

Officer Assessment Report

PA2302660 – 19-23 Horswood
Road, Narre Warren North
Lysterfield Lake College



Officer Assessment Report
Development Approvals & Design



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details		
Application No:	PA2302660		
Received:	15 December 2023		
Applicant:	Pared Victoria Limited		
Planning Scheme:	Casey		
Land Address:	19-23 Horswood Road, Narre Warren North		
Proposal:	The proposal is for the use and development of a primary and secondary school (years 3 to 12) and for the removal of native vegetation.		
Development Value:	\$ 14m		
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because:</p> <ul style="list-style-type: none"> • It is for a primary school and secondary school; and • There is no existing primary school or secondary school on the land. 		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 35.05-1	Green Wedge A Zone, Schedule 4	<i>To use land for a primary school and secondary school (Section 2 Uses)</i>
	35.05-5		<i>To construct buildings and works for a Section 2 use.</i>
Overlays:	Clause 42.03-2	Significant Landscape Overlay, Schedule 1	<i>Construct a building or construct or carry out works</i>
	Clause 44.06-2	Bushfire Management Overlay	<i>To construct buildings or works associated with an Education Centre.</i>
Particular Provisions:	Clause 52.17-1	Native Vegetation	<i>To remove destroy or lop native vegetation, including dead native vegetation.</i>
Cultural Heritage:	It has been confirmed the site is not in an area of Aboriginal Cultural Heritage Sensitivity. A CHMP is therefore not required.		
Total Site Area:	8 hectares		
Referral Authorities:	Head, Transport for Victoria (S55 Determining) Ausnet Transmission Group (S55 Determining) Country Fire Authority (S55 Determining)		
Advice sought:	Parks Victoria (Section 52d Notice) Casey Council (Section 52b Notice) DEECA (Informal)		
Public Notice:	<p>Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:</p> <ul style="list-style-type: none"> • Letters to adjoining and nearby property owners and occupiers. • Letters to those who had already objected to the application. • Letters to those who were party to the appeal of a previous permit application associated with the site. • Signs along the front property boundary. <p>73 objections have been received at the time of writing. Additionally, an online petition with more than 4000 entries has been received.</p>		



Delegates List: Approval to determine under delegation received on **6 November 2024**.



cycling routes b. The site is not located within a designated education precinct or an area highly accessible to public transport.

3. The site is not considered to be an appropriate location for a primary school as it would result in a non-agricultural use with limited accessibility to major public transport routes and with a single road frontage. This is contrary to the objectives of Clause 21.03-4 (Settlement and Housing).
 4. The proposal will result in an urban type of use within the Green Wedge Area which will detract from the landscape and scenic values of the area and will result in a proposal that could reasonably be located on a site within the Urban Growth Boundary. This is contrary to Clause 22.08 (Non-agricultural Uses in Green Wedge Areas Policy).
 5. The proposal would impact the amenity of the surrounding residents due to the increase in vehicle movements along Horswood Road.
3. Following this, an appeal was lodged by the permit applicant against council's refusal with the Victorian Civil and Administrative Tribunal (VCAT) under Section 77 of the Planning and Environment Act 1987. A hearing took place between 29-31 August 2022.
 4. The Tribunal affirmed the decision of the council, and no permit was issued. Key findings within the VCAT Order were:
 - That a school would be acceptable if this site was flat or was significantly larger. That this finding is based on the Zone's nomination of schools as permissible uses in the Green Wedge A Zone.
 - That the intensity of activity at the Montague complex and at Lysterfield Lake Park make this road (Horswood Road) capable of absorbing a school despite its 'remoteness'.
 - That given the CFA does not object to the grant of a permit subject to conditions, including a Bushfire Management Plan requiring the closure of the school on days of elevated fire risk, the risk from bushfire is appropriately managed.
 - That the apparent lack of any meaningful connection to the Green Wedge is a not fatal flaw. The State government's support for schools in the Green Wedge A Zone turns on the objective of enhancing the diversity of primary and secondary education rather than on such schools having links to Green Wedge values.
 - That almost all of the site would be re-worked to provide for school activities. Excavation for an oval that is 103m wide by 126m long is a significant change to the natural hillside. Adding sports fields with dimensions of 80m by 60m and 59.8m by 40m is also a significant change. Beyond that, the pad for the administration and multi-purpose buildings chapel, and hall is a further 80-90m by 50m cut at a lower level with a comparable area of cut surfaces for the secondary school rooms.
 - That the extensive use of the site coupled with the significant modifications to the natural topography cannot be justified given these aspects of the Green Wedge Zone, Significant Landscape Overlay and local planning policy.
 - That whilst there are persuasive arguments for why a school is acceptable in this location, the school as proposed is too large for the site and that the site's topography cannot accommodate the proposed earthworks without compromising the landscape values of the Zone and Significant Landscape Overlay.
 - That a school would be acceptable if this site was flat or was significantly larger.
 - That views from Belgrave-Hallam Road are important and that significant earthworks would be visible from outside 356-367 Belgrave Hallam Road which is a typical vista in the Casey Foothills.
 5. An assessment of the proposal with regard to the previous proposal and VCAT's decision to affirm council's refusal, is discussed in the assessment section of this report.



