, maintaining the connection between public and private land.



## 6.4 Use of Multi-Purpose School Building

During school hours the building would be used for the following activities:

- > Performing arts education within dedicated rooms.
- > Single class or multiple classes learning / exams within flat floor arrangement.
- > Assemblies in the main auditorium

The building would also be used, from time-to-time for other ancillary purposes associated with the College such as performances and functions for patrons including parents and old collegians. Student and staff numbers at the campus will not increase as a result of the proposed development.

## 6.5 Construction of New Car Park to Relocate Existing Spaces

The proposed car parking area would be located beside the main oval in the south-eastern part of the site. This location has been chosen as it will move vehicles away from areas of the campus which are busy with pedestrians. This is in accordance with a campus master planning principle which the school has sought to implement for many years.

The proposed car park would utilise an existing access off the southern end of Wanliss Road and would provide 79 car parking spaces. Relocating 78 spaces from the MPC building location and 1 space from elsewhere on the campus, lost due to the consolidation of 3 standard spaces down to 2 accessible spaces.

The car park would also result in the removal of three claret ash trees – refer to section 6.8 of this report.



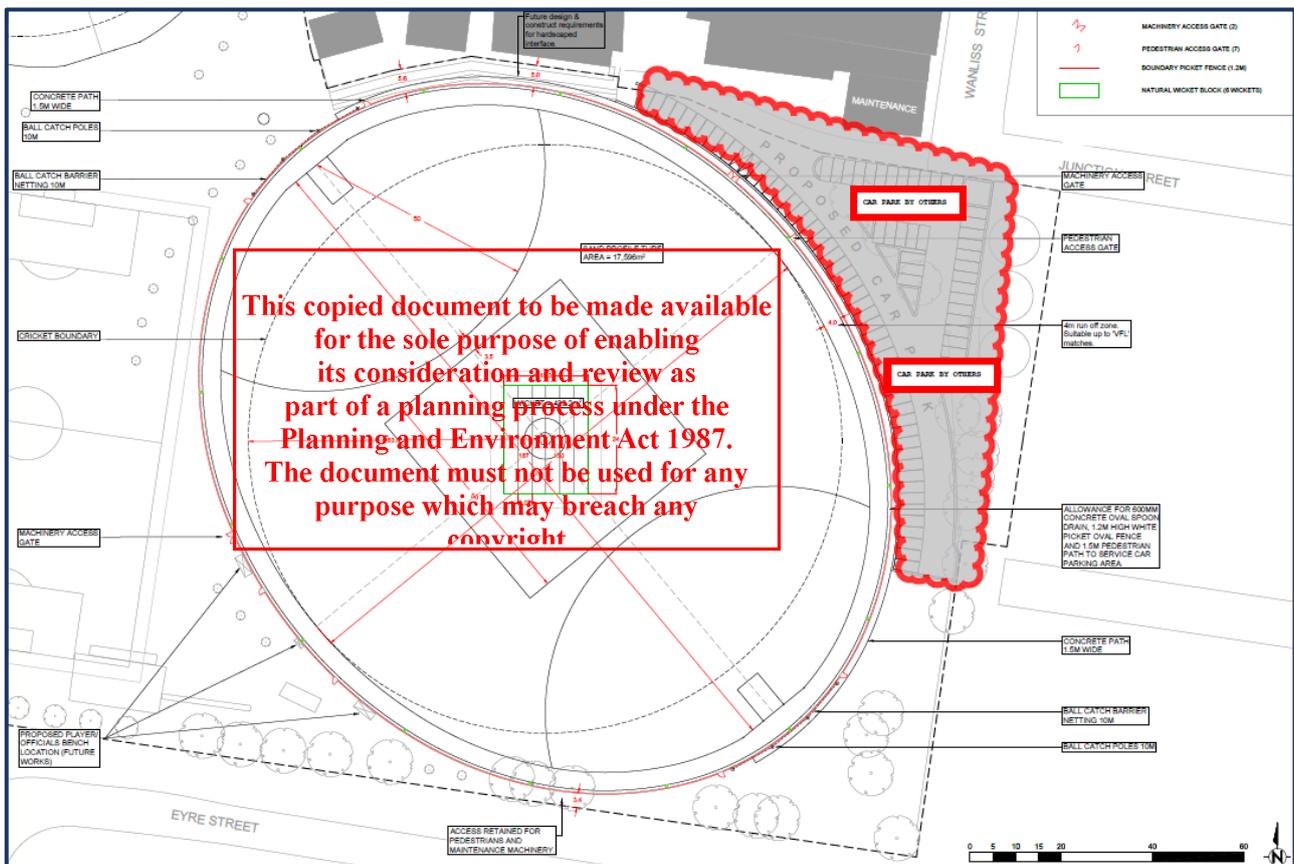
Car Parking Plan

## 6.6 Proposed Oval Realignment

The development of the proposed car park would be undertaken in conjunction with the realignment and upgrade of the main sports oval. The oval itself would be rotated approximately 40 degrees clockwise to allow for the more efficient use of space in and around the open space sports facilities at the southern end of the campus.

The realigned main oval would also be upgraded to include the following:

- > A 1.5 metre wide concrete around eastern and northern perimeter
- > A 1.2 metre high white picket oval perimeter fence around the entire perimeter and including machinery and pedestrian access gates.
- > Ball catch poles and barrier netting behind the proposed goal post locations.



Plan of proposal sports oval realignment and upgrade works

## 6.7 Relocation of Other School Infrastructure

Other school infrastructure to be relocated from the site of the MPC building are as follows:

- > Bus shelter relocated further south on Wanliss Road to a less busy interface with Ballarat Clarendon College.
- > Waste storage and collection area relocated to near the centre of the campus where there are fewer pedestrian movements.

Please refer to site campus plan TP-020 of the submitted drawings for details of these proposed locations and the submitted Transport Impact Assessment Report for further assessment.

## 6.8 Consequential Removal of Trees

The construction of the proposed car parking area results in the unavoidable loss of three Claret Ash trees.

Location of the three Claret Ash trees to be removed



The development of the MPC building results in the unavoidable loss of a Gallery Pear tree.