Application Process

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

Milestone	Date
Application lodgement	15 December 2023
Further information requested	10 January 2024
Further information received	12 April 2024
Public Notice	24 April 2024 till 1 May 2024
Further plans submitted on 12 July 2024 formally under s57A of the Act	<p>In summary, the formally substituted plans illustrated:</p> <ul style="list-style-type: none"> • Building heights reduced to less than 10m. • Ceiling heights reduced. • Chapel spire deleted. • Site Entry gate moved 26.7m west of the northeast corner. • Horswood Road widened at the site entry • Car Park area reduced in size and shifted to accommodate retention of existing wetland. • Bicycle parking area moved. • Existing wetland vegetation and dam retained. • Proposed wetlands area reduced and renamed. • Proposed native vegetation removal extent reduced and Flora and Fauna Report updated. • Static Water Supply Tanks and fire booster pumps relocated (40,000L) • Proposed sealed cycling criterium track deleted. • Ecological Education Facility shape amended • One shed deleted (9m x 6m) • The remaining Shed (12 x 6m) relocated to the south end of sports fields. • 6m wide CFA Emergency Access Path added with 18m of all buildings. • Gravel sections confirmed at natural grade. • Northwest Covered Play moved west 2.5m to accommodate 6m emergency access path. • Southwest Upper Terrace Play area reduced. • Eastern Grey Kangaroo Conservation and Welfare Management Plan prepared. • Internal fences realigned to Kangaroo Management Plan. • Water Storage Tanks shown – underground • Potable water – 20,000L shown on drawings. • Grey water – 20,000L shown on drawings. • Wastewater Treatment plant shown (2 of - underground) • Extent of Cut and Fill area reduced. • Waste Management Plan amended. • Waste Pickup Bay1 in Car Park – removed from Admin/Hall access path. • Temporary Portable Buildings relocated southwest of the Chapel.
Further information requested following the S57a Amendment and received	Requested 24 July 2024 and received 8 August 2024.
Decision Plans	Plans prepared by Cullen Architects, dated 28/07/2024, Revision 'S57a RFI'.
Other Assessment Documents	<ul style="list-style-type: none"> • Visual Impact Assessment, prepared by Orbit Solutions, dated 2 April 2024. • Flora and Fauna Assessment, prepared by Nature Advisory, dated July 2024 (with corrected NVR Report at Appendix 7 generated 8/11/2024). • Bushfire Management Plan, Fire Risk Consultants, dated 9 July 2024. • Eastern Grey Kangaroo Conservation and Welfare Management Plan, prepared by Nature Advisory, dated July 2024. • Land Capability Assessment, prepared by Civil Test, issue 4, dated 10 July 2024.



- Drawing LMP02, Landscape Details and Plant List, Revision RFI, dated 9 July 2024.
- Drawing LMP01, Landscape Master Plan, Revision RFI, dated 9 July 2024.
- Proposed Plant Schedule dated 3 May 2024.
- Proposed Indigenous Native Plant List, prepared by Nadia Gill Landscape Architect, undated, Rev S57a version.
- Stormwater Management Strategy and Report, prepared by PG1, dated 9 July 2024.
- Traffic Engineering Assessment, prepared by Traffix Group, dated July 2024.
- Vegetation Management Plan, prepared by Nature Advisory, dated February 2024.
- Bushfire Management Statement, prepared by Fire Risk Consultants, dated July 2023.
- Emergency Management Plan, prepared by My Emergency Management, Version 2, dated 20/11/2019.
- Review of Bushfire Related Matters, prepared by Fire Risk Consultants, dated August 2022.
- Soil Tests Report – sports fields, prepared by Civil Test, issue 3, dated 30 May 2023.
- Soil Tests Report – structures, prepared by Civil Test, issue 3, dated 30 May 2023.
- Soil Investigation and Pavement Design for Carpark, prepared by Civil Test, issue 3, dated 30 May 2023.
- Arboricultural Impact Assessment, prepared by Green Connection, dated 22 January 2024.

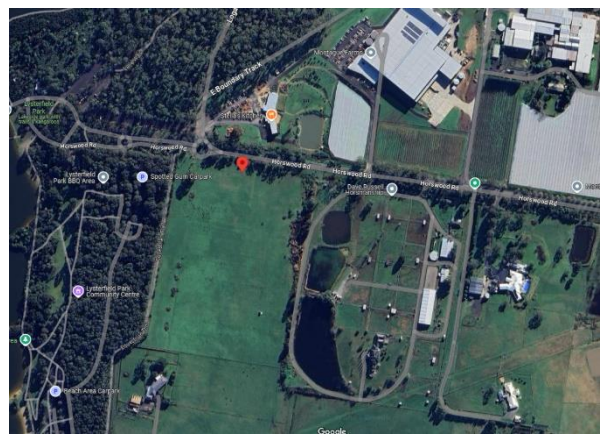
7. The subject of this report is the decision plans (as described above).

Subject Site and Surrounds



Site Description

8. The site is in Narre Warren North, on the south side of Horswood Road and directly east of Lysterfield National Park. Horswood Road is a no through road which terminates at the car park to Lysterfield National Park.
9. The site is 8 hectares in size with a frontage width of 237.47m and site depth of 333.66m.
10. The site slopes from west to east by approximately 25m.
11. The site is vacant grazing land and does not contain any buildings or structures.
12. Scattered vegetation is located on the site and a small wetland is located adjacent to the eastern boundary.
13. Vehicle access is provided via an unmade drive near to the western boundary of the site and an adjacent roundabout.
14. The site is formally described as Lot 1 on Plan of Subdivision 130932.
15. The site is burdened by a 4m wide electrical easement on the western boundary of the site.



Above: Aerial views of the subject site and broader surrounding area.



Above Photo taken centrally within the site looking south-west (left) and photo taken within the south-west corner looking north-east toward Horswood Road (right).

Site Surrounds

16. Development surrounding the site can be described as follows:

- To the **north** of the site across Horswood Road is Montague Orchard. Montague Orchard is significant in size, located across several properties, with several buildings used for processing purposes along with an associated café restaurant.
- To the **south** of the site is grazing land and residential dwellings at 15 and 17 Reservoir Road, Narre Warren North.
- To the **east** of the site at 13-17 Horswood Road is an Equestrian Centre 'Dave Russell Horsemanship'. The adjoining site contains several agricultural buildings associated with the use along with a residential dwelling. Closest to the subject site, is an access track and three large dams.
- To the **west** of the site is Lysterfield National Park. The National Park is approximately 1,398 hectares in size. It contains numerous trails for walking and bike riding and contains an equestrian trail which directly abuts the subject site's western boundary. An entry and car park to the Lysterfield Park is located at the end of Horswood Road, north-west of the site.

17. A site inspection of the subject site and surrounds was undertaken on 30 May 2024.

18. Images of the site and surrounds are shown below:



Above: View of subject site taken north-east of site entry along Horswood Road (source: VIA, prepared by Orbit Solutions)



Above: Views of Montagues Orchard from Horswood Road and the eastern edge of the Lysterfield Park car park.