Location of the Gallery Pear tree to be removed

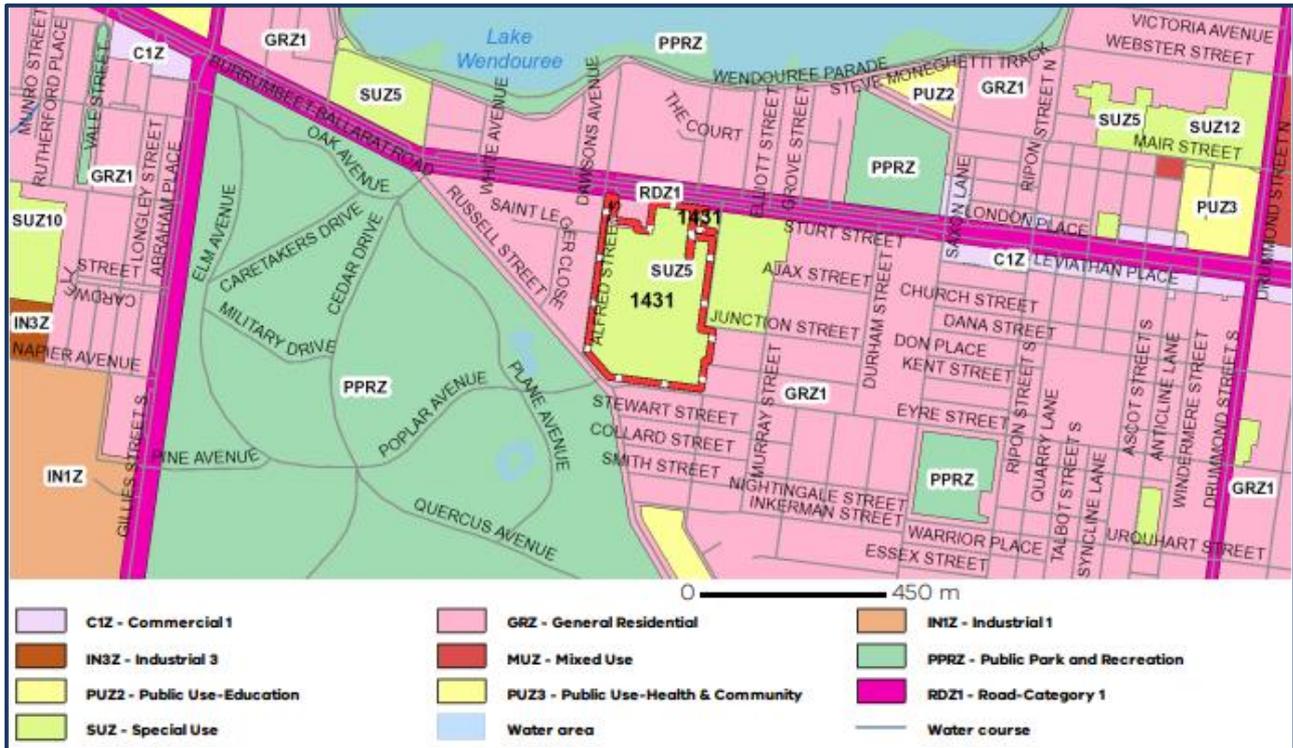
Further detail of each of the four trees are provided at Appendix 1 of this report

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## 7 Zoning Controls

### 7.1 Special Use Zone

As per the map below, Special Use Zone – Schedule 5 (Private Education Establishment) of the Ballarat Planning Scheme applies to the subject site and to Ballarat Clarendon College to the east.



Zoning Map

#### Purpose

The purpose of Special Use Zone – Schedule 5 is:

- > To implement the Municipal Planning Strategy and the Planning Policy Framework.
- > To provide for the use of land for the purpose of a private education establishment. This includes the use of land for a religious institution.

**Response :** *The proposed development provides for the further development and progress of the campus which will enable the school to continue to provide high quality private education into the future.*

#### Use

The land use is classified under **Education Centre** in the Victorian Planning Provisions which is defined at Clause 73.03 as 'land used for education'.

The use as an Education Centre is a Section 1 use in the table of uses at Schedule 5 of the Special Use Zone. Therefore no permit is required in association with this use.

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## Buildings and Works

Under the provisions of Clause 37.01-4, a permit is required to construct a building or construct or carry out works on land included within the Special Use Zone. Therefore in relation to this application, a permit is required for the MPC building and for the construction of the car park

An application is 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 Act. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

There are no specific application requirements and no decision guidelines listed in the Schedule other than Clause 65 and the Municipal Planning Strategy and the Planning Policy Framework which are discussed later in this report.

## 7.2 Road Zone – Category 1

Sturt Street is a Road Zone – Category 1 and abuts the campus to the north. However the proposal will not involve any works in Sturt Street. Therefore there are no requirements related to this provision.

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## 8 Overlays

### 8.1 Heritage Overlay – Schedule 164

The entire campus is included within Heritage Overlay – Schedule 164 (West Ballarat Heritage Precinct).



Extent of HO164 across the campus

The purpose of this overlay is as follows:

- > To implement the Municipal Planning Strategy and the Planning Policy Framework.
- > To conserve and enhance heritage places of natural or cultural significance.
- > To conserve and enhance those elements which contribute to the significance of heritage places.
- > To ensure that development does not adversely affect the significance of heritage places.
- > To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place

A **planning permit is required** under the Heritage Overlay – Schedule 164 for the following development at the site:

- > Construction of the multi-purpose building and associated works
- > Construction of fences and gates visible from Wanliss Road
- > Demolition of the existing car park area
- > Construction of new car park beside the eastern oval
- > Works facilitating the realignment of the existing ovals

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A **planning permit is not required** under the Heritage Overlay to remove any tree. The removal of trees on this site is exempt from permit requirements through the incorporated document – Ballarat Planning Scheme Heritage Control 2004 – Incorporated Plan (revised October 2015).

The following works are exempt from the requirement of a planning permit under Clause 62.02-2 where buildings and works not requiring a permit unless specifically required by the planning scheme include:

- > Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.