Above: Views of the adjoining dwelling and equestrian centre taken from within the subject site

The Proposal



19. The proposal is for the use and development of a primary and secondary school (years 3 to 12) and for the removal of native vegetation.
20. The school is proposed to contain various single and double storey buildings used for classrooms, a library, hall, administration facilities and a chapel. A car parking area, two sport fields, two basketball courts, various external covered play areas area and earthworks for the purpose of creating two retarding basins are proposed.
21. The use and development is proposed to occur in two stages. Specific details of the proposal in each stage is described below:

Stage 1:

- 153 students and 19 staff
- Construction of a car parking area proposed to contain 85 car parking spaces, three bus parking spaces, a drop off zone and services area (fire tanks and static water supply area). Two new vehicle crossovers to Horswood Road and works within the road reserve to facilitate access are proposed.
- Construction of buildings and works for a hall, administration buildings, a chapel and parents chaplain building are proposed. The heights of each building proposed to be delivered in Stage 1 are described below:
- The buildings are proposed to be constructed with exterior walls of 'mocha' Face Brick, with upper walls of gables finished in natural white cement render or fibre cement render cladding. Roofs are proposed to be constructed in Colorbond steel 'Wallaby'. Verandas and balustrades are proposed to be in differing shades of painted steel.
- Two sporting fields are proposed to be constructed adjacent to the western boundary of the site. The sporting fields are proposed to contain a grass surface. A shed is proposed to be constructed immediately south of the sporting fields.
- Two external basketballs courts are proposed to be constructed to the immediate west of the school buildings. The basketball courts will require the greatest extent of earthworks, with an approx. 2.2m site cut proposed.
- A 6m wide at-grade gravel emergency access track is proposed around the proposed buildings. Other at-grade gravel paths are proposed in the site leading from the school buildings up to the sporting fields.
- Fencing is proposed within the site for the purpose of sectioning off land for kangaroo grazing.
- Temporary portable classrooms are proposed within stage 1.

Stage 2:

- 239 students and 27 staff (in total)
 - Construction of buildings and works for a library, a central courtyard, a workshop, secondary and primary classroom buildings and a covered play area.
 - Construction of two proposed wetlands/retarding basins in the south-eastern corner of the site.
 - Proposed materials are consistent with those described under stage 1.
22. The proposal also includes the removal of 0.015 hectares of native vegetation in patches (pursuant to Clause 52.17).



Municipal Planning Strategy

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

Clause	Description
21.02	Key Issues and Strategic Direction
21.04	Environment
21.07	Built Environment
21.14	Casey Foothills
02.03-1	Settlement – Docklands
02.03-3	Amenity, Safety, Noise

Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement – Metropolitan Melbourne
11.01-1r	Green Wedges – Metropolitan Melbourne
Clause 12	Environmental and Landscape Values
12.01-1S	Protection of Biodiversity
12.01-2S	Native vegetation management
12.03	Water bodies and wetlands
12.05-2S	Landscapes
Clause 13	Environmental Risks and Amenity
13.02-1S	Bushfire Planning
13.07-1S	Land use compatibility
Clause 14	Natural Resource Management
14.01-1S	Protection of agricultural land
14.01-1R	Protection of agricultural land – Metropolitan Melbourne
Clause 15	Built Environment and Heritage
15.01-2S	Building design
15.01-5s	Neighbourhood character
Clause 18	Transport
18.01-1S	Land use and transport integration
Clause 19	Infrastructure
19.02-2S	Education Facilities
Clause 22	Local Planning Policy
22.08	Non-agricultural uses in Green Wedge Areas



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

Zoning and Overlays

Green Wedge A Zone, Schedule 4

26. A planning permit is required pursuant to Clause 35.05-1 (GWAZ) to use land for a primary school and secondary school (Section 2 Uses).

27. A planning permit is required pursuant to Clause 35.05-5 to construct buildings and works for a Section 2 use.

28. The purpose of the Green Wedge A Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.
- To ensure that use and development promotes sustainable land management practices and infrastructure provision.
- To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.
- To recognise and protect the amenity of existing rural living areas.

29. An assessment of the decision guidelines of the GWAZ is set out in the assessment section of the report.

Applicable Overlays

Significant Landscape Overlay, Schedule 1

30. Pursuant to Clause 42.03-2 (SLO) a planning permit is required to construct a building or construct or carry out works.

31. The purpose of the Significant Landscape Overlay is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

32. Schedule 1 of the SLO relates to the Casey Foothills. The statement of nature and key elements of the landscape is described as follows:

The hilly terrain of the Casey Foothills provides breathtaking views to and from the ridges and other vantage points. The terrain offers topographical and scenic relief from the low-lying built up areas of Casey.

The rural nature, characterised by open pasture and hedge row plantings, as well as bush remnants, provide a green backdrop to the city that contributes to a positive image of the municipality as a desirable place to live.

33. The landscape objectives to be achieved pursuant to Clause 2.0 of the SLO1 are:

- To conserve and enhance the existing pattern of vegetation to maintain landscape quality and remaining natural ecosystems.

- To encourage development that is in harmony with the hilly terrain and rural landscape of the Casey Foothills.
- To encourage land management practices compatible with landscape conservation.
- To protect the rural character of land surrounding the settlements of Harkaway and Narre Warren North.

Bushfire Management Overlay

34. A permit is required pursuant to Clause 44.06-2 to construct a buildings or construct or carry out works associated with an Education Centre.
35. The purpose of the Bushfire Management Overlay is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
 - To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
 - To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Particular and General Provisions

Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions

36. Clause 51.02 applies to land in the Metropolitan Melbourne that is outside an Urban Growth Boundary. It therefore applies to the subject site.
37. The purpose of Clause 51.02 is:
- To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.
 - To protect productive agricultural land from incompatible uses and development.
 - To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.
 - To encourage the location of urban activities in urban areas.
 - To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.
 - To provide deeming provisions for metropolitan green wedge land.

38. Clause 51.02-2 sets out uses which are prohibited. Importantly, it prohibits an Education Centre (other than a Primary School and Secondary School).

Clause 52.06 – Car Parking

39. Clause 52.06 sets out requirements for car parking provision and design. It applies to a new use or an increase to the floor area or site area of an existing use. It therefore applies to the proposal.

40. The purpose of Clause 52.06 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.

41. The car parking requirements are discussed in the assessment section of this report.

Clause 52.17 – Native Vegetation

42. A permit is required pursuant to Clause 52.17-1 to remove destroy or lop native vegetation, including dead native vegetation.