Therefore given they are not specifically required the Heritage Overlay, a **planning permit is also not required** for the relocation of the bus shelter, the relocation of the waste area, the ball catcher poles and nets associated with the sports oval or for any landscaping.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, the following decision guidelines of the Heritage Overlay which are applicable to this application:

- > The Municipal Planning Strategy and the Planning Policy Framework.
- > The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- > Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- > Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- > Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- > Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- > Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

**Response:** *The proposed development's design response has considered the St Patrick Campus, Ballarat Conservation Management Plan 2014 to ensure the building and relocated car parking will allow for the evolution of the campus in a way which is responsible to its heritage significance.*

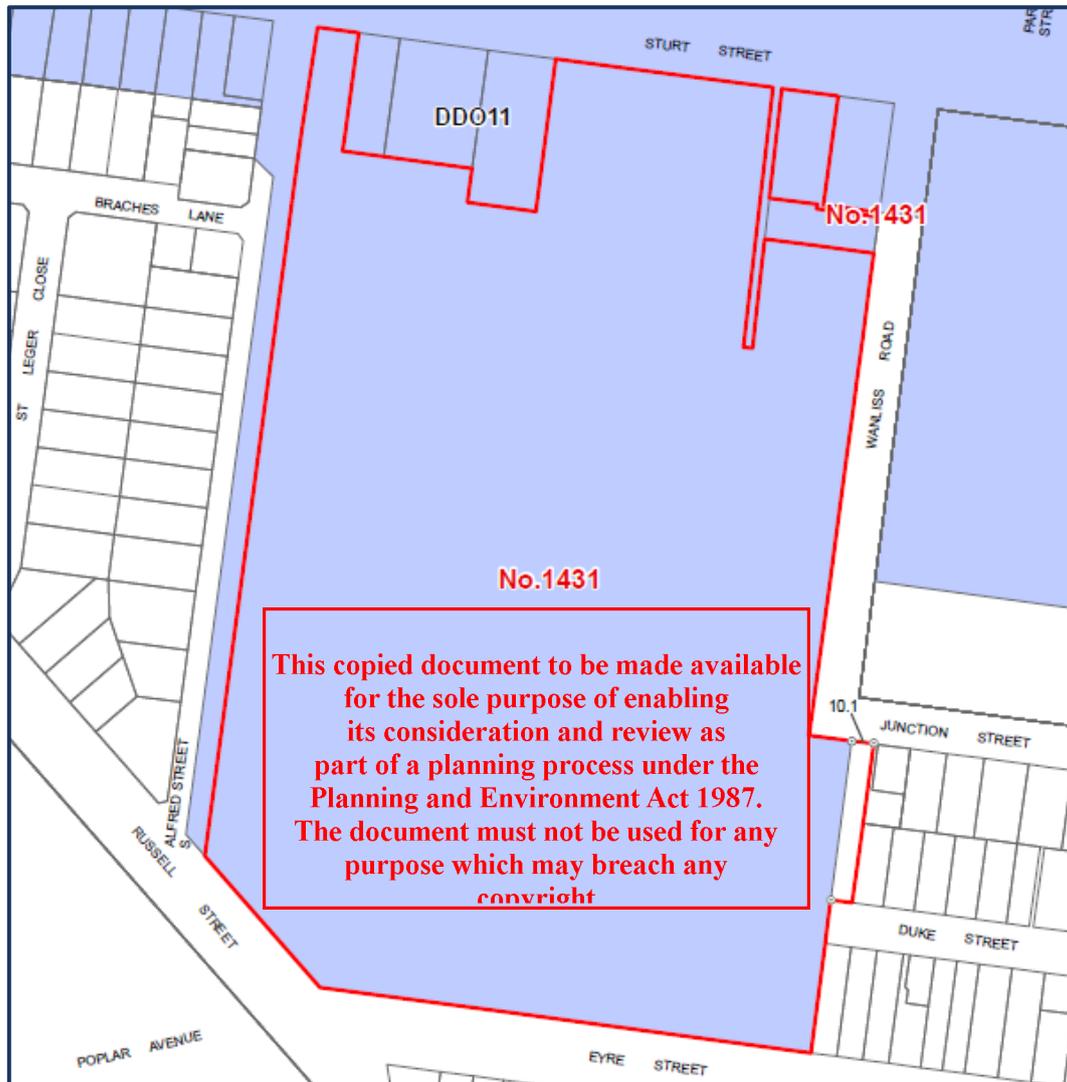
*The design response has also been informed by a review of the statement of significance for the West Ballarat Heritage Precinct which is within the Ballarat Heritage Precincts Study Part A 2006 – Statements of Significance' which is an incorporated document in the Ballarat Planning Scheme.*

*A Heritage Impact Statement prepared by Line of Sight Heritage is submitted with this application. Please refer to this Heritage Impact Statement for a comprehensive response to these decision guidelines and other heritage objectives and guidelines of the Ballarat Planning Scheme.*

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## 8.2 Design and Development Overlay – Schedule 11

The entire campus is affected by Design and Development Overlay – Schedule 11 (Urban Character Area 17 West of Pleasant Street).



Extent of DDO11 across the campus

The design objectives of the schedule to this overlay are as follows:

- > To retain and enhance Sturt Street as a gracious and formal nineteenth century boulevard, which is an urban character of special significance to the City of Ballarat.
- > To encourage new development that complements existing historic development in form, scale, height, siting, materials and colour.
- > To encourage the development of harmonious building forms that will contribute to the integration of traditional urban character along the street.
- > To retain views from the street space to the landmark features of Arch of Victory, Victoria Park and Lake Wendouree.
- > To retain a visual connection between the street space and private land.
- > To retain the existing garden character featuring exotic canopy trees.

**A planning permit is required** under Design and Development Overlay – Schedule 11 for the following development at the site:

- > Construction of the multi-purpose building and associated works
- > Construction of front fences above 1.2 metres in height on Wanliss Road
- > Construction of new car park beside the eastern oval
- > Works facilitating the realignment of the existing oval

Schedule 11 to the Design and Development Overlay affects predominantly residential area, on which it discourages building heights of greater than two storeys and front fences of greater than 1.2 metres in height. However the schedule also states that:

- > Higher buildings may be permitted where it is demonstrated that they would be sympathetic with the character of the street.
- > A building greater than two storeys in height may be permitted on the existing school and convent sites if the proposed development complements the height and mass of the existing building complex;
- > A front fence greater than 1.2 metres in height may be permitted if it is replacing an existing fence which is greater than 1.2 metres in height or if front fences of a height greater than 1.2 metres exist on the frontages of adjoining properties.

Before deciding on any application the responsible authority must consider whether the proposal meets the design objectives of the schedule (listed on the previous page).

**Response:** *The proposed building is acceptable in relation to the requirements of DDO11 as the building's height is well set back from Sturt Street and similar to the height of other buildings on Wanliss Road. It also compliments the height and mass of the existing complex on the St Patricks College campus.*

*The proposed 1.5 metre high fences would replace front fences of a similar height and will retain the visual connection between street space and land because of its transparency.*

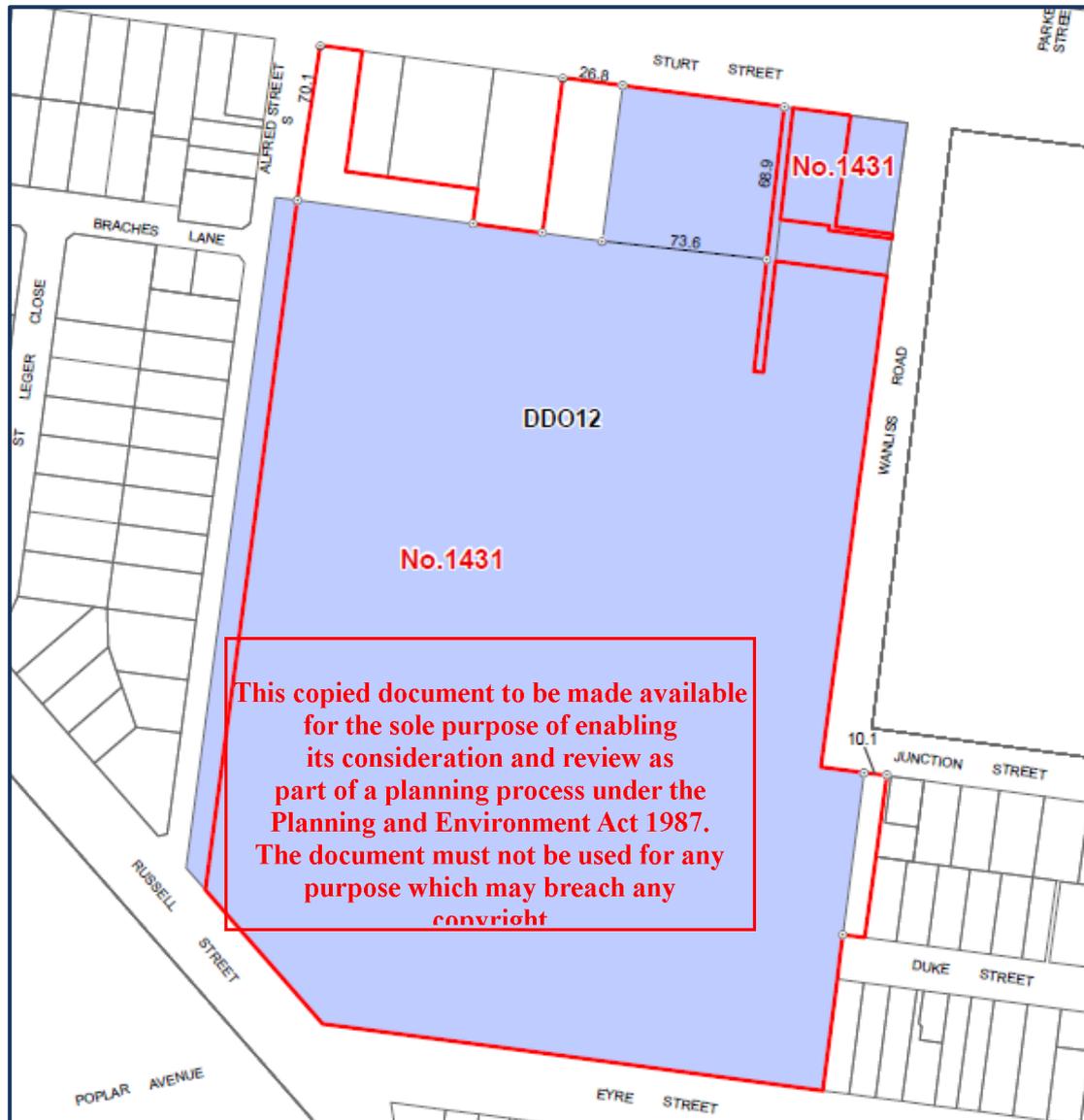
*The relocation of a car parking facility away from the Wanliss Road streetscape, to a more discreet location of the campus, and its replacement with high quality contemporary built form and landscaping helps meet the design objectives of this schedule.*

*Many of the design objectives relate to the heritage character of the area and are further addressed in the submitted Heritage Impact Statement.*

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### 8.3 Design and Development Overlay – Schedule 12

The entire campus is affected by Design and Development Overlay – Schedule 12 (Urban Character Area 18).



Extent of DDO12 across the campus

The design objectives of the schedule to this overlay are as follows:

- > To retain and enhance high quality inter-war residential development and the parkland setting of the area, which is an urban character of special significance to the City of Ballarat.
- > To retain the existing rhythm and scale of development along Russell Street.
- > To encourage new development that complements existing inter-war development in form, scale, height, siting, materials and colour.
- > To retain views from the street space to Victoria Park and to other areas of expansive open space.
- > To retain a visual connection between the street space and private land.
- > To retain the existing garden character featuring exotic canopy trees

**A planning permit is required** under Design and Development Overlay – Schedule 12 for the following development at the site:

- > Construction of the multi-purpose building and associated works
- > Construction of front fences above 1.2 metres in height on Wanliss Road
- > Construction of new car park beside the eastern oval
- > Works facilitating the realignment of the existing oval

Schedule 12 to the Design and Development Overlay affects predominantly residential area, on which it discourages building heights of greater than two storeys and front fences of greater than 1.2 metres in height. However the schedule also states that:

- > Higher buildings may be permitted where it is demonstrated that they would be sympathetic with the character of the street.
- > A front fence greater than 1.2 metres in height may be permitted if it is replacing an existing fence which is greater than 1.2 metres in height or if front fences of a height greater than 1.2 metres exist on the frontages of adjoining properties.