43. The purpose of Clause 52.17 is:

To ensure that 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):

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.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

44. Under the guidelines referred to above, the proposal falls within the basic assessment pathway. Further details are contained in the assessment section of this report.

Clause 52.34 – Bicycle Parking

45. Clause 52.34 sets out requirements for bicycle parking provision and design. It applies to a new use or an increase to the floor or site area of an existing use. It therefore applies to the proposal.

46. The purpose of Clause 52.34 is:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

47. The bicycle parking requirements are discussed in the assessment section of this report.

Clause 53.02 – Bushfire Planning

48. Clause 53.02 applies to an application under Clause 44.06 (Bushfire Management Overlay) where a non-residential use and development is proposed.

49. The purpose of Clause 52.03 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

Clause 53.19 – Non-Government Schools

50. Clause 53.19 applies to this application for a non-government school. The purpose of Clause 53.19 is to:

- To facilitate new non-government schools.
- To facilitate upgrades and extensions to existing non-government schools.

51. It is noted 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.

Background Documents

52. The following background documents are applicable to the site/proposal and are discussed where relevant in the assessment section of this report:

- Plan Melbourne 2017-2050
- Planning for Melbourne’s Green Wedges and Agricultural Land May 2024
- The Guidelines for the removal, destruction or lopping of native vegetation

53. The Native Vegetation Removal Guidelines are included as an incorporated document at Clause 72.04 and must be applied where a permit is required under clause 52.17. Separately the Guidelines are referred to in government policy set out at Clause 12.01. The Guidelines set out and describe Victoria’s state-wide policy in relation to the removal of native vegetation and make provision for what is required to assess and offset any proposed removal, destruction or lopping of native vegetation to ensure that there is no net loss in biodiversity.

54. The Guidelines, set out a three-step approach to manage the removal, destruction or lopping of native vegetation as follows:

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

55. The Guidelines indicate that applications in the Basic or Intermediate Assessment Pathway do not require a site assessment by an accredited native vegetation assessor and that the responsible authority cannot require an applicant for a Clause 52.17 permit that is in a Basic or Intermediate Assessment Pathway to engage an accredited native vegetation assessor. Nor is a referral to DEECA required under the basic or intermediate pathway.



Referrals

56. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	No objection, subject to conditions – 17/01/2024
Section 55 Referral – Recommending	Country Fire Authority	No objections, subject to conditions – 07/08/2024
Section 55 Referral – Determining	Ausnet Services	No objection - 29/04/2024
Section 52(1)(d) Notice	Parks Victoria	No objection – 24/05/2024
Section 52(1)(b) Notice	Casey City Council	Objection – 04/10/2024
Informal	DEECA	Further information requested — 12/08/2024

Section 55 Referrals

Head, Transport for Victoria

57. The Head, Transport for Victoria advised on 17 January 2024, it does not object to the grant of a planning permit subject to conditions. The conditions require the intersection at Horswood Road and Belgrave Halam Road to be a signalised T-intersection and for this to occur at the developers cost prior to the use/occupation of Stage 2.

Country Fire Authority

58. The Country Fire Authority advised on 7 August 2024, it does not object to the grant of a planning permit subject to a condition which require the Bushfire Management Plan, prepared by Fire Risk Consultants, dated 9/7/2024 (which formed part of the S57a amendments) to be endorsed before the development starts.

Ausnet Transmission Group

59. The Ausnet Transmission Group advised on 29 April 2024 it does not object to the grant of a planning permit.

Casey City Council

60. Notice of the application was given to the council under Section 52(1)(b) of the Act.

61. Three responses have been received over the course of the application from the council. A final response, provided in relation to the Section 57a amended plans (the decision plans), was received on 4 October 2024.

62. In summary, the council concluded the following:

Whilst the amended proposal has addressed some of the issues previously raised, there are still concerns with the proposal's ability to meet the requirements of the Casey Planning Scheme.

It is considered that the proposed built form is excessive and is inappropriate given the character of the area. The extent of car parking and associated sports fields is also considered at odds with the zoning of the land. The proposal fails to meet the objectives of the Casey Foothills policy which seeks to protect and enhance the valued rural landscape character of the area whilst also ensuring that the area remains largely free of development.

63. An assessment of the councils' latest comments is contained at **Appendix B**.

Informal advice sought from other agencies

Parks Victoria

64. Notice of the application was given to Parks Victoria under Section 52(1)(d), given the site adjoins the Lysterfield National Park. Parks Victoria advised on 24 May 2024 it has reviewed the application and on balance does not consider the proposal will unduly impact on adjacent park values at Lysterfield National Park.

DEECA

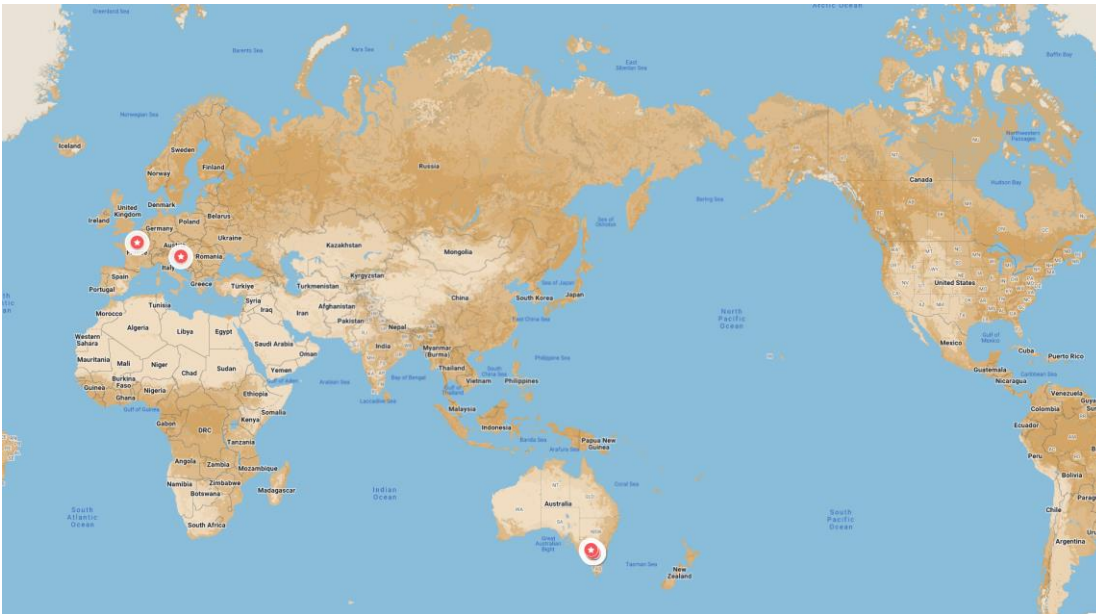
65. An informal referral was sent to DEECA for informal advice in relation to the native vegetation removal and flora and fauna impacts. DEECA provided a response in relation to the plans advertised in May 2024. DEECA's advice is discussed in the flora and fauna impact section of this report. DEECA suggested further information be obtained, most of which had been incorporated into the S57a amended documentation, particularly through the retention of the existing wetlands and surrounding native vegetation. Other suggested information not captured in the S57a amendment is recommended to be secured via conditions (where relevant).