Before deciding on any application the responsible authority must consider whether the proposal meets the design objectives of the schedule (listed on the previous page).

**Response:** *The proposed building is acceptable in relation to the requirements of DDO11 as the building's height is well set back from Sturt Street and similar to the height of other buildings on Wanliss Road. It also compliments the height and mass of the existing complex on the St Patricks College campus.*

*The proposed 1.5 metre high fences would replace front fences of a similar height and will retain the visual connection between street space and land because of its transparency.*

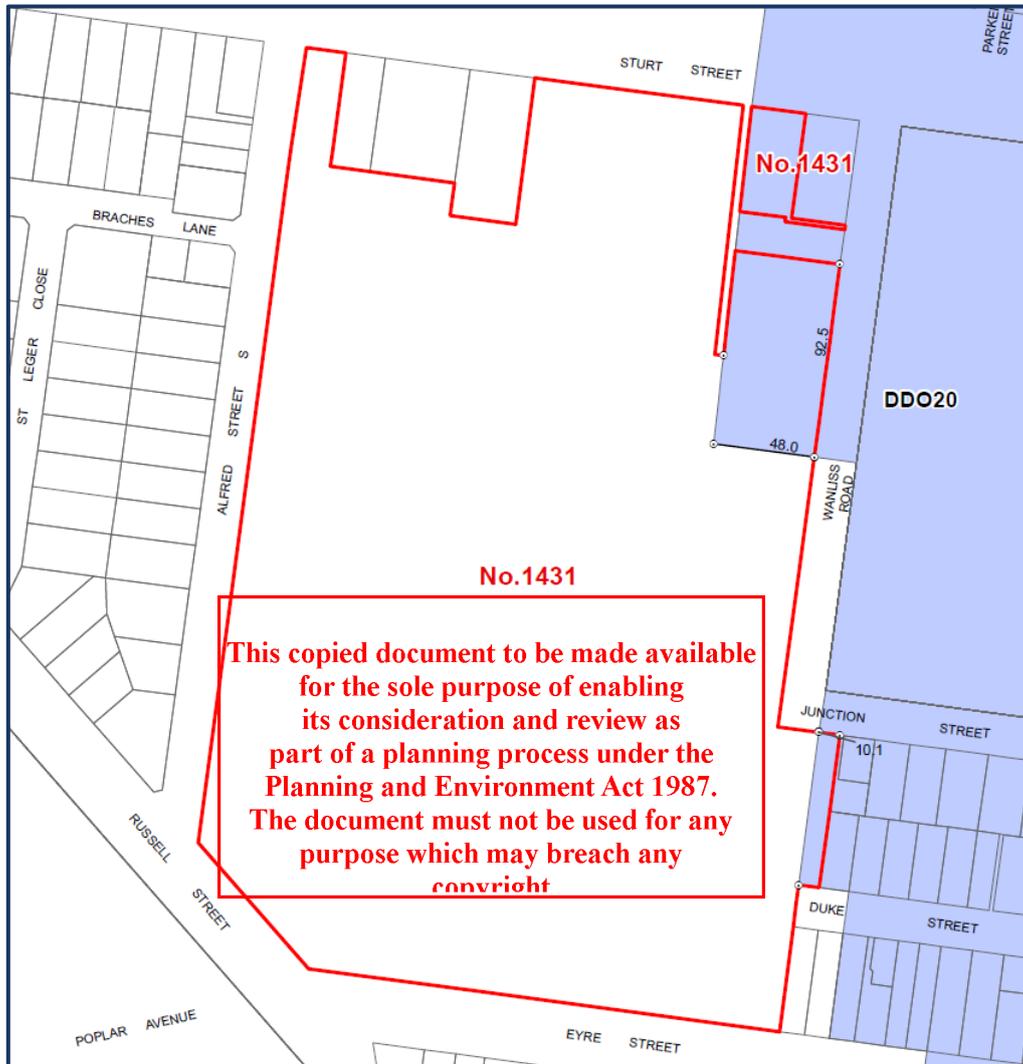
*The relocation of a car parking facility away from the Wanliss Road streetscape, to a more discreet location of the campus, and its replacement with high quality contemporary built form and landscaping helps meet the design objectives of this schedule.*

*Many of the design objectives relate to the heritage character of the area and are further addressed in the submitted Heritage Impact Statement.*

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## 8.4 Design and Development Overlay – Schedule 20

The campus is partially affected by Design and Development Overlay – Schedule 20 (Ballarat Base Hospital Helicopter Flight Paths Protection Area – Outer Area). As per the map below the overlay affects the area of the campus where the MPC is proposed.



Extent of DDO20 across the campus

The design objectives of the schedule to this overlay are as follows:

- > To ensure that the height of all buildings and works are constrained within specified limits to avoid creating a hazard to aircraft in the vicinity of the helipad at the Ballarat Base Hospital and to facilitate safe helicopter operations.
- > To ensure that flight paths associated with the helipad at Ballarat Base Hospital are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the helipad.

A permit is not required to construct a building or to carry out works provided the maximum height of the buildings or works does not exceed 478.8 metres above the Australian Height Datum (AHD).

The proposed building has a maximum height of 14.7 metres which is 465.7 metres above Australian Height Datum at the site, therefore a **planning permit is not required** under this provision.



**Response:** *The removal of the four trees is essential to allow for the development of the MPC building and the relocation of car parking to achieve no net loss of car parking spaces on the campus.*

*The location of the MPC building has been carefully thought out in relation to a number of factors including reducing impacts on the heritage significance of the campus and providing good operational outcomes. The removal of the Callery Pear therefore cannot be avoided and replacement landscaping will be provided to integrate with the new building. This landscaping includes a large feature tree and more than ten large/medium trees which will all be visible from Wanliss Road and consistent with the character of existing vegetation in the area which is protected by this overlay – refer to submitted landscape plan.*

*The location of the relocated car parking area has been carefully chosen as part of the overall master planning for the campus and is integrated with the realignment of the adjacent oval. This location works operationally for the school, moves vehicle away from busier pedestrian areas of the campus, does not require any new vehicle access from a road to the campus and is not located close to buildings or spaces of high heritage significance on the campus. The removal of the three Claret Ash trees cannot be avoided without resulting in an inefficient car parking layout or requiring the removal of other trees on the campus.*

*The vegetation protection objectives to be achieved through Schedule 2 to the Vegetation Protection Overlay predominantly relate to street trees and trees in the front garden of private residential land. It is acknowledged that the canopies of the four trees to be removed can, to varying degrees, be seen from residential streets in the area and therefore make a contribution to the character of the area. However these four trees are not located on residential land and therefore do not provide the same level of amenity, aesthetic character and cultural value to the area as street trees or trees in the front garden of private residential land.*

*In summary the removal of the four trees is necessary to ensure the further development of the campus is carried out in a responsible and master planned fashion to ensure its heritage significance is protected and existing on site car parking spaces are not lost. Furthermore the contribution made by the trees to the existing urban character is not at the higher end in terms of what the vegetation protection objectives are trying to retain. For these reasons it is considered that the removal of the four trees is acceptable.*

The Vegetation Protection Overlay also includes the following decision guidelines relevant to the proposed removal of the four trees:

- > The Municipal Planning Strategy and the Planning Policy Framework.
- > The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of a wildlife corridor.
- > The need to retain vegetation (inter alia) which is of heritage or cultural significance.
- > Whether provision is made or is to be made to establish and maintain vegetation elsewhere on the land.

**Response:** *A review of the Municipal Planning Strategy and the Planning Policy Framework determines that the removal of the trees, when considered in the overall campus master planning context, results in net community benefit through the development of the MPC building in an appropriate location and the retention of existing car parking space numbers on the campus in a safer location.*

*Details of the vegetation to be removed is provided at Appendix 1 which demonstrates that the vegetation is not native, is not rare and does not have heritage or cultural significance (it is not protected by the schedule to the Heritage Overlay).*

*Provision is made elsewhere on site to establish and maintain vegetation which will make a greater contribution to the vegetation protection objective to be achieved by the schedule to the overlay.*

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## 9 Particular Provisions

### 9.1 Carparking

Under the provisions of Clause 52.06.2, before a new use commences, or the floor area of an existing use is increased, or an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.

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

Extract from Table 1 of Clause 52.06-5

**Response :** *The proposed development will not result in the addition of any staff at the School. Therefore the use will not be increased by the measure specified in Column C of Table 1 in Clause 52.06-5. As such, no additional car parks are required to be provided on site and a planning permit is not required.*

*The proposed development does involve the loss of 78 existing car parking spaces which are currently located where the multi-purpose building is proposed and 1 car parking space lost through the consolidation of 3 standard spaces into 2 accessible spaces in the car parking area located between the Wilding Wing and Alfred Street. Therefore total loss is 79 car parking spaces across the campus.*

*These 79 lost car parking spaces would be replaced on a new car park constructed to the east of the main oval. A car parking plan has been prepared in accordance with Clause 52.06-8 to show the location and dimensions of replacement car parking spaces and new accessways. The design of car parking and accessways is in accordance with Clause 52.06-9.*

*Please refer to the submitted Transport Impact Assessment Report for more details on car parking and access design requirements.*

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### 9.2 Native Vegetation

Under the provisions of Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation including dead native vegetation. This does not apply:

- > If the table to Clause 52.17-7 specifically states that a permit is not required.
- > If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- > To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

**Response :** *The proposed trees to be removed are exotic species as confirmed at Appendix 1. Therefore no native vegetation will require removal in order to facilitate the development as proposed, as such the provisions of this Clause are not applicable in this instance.*

### 9.3 Land Adjacent to a Road Zone, Category 1

Sturt Street is a Road Zone – Category 1 and abuts the campus to the north. However the proposal will not involve the alteration of any access to Sturt Street including its service lane. Therefore no permit is not required under this provision.

### 9.4 Stormwater Management in Urban Development

The purpose of Clause 53.18 is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

An application to construct a building or construct or carry out works should meet all of the standards of Clauses 53.18-5 and 53.18-6 and must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

**Response :** *The submitted Stormwater Management Plan provides the following details for both the MPC building area and the new car parking area to meet the requirements of this clause:*

- > *pre-development and post-development detention computations*
- > *details of proposed stormwater detention volume*
- > *a conceptual design for the proposed works to provide the stormwater detention and treatment system*
- > *location of stormwater discharge to the drainage system*

### 9.5 Non-Government Schools

The purpose of Clause 53.19 is (inter alia) to facilitate upgrades and extensions to existing non-government schools.

This clause applies to an application under any provision of this scheme, other than a VicSmart application, to use or develop land for a primary school, secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school.

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.

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## 10 Clause 65 Decision Guidelines

Relevant Decision Guideline	Response
The matters set out in section 60 of the Act.	The application responds well to the Ballarat Planning Scheme. The proposal provides for the fair, orderly, economic and sustainable use of land identified to provide for private education. The development environmental effects will be minimal and its economic and social effects will be positive by providing for the future progress of the campus and its education offering.
The Municipal Planning Strategy and the Planning Policy Framework.	As per section 10 the application responds favorably to the PPF and LPPF of the Ballarat Planning Scheme.
The purpose of the zone, overlay or other provision.	As per sections 6, 7 & 8 of this report the application responds favorably to the zone, overlays and particular provisions.
Any matter required to be considered in the zone, overlay or other provision.	As per sections 6, 7 & 8 of this report the application responds favorably to the zone, overlays and particular provisions.
The orderly planning of the area.	The area is designated as an education precinct in the Ballarat Planning Scheme. The further advancement of this campus is therefore considered orderly planning.
The effect on the amenity of the area.	The proposal represents the further development of land within an established education precinct.
<p style="color: red; font-weight: bold;">This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p>	Traffic will not be increased as a result of the development of the MPC building.
	The proposed MPC building is located in excess of 100 metres from any residential land.
	The proposed car parking area is next to residential properties on Junction Street and Duke Street, however the effect on the amenity of the area is not considered to be inappropriate in the context of the education precinct.
The proximity of the land to any public land.	Other than Wanliss Road which serves the St Patrick's College and Ballarat Clarendon College campuses exclusively, the proposed development would not be in close proximity to any public land.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The submitted stormwater management plans demonstrate that stormwater will be maintained and treated on site.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	As per the submitted Transport Impact Assessment Report the proposed development is considered adequate in regarding these matters.