Notice

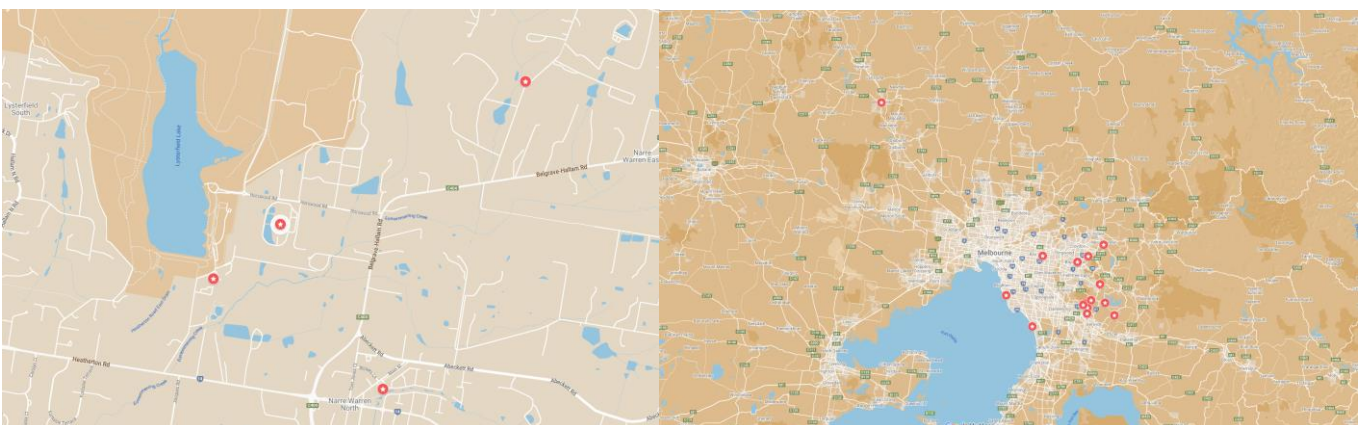
66. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 35.05 (Green Wedge A Zone);
 - Clause 42.03 (Significant Landscape Overlay)
67. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 44.06-7 (Bushfire Management Overlay).
68. It is noted the application is also exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, pursuant to Cause 53.19.
69. The applicant was directed to give notice under Section 52(1)(a) and (d) by way of erecting signs on the site and notifying adjoining and nearby owners and occupiers. Notice was also given to those who had already objected to the application and those who were a party to the previous VCAT appeal. The official notice period occurred between 1 May 2024 and 15 May 2024.
70. As noted above in this report, notice was also given to the council under Section 52(1)(b) and to Parks Victoria under Section 52(1)(d).
71. A total of **73** objections have been received at the time writing. It is noted a number of objectors submitted multiple written submissions.
72. An online petition has also been circulating which, at the time of writing, has 4,715 virtual signatures (<https://www.change.org/p/lysterfield-park-wildlife-haven-is-at-risk>)
73. Some of the key matters raised in the objections include, but are not limited to, the following:
- Loss of kangaroos and their habitat
 - Visual impact on the landscape and impacts to rural scenic character
 - Impact on surrounding agricultural uses and future agricultural use of the land.
 - Impacts on the environment, biodiversity, wildlife, native vegetation and waterways.
 - Inaccurate and misleading information.
 - Lack of public transport, traffic impacts.
 - Risk to children's life due to bushfire, snakes and mosquitos and trucks associated with the agricultural uses.



- Impact on Lysterfield National Park.
 - Development creep and likely future expansion of the school.
 - Incongruence with the zone, overlays, planning policy and other action plans.
74. A detailed assessment of key objector concerns is contained at **Appendix C**. It is noted the objections were received in response to the advertised plans which have since been amended under Section 57a of the Planning and Environment Act. The Section 57a amendments were made in response to issues raised by DTP following assessment of the proposal and a review of the objections received.
75. In regard to objectors, it is noted those received are from people located locally, across Victoria and also across the world. A map showing the location of objections received is below.



Above: Map displaying location of objections received.



Above: Map displaying general location of objections received locally and in Victoria.



Key Considerations

76. The following are deemed the key considerations in assessing the acceptability of the proposal:
- The appropriateness of the land use and strategic direction.
 - The built form and the visual impact of the proposed development.
 - The appropriateness of the landscaping.
 - The off-site amenity impacts of the proposed use and development and its impact on adjoining/nearby agricultural land uses.
 - The impacts of the proposed development on native vegetation, flora and fauna.
 - The acceptability of on-site infrastructure.
 - The bushfire risks.
 - Whether the proposal sufficiently responded to the decision made by VCAT on the previous permit application refused by Casey City Council.