## 11 Policy context

The proposal is considered to be consistent with the relevant Planning Policy Framework and Local Planning Policy Framework policies as outlined below:-

### 11.1 Planning Policy Framework

**15.01-1S – Urban design** – The objective of which is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

**Response** : *The building design responds to the context of the area as espoused in the Conservation Management Plan for the campus, the statement of significance for the West Ballarat Heritage Precinct and the design objectives of the Design and Development Overlays.*

*The building will improve the Wanliss Road streetscape and the associated works provide a visual connection between the private and public realm which enhances safety on Wanliss Road.*

*The development provides landscaping which supports the amenity, attractiveness and safety of the public realm.*

**15.01-2S – Building design** – The objective of which is to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

**Response** : *The proposed building was born out of a comprehensive site analysis, including a review of the existing Conservation Management Plan, which provided the basis for location, height, scale and massing of the building to respond to the cultural context of the site.*

*By way of its location in an education precinct the building would have minimal impact on neighbouring properties.*

*The building and its landscaping provide a pleasant interface with Wanliss Road.*

*The buildings siting and design ensures the protection of views to Kennedy House and McCann House from both the north (Sturt Street) and south (southern end of Wanliss Road) as demonstrated in the submitted rendered views.*

*By relocating 78 car parking spaces and removing the existing vehicle access to Wanliss Road at the location of the proposed building, access and egress for pedestrians and cyclists will be improved at this interface between two schools.*

**15.01-5S – Neighbourhood character** – The objective of which is to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

**Response** : *The proposed building responds to its context by reinforcing the sense of place along Wanliss Road as being in the centre of an education precinct.*

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**15.03-1S – Heritage conservation** – The objective of which is to ensure the conservation of places of heritage significance. Relevant strategies are to:

- > Encourage appropriate development that respects places with identified heritage values.
- > Ensure an appropriate setting and context for heritage places is maintained or enhanced.

**Response** : Refer to the submitted Heritage Impact Statement for details of how the proposed development responds to these strategies.

**17.01-1R – Diversified economy – Central Highlands** – Strategies include to support growth through the development of employment opportunities in towns identified for population growth.

**Response**: Whilst there will be no full time jobs created at the campus as a result of the development, construction work will provide jobs in Ballarat.

**18.02-4S– Car parking** – The objective is to ensure an adequate supply of car parking that is appropriately designed and located.

**Response** : The proposal ensures no net loss of car parking at the campus and consolidates the spaces lost to the building, into one facility.

The location of the new car parking is safer as it will be located away from the busy pedestrian areas of the campus.

**19.02-2S – Education facilities** – The objective of which is to assist the integration of education and early childhood facilities with local and regional communities. Relevant strategies include:

- > Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.
- > 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).
- > Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.
- > Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- > Consider the existing and future transport network and transport connectivity.

**Response** : The proposal represents the improvement of education facilities provided on the campus to meet the needs of the School's community. The building has been designed to suit its purpose and function whilst respecting its surroundings. The campus is within an existing education precinct which is defined and encouraged to expand in the local policies (Clause 21.07-2) of the Ballarat Planning Scheme. The proposed removal of the existing access to a car park off Wanliss Road will improve bicycle and pedestrian safety as well as the operation of school buses in the area between St Patricks College and Ballarat Clarendon College.

**19.03-3S – Integrated Water management** – The objective of which is to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

**Response** : The site will be drained using current best practice water sensitive urban design principles as per the submitted stormwater management plan.

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## 11.2 Local Planning Policy Framework

### 11.2.1 Municipal Strategic Statement

#### Clause 21.06-1 – Urban Design Objective of which are:

- > To protect and enhance the quality and character of built areas, considering context and local.
- > To increase the vitality, amenity and experience of the public realm.

**Response:** *The scale bulk and quality of the proposed MPC building will contribute the character and quality of the built environment in this location.*

**Clause 21.06-2 – Heritage** – The objective of this clause is to protect, conserve and enhance areas, features, structures and sites of historic, aboriginal, natural and cultural significance.

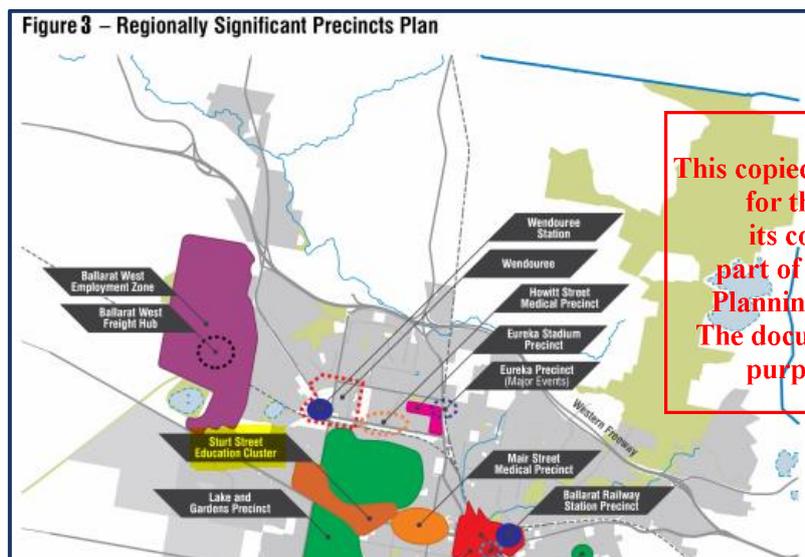
**Response:** *The submitted Heritage Impact Statement provides details of how the proposed development responds to the objective and strategies of this clause.*

**Clause 21.06-3 – Neighbourhood Character**– The objective of this clause is to recognise places of distinct neighbourhood character.

**Response:** *The proposal recognises the distinct neighbourhood character of the area by maintaining the visual connection between street space and private land and by relocating car parking facilities away from the Wanliss Road streetscape to a more discreet location of the campus.*

#### Clause 21.07-2 – Regionally Significant Precincts

The campus is within the Sturt Street Education Cluster (orange in map below) which is identified as a regionally significant precinct in this Clause as a result of work undertaken through the Ballarat Strategy 2015. The strategic direction of the precinct is to “facilitate ongoing expansion of high quality education services for Ballarat and Western Victoria through being responsive to the individual needs and aspirations of schools and tertiary institutions”. Further strategic work identified in this clause is to “work with education facility providers to plan for the provision of new facilities and the expansion of existing education facilities”.



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**Response:** *The proposal represents the provision of new facilities to meet the needs of St Patricks College.*

### 11.2.2 Local Planning Policies

#### **Clause 22.05 – Heritage Conservation and Heritage Precincts** – Relevant objectives are:

- > To ensure new development is consistent with the Statement of Significance of the relevant heritage precinct as listed in the:
  - Ballarat Heritage Precincts – Statements of Significance (2006)' incorporated document.
  - Ballarat Heritage Precincts Study Part A 2006 – Statements of Significance' incorporated document
- > To ensure that new development interprets the cultural significance of the place.

**Response:** *The submitted Heritage Impact Statement provides details of how the proposed development responds to the objective and strategies of this clause.*

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## 12 Conclusion

The planning application responds favourably to the Ballarat Planning Scheme by way of the following:

### Planning Policy Framework and Local Planning Policy Framework

The proposal is consistent with the State and Local Planning Policy context in relation to supporting the provision of new facilities for existing high-quality education facilities for Ballarat and Western Victoria. In particular Clause 19.02-2S Education facilities and Clause 21.07-2 Regionally Significant Precincts.

### Zoning

The site is zoned Special Use Zone – Schedule 5 (Private Education Establishment) which provides explicit support for the provision of private education on the St Patrick's College campus and adjacent Clarendon College campus. The proposed MPC building is to be located in excess of 100 metres from any residential land. Neither staff or student numbers on the campus will be increased as a result of this development, therefore there will be minimal impact on the amenity of the area.

### Overlays

The Campus is within the West Ballarat Heritage Precinct and is subject to Heritage Overlay – Schedule 164. A Conservation Management Plan was prepared for the campus in 2014 and the appropriate location of the proposed MPC building was derived from this document. A Heritage Impact Statement has been submitted with the application and demonstrates how the design of the buildings and works associated with this proposal, are appropriate in the context of the Heritage Overlay and other heritage controls in the Ballarat Planning Scheme.

The proposed development area is affected by two schedules to the Design and Development Overlay which contain design objectives related to urban character. The proposal responds positively to these overlays by addressing Wanliss Road with a contemporary building, relocating car parking facilities away to a more discreet location of the campus and maintaining the visual connection between street space and public land via transparent fencing.

Another schedule to the Design and Development Overlay affects the site but a planning permit is not required because the total height of buildings and works is below the height specified for this location to protect the Ballarat Base Hospital Helicopter Flight Paths Protection Area.

The Campus is also affected by Vegetation Protection Overlay – Schedule 2 (Urban Character Vegetation) which protects trees greater than 4 metres in height in private front gardens. Whilst the intent of this provision seems to relate more to residential land there are four trees to be removed from the campus as part of this proposal, which to varying extents, are visible from Wanliss Road. The trees cannot be retained without undermining the intent of the proposal which has been carefully thought out in terms of the location of the MPC and the consolidated of a car parking area away from pedestrians in the busier parts of the campus. The trees must be removed to allow for the further advancement of the campus and replacement landscaping will be provided. For these reasons the removal of these trees is considered acceptable.

### Car Parking and Accessways

The proposed car parking area on the eastern side of the oval ensures there will be no net loss of car parking as a result of the development of the MPC building. The car park also consolidates 79 spaces in an appropriate location on the campus and is designed to meet the design requirements of Cause 52.06.

## Stormwater Management

The application is accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

Overall the design of the proposed development represents a master planned approach to enabling the further advancement of the campus and its education offering. The approach and its main benefits can be summarised as follows:

- > The proposed building was born out of a comprehensive site analysis, including a review of the existing Conservation Management Plan, which provided the basis for the location, height, scale and massing of the building to respond to the cultural context of the site and its surrounds.
- > The buildings siting and design ensures the protection of views to Kennedy House and McCann House from both the north (Sturt Street) and south (southern end of Wanliss Road) as demonstrated in the submitted rendered views.
- > By way of its location near the centre of an established education precinct, the MPC building would have minimal impact on neighbouring properties.
- > The proposed building, fences and landscaping will improve the Wanliss Road streetscape and provide a visual connection between the private and public realm which enhances safety on Wanliss Road.
- > Consolidating/relocating 79 car parking spaces into a single location on campus providing for the following:
  - o Removal of the existing vehicle access to Wanliss Road at the location of the proposed building which will improve access and egress for pedestrians and cyclists at the interface with Ballarat Clarendon College.
  - o The new car park at the south of the site which will separate on site traffic movements from pedestrian movements in the busier parts of the campus.

For the reasons outlined in this report it is considered that, having regard to the Ballarat Planning Scheme, the proposed MPC building and associated works on St Patricks College campus are appropriate and should therefore be supported by the Minister for Planning.



.....  
Andrew Grey  
Senior Town Planner

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## Appendix 1 – Tree Details

### Claret Ash Trees



Location of the three Claret Ash trees to be removed



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Claret Ash trees 1-3/left to right (01.07.2021)

**Claret Ash 1**

Species	Fraximus raywoodi
Common Name	Claret Ash
Height	10-12 metres
DBH	800mm
Structure	Good overall, bar north side
Health	Fair, new growth 15cm only
Age	35-40 years
Defect Size	Missing limb would have been 30 cm and 3 – 4m in length

**Claret Ash 2**

Species	Fraximus raywoodi
Common Name	Claret Ash
Height	10 metres
DBH	620mm
Structure	Good
Health	Good
Age	35-40 years

**Claret Ash 3**

Species	Fraximus raywoodi
Common Name	Claret Ash
Height	8-10 metres
DBH	500mm
Structure	Good
Health	Good
Age	35-40 years

3 x tree assessments by school arborist June 2021

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## Callery Pear Tree



Location of the Callery Pear tree to be removed

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Callery Pear tree (01.07.2021)

Species	Pyrus Calleryana
Common Name	Callery Pear
Height	5-10 metres
DBH	300mm
Structure	Fair
Health	Good
Age	Semi-mature

Tree assessment by school arborist April 2020.

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