Strategic Direction and Land Use

77. Clause 19.02-2S (Education Facilities) seeks to assist in the integration of education and early childhood facilities within local and regional communities. Objective 3 at Clause 21.03-4 (Settlement and Housing) of the Casey Planning Scheme is to recognise, value, provide and facilitate a choice of facilities, including learning centres and services that reflect the diverse needs of the Casey community. The proposal is not at odds with these policies.
78. Primary school and secondary school uses are Section 2 uses under the Green Wedge A Zone and are therefore clearly contemplated as permissible uses. The purpose for allowing primary and secondary school uses under the Green Wedge A Zone is to ensure such types of community infrastructure are available to address diverse needs in diverse locations of the community, including Green Wedge areas. It is noted the Green Wedge A Zone includes specific decision guidelines for 'primary school or secondary school issues'. These decision guidelines are assessed in the later sub sections of this report. Subject to recommended conditions, it is considered the proposed use will not have an adverse impact on the character of the area, the scenic landscape, the local environment, or biodiversity.
79. Clause 22.08 (Non-Agricultural Uses in Green Wedge Areas Policy) seeks to protect Casey's Green Wedge farmland from ad-hoc and inappropriate development. Clause 22.08 places a strong emphasis on non-agricultural uses operating in conjunction with related agricultural activities. However, the Green Wedge A Zone does not apply any decision guidelines for a school to occur 'in-conjunction with' an agricultural land use. Therefore, it is considered this element of the Clause 22.08 is inconsistent with the GWAZ and is not strictly applicable.
80. The Casey Foothills Local Area Map at Clause 21.14-5 of Casey Planning Scheme shows the site in a location designated or existing/future 'Lifestyle Living' and in an area of Environmental Sensitivity. A further disconnect is therefore observed between the characteristics of the site and surrounds (e.g. 8 hectare lots used for 'Lifestyle Living') and the strong emphasis placed on agricultural uses in Clause 22.08.
81. Notwithstanding the above observations, having regard to the policy basis at Clause 22.08-1 and the policy objectives of Clause 22.08-2, it is clear that the acceptability of a non-agricultural uses such as that proposed is dependent a series of key factors relating to the built form and its appearance, external impacts to other agricultural uses and residential dwellings, impacts on the natural environment, traffic and transport considerations and the capability of the land, in terms of infrastructure. These matters are discussed in sections of this report below and in all terms, the proposal is acceptable, subject to the recommended permit conditions.



Built Form

Height, setbacks and design detailing

82. Clause 19.02 (Education Facilities) seeks to 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).
83. The proposed buildings are single and double storey in scale and are proposed to be concentrated in the lowest section of the site, where the least amount of excavation will be required to facilitate their construction. The proposed buildings are to be setback from boundaries as follows:
- 118m to the northern boundary to Horswood Road;
 - 70.7m to the western boundary to Lysterfield National Park;
 - 22.5m to the eastern boundary adjoining the equestrian centre and dwelling at 13-17 Horswood Road; and
 - 66.4m to the southern boundary adjoining grazing field and dwelling at 17 Reservoir Road.
84. The proposed building setbacks are generally consistent with those seen on other similar sized properties in the area. Additionally, whilst the proposed school buildings are more extensive than a typical residential dwelling, the proposed single and double storey scale of the built form accords with the height and scale of buildings, including residential buildings and those associated with agricultural purposes, exhibited on nearby properties.
85. With regard to design detailing, the proposed buildings are to be constructed utilising a muted colour palette which will assist in ensuring the buildings do not stand out against the natural landscape. The proposed traditional building forms, incorporating pitched roofs, eaves, verandahs etc, are in keeping with buildings styles in the immediate area. This includes the built form on the directly adjoining properties to the east and south of the site.
86. Clause 22.08-4 (Non-Agricultural Uses in Green Wedge Areas) seeks to ensure that non-agricultural development provides a positive contribution to the character and appearance of Green Wedge areas. Further, it seeks to ensure new buildings and alterations to existing buildings do not detract from the landscape and scenic values of the Green Wedge area. Clause 35.05-6 of the Green Wedge A Zone contains decision guidelines relating to design and siting, which are generally consistent with the policy objectives of Clause 22.08. An assessment of the proposal against these is below:

Clause 35.05-6 – Decision guidelines	Assessment
The need to minimise adverse impacts of the siting, design, height, bulk, colours and materials to be used on major roads, landscape features and vistas.	<p>The school buildings are proposed to be concentrated in the lowest section of the site where the least amount of excavation will be required to facilitate their construction. The proposed location of the buildings and their setbacks from property boundaries are appropriate for the purpose of limiting intrusion into the landscape and scenic views. Further, the proposed setbacks ensure sufficient space is provided to accommodate new landscaping and native tree planting for both visual screening and biodiversity purposes.</p> <p>To minimise the extent of built form and site coverage, the buildings are proposed to be one and two storeys in scale. Over the course of the application, the buildings heights proposed for the primary and secondary buildings, the hall, workshops and admin building were requested to be amended to below 10m in height. This was sought in order to reduce potential adverse visual impacts on the landscape. The Section 57a amended plans incorporated reduced building heights to under 10m, as measured to proposed ground levels. Additionally, a spire to the chapel roof form was deleted. The changes made were generally positive and will assist in minimising visual intrusion in the landscape in the views and vistas identified in the Visual Impact Assessment, prepared by Orbit Solutions, dated 2 February 2024. Notwithstanding this, it is noted section elevations have not been provided for all buildings to confirm the maximum building heights are below 10m.</p>



	<p>This is recommended to be secured via a condition.</p> <p>The proposed buildings materials are muted in colour tone, consistent with the prevailing colouration of the natural landscape. In many respects it is considered the proposed buildings, in terms of the proposed materiality and colouring, will sit more comfortably in the landscape, compared with existing lighter and brighter structures on adjacent and nearby properties which are more visually dominant.</p> <p>The proposed landscaping scheme is extensive, and it is considered that once the proposed vegetation is mature, it will appropriately filter views of the development from key vantage points and from adjoining properties. Notwithstanding this, conditions are recommended to secure further landscaping details.</p>
<p>The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities which minimise the visual impact on the landscape.</p>	<p>Services are proposed to be in areas of the site which will have limited adverse visual impacts on the landscape. Notably, the wastewater treatment systems and potable water supply are proposed to be located underground. The static water supply, fire pump and booster assembly are to be located adjacent to the car park and will be partially screened by an enclosure and by adjacent existing and proposed vegetation. Therefore, it is considered the on-site services will not have a negative impact on visual setting of the site.</p>
<p>The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will require traffic management programs.</p>	<p>Horswood Road is an existing all-weather road. Minor changes are proposed to enable the partial widening of the road to provide for a slip lane into the subject site. The slip lane is proposed to commence to the west of the vehicle crossover associated with the adjoining property at 15-17 Horswood Road. This is a necessary feature of the proposal and is not likely to have an unreasonable impact on the landscape.</p>
<p>The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	<p>Not applicable.</p>

Visual Impact

87. The applicable state and local policies within the Casey Planning Scheme along with the purpose and decision guidelines of the Green Wedge A Zone and Significant Landscape Overlay, Schedule 1 all contain common applicable themes regarding the assessment of buildings and works proposals, particularly for non-agricultural development. Central to this, is the key issue of ensuring the character and appearance, scenic and landscape values of the area are protected, conserved and enhanced.
88. A Visual Impact Assessment (VIA), prepared by Orbit Solutions, was submitted with the application. The assessment was based on the plans advertised in April 2024 and included an assessment of the visual impact of the proposal from a series of key observation points (KOP). The VIA evaluated the proposal with and without vegetation. Key findings in the assessment of the proposal noted that:



- The buildings have been located in the area of the site with the lowest visual sensitivity. The proposed buildings will not significantly impinge upon the visually exposed areas of the immediate area, such as hilltops and ridgelines.
- The design of the school is complimentary to the height, scale and mass of the surrounding context; being slightly bigger in mass than the dwellings and smaller in scale than the commercial/agricultural buildings seen in the visual catchment (i.e. Montagues Orchard and facilities).
- The analysis demonstrates that the proposed buildings and works on the landscape satisfy the test of acceptability of visual absorption for the site.

89. The VIA recommended the following changes be considered by the responsible authority:

- Deletion of the proposed bell tower, given it breaks the skyline Kull Reserve Hills and the existing and proposed tree line from KOP 1 and KOP 2.
- Relocation of the sports sheds to the southern end of the southern-most sporting field.
- Incorporation of canopy tree planting to the proposed play area adjacent to the southern-eastern corner of the school above the rock garden.

90. Following discussions with the permit applicant, the S57a amended plans (the decision plans) incorporate the above recommendations, with the bell tower deleted, deletion of a one shed and relocation of the other to the southern end of the sport fields. The amended landscape plan also shows native canopy tree planting to the south-eastern corner of the school. Further details regarding species, height at maturity and planting, is recommended to be secured by conditions.

91. In addition to incorporating the changes listed above, it is noted the S57a amended plans also incorporated a reduction to the height of school buildings to be generally below 10m and reduction to the extent of hard surfacing across the site. The changes will further ensure the proposed development does not have an unacceptable, negative visual impact on the scenic values, landscape features and vistas of the site and its surrounds.

92. In regard to visual impact experienced from adjoining properties, it is noted the proposed school buildings will inevitably be visible. However, the extent of visibility and the potential visual impacts are acceptable because:

- The school buildings are proposed to be sufficiently setback from all property boundaries and are positioned in the lowest section of the site.
- The school buildings are positioned a substantial distance away from the residential dwellings located on the adjoining properties and views of the proposal from within these dwellings is not likely to be unreasonably obtrusive.
- Any visual impact experienced from adjoining properties would occur within the areas used for either grazing or within the adjoining equestrian centre. The changes made over the course of the application, with the height of buildings reduced and hard surfacing minimised, assist in ensuring the school buildings will not appear visually intrusive.
- The proposed landscaping and that recommended to be secured via conditions will assist further in filtering views from adjoining properties whilst also contributing to the broader landscape character.

Development Creep

93. Clause 22.08 (Non-Agricultural Uses in Green Wedge Areas) it is policy that a master plan defining the parameters of future development be required to be submitted with a planning application in circumstances where less than 50 percent of a site is proposed to be developed for non-agricultural use (inclusive of associated car parking), or the balance of the site is of an area that has the potential accommodate a significant expansion of the use.



94. The use and development is proposed across two stages with a final master plan confirming the extent of proposed buildings and works. Less than 50% of the land is proposed to be developed, with a site coverage figure of 32%. Whilst the proposed site coverage is relatively low, it is considered the site is not at risk of future significant expansion of the non-agricultural use. This is due to the site's unique features and constraints and the recommended permit conditions, including the following:
- The school buildings are positioned in the lowest section of the site where the least amount of excavation is required. Noting the refusal of the previous permit application was held up by VCAT on grounds relating to unacceptable earthworks and changes to the site's topography, there is limited capacity for built form to expand further into the site beyond that proposed, without causing unacceptable visual impacts. Any application for future buildings and works would need to again be supported by a Visual Impact Assessment and given the existing proposal has already been reduced in size over the course of the application, there is limited capacity for buildings to expand in future.
 - Part of the site is located in a Bushfire Management Overlay; therefore, buildings have been positioned in the eastern side of the site to limit bushfire risk. Further encroachment into the west of the site, would result in additional bushfire related complexities.
 - The site contains an existing wetland and a further proposed wetland (retarding basin) is proposed. On-site wastewater treatment facilities are required to be setback between 30m and 60m from these water bodies. Future expansion will be constrained by these setback requirements and the fact that further on-site infrastructure will need upgrading to accommodate potential additional student/staff numbers or additional facilities.
 - Conditions are recommended to prevent the use unreasonably impacting on the adjoining agricultural land use, being the equestrian centre. These include limitations on the location of play zones, to minimise noise impacts and activities which could startle or distract training of horses near to the shared boundary on the adjoining lot.
 - Conditions are also recommended to limit hours of operation and student numbers, unless with the written consent of the Responsible authority.

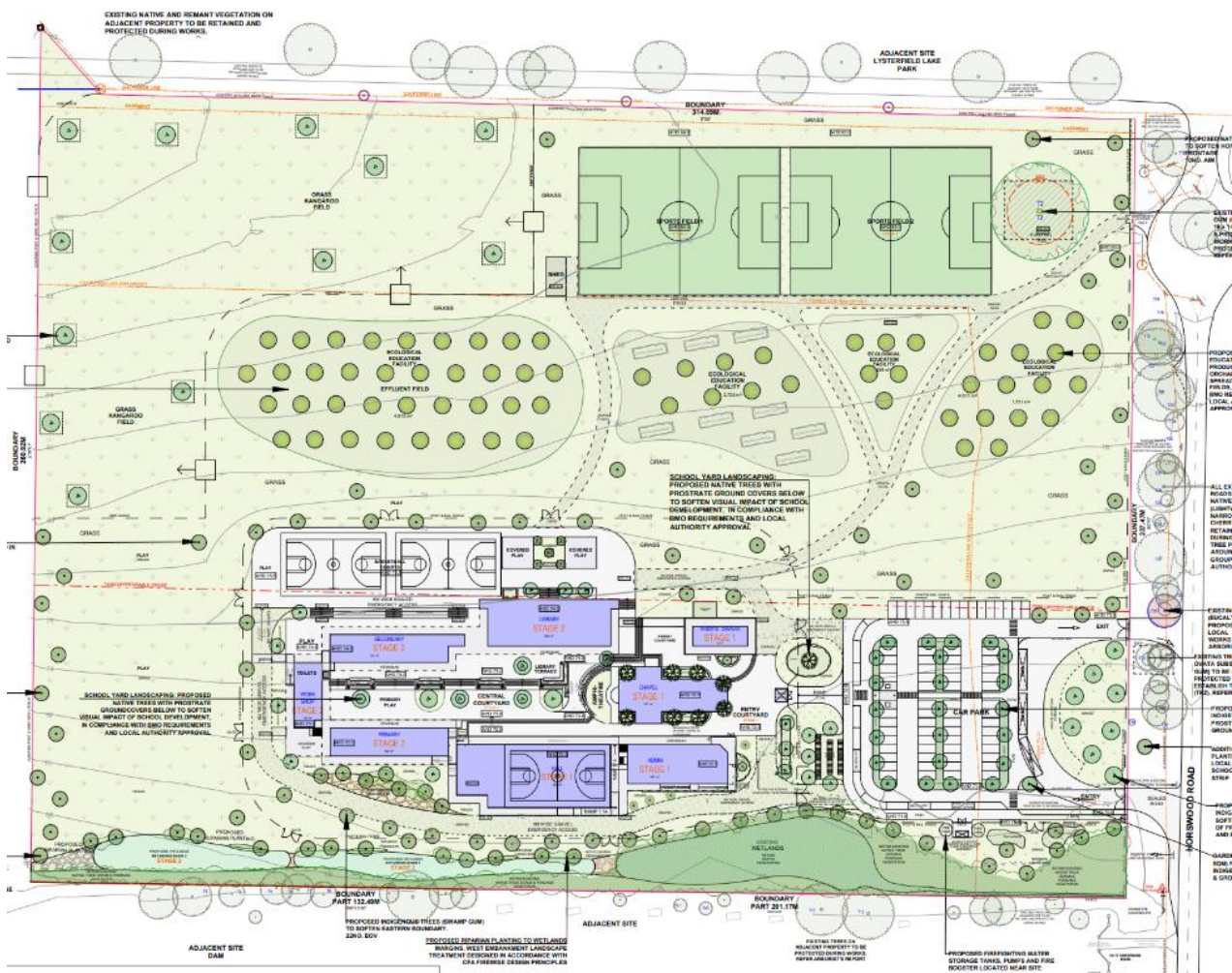
Landscaping

95. Schedule 1 to the Significant Landscape Overlay contains out the following statement of nature and key elements of landscape for the Casey Foothills area:

The hilly terrain of the Casey Foothills provides breathtaking views to and from the ridges and other vantage points. The terrain offers topographical and scenic relief from the low-lying built up areas of Casey.

The rural nature, characterised by open pasture and hedge row plantings, as well as bush remnants, provide a green backdrop to the city that contributes to a positive image of the municipality as a desirable place to live.

96. The SLO1 seeks to conserve and enhance the existing pattern of vegetation to maintain the landscape quality and remaining natural ecosystems. It also seeks to encourage land management practices compatible with landscape conservation.
97. The proposed landscaping scheme and supporting vegetation management plan proposes to regenerate parts of the site, which have been cleared and degraded over time. Through conservation techniques aimed at supporting fauna habitat and the re-introduction of indigenous and native vegetation, it is considered the proposal can make a positive contribution, in an environmental sense, to the landscape. Also, at maturity the proposed landscaping scheme will help to obscure built form from the street and adjoining properties and will soften the appearance of the car parking area and accessways. The proposed landscape master plan is shown below:



Above: Proposed Landscape Master Plan.

98. An assessment of the proposal against the SLO1 decision guidelines is set out below:

Clause 35.05-6 – Decision guidelines	Assessment
Whether the development will be detrimental to the natural physical features or resources of the area.	The development is proposed to be positioned in the lowest section of the site, where the least extent of earthworks will be required to facilitate construction. This is appropriate for the purpose of ensuring the natural slope of the land is not adversely altered. Subject to the recommended permit conditions, the existing and proposed wetlands may also positively contribute to local biodiversity whilst also playing a key role in the site's stormwater management plan.
Whether the proposal is located in an area of high fire risk or is flood prone.	The subject site is located partially within the Bushfire Management Overlay and is also within a Bushfire Prone Area. The CFA does not object to the grant of a permit. The balance between achieving a high-quality landscape response whilst also prioritising bushfire safety can be achieved through the recommended permit conditions.
Whether the development will require significant earthworks.	Overall, the proposal will not require significant earthworks. The proposed buildings are to be positioned within the lowest section of the site, to limit the extent of required earthworks. Pathways within the site, including the emergency access tracks, are proposed to be at-grade, along with the proposed car parking area. Inevitably earth works associated with services will occur. However, subject to the proposed landscaping scheme, it is




	considered the impact of the earth works will not visually discernible or negative in the long term.
Whether buildings and works are suitable for a slope of greater than 1-in-5 (20 per cent).	The proposed buildings are positioned in the lowest section of the site to assist in minimising visual impacts to the surrounding landscape. It is considered the development has been designed with appropriate regard to the slope of the land. The slope of the land will also limit the extent to which the school could ever expand further into the site, as buildings would then be more visible from longer range views/vantage points.
Whether the development will be visible from public roads and other vantage points.	The proposed development will be visible from Horswood Road and in long distance views from Belgrave Hallam Road. As discussed in the Visual Impact section of this report, changes have been made over the course of the application to further reduce visibility of the development from public roads and vantage points. These changes included reducing the proposed building heights, deleting the bell tower/spire to the chapel, deleting a shed and relocating a shed, shifting the car park and reducing the extent of hard surfacing throughout the site. Subject to the recommended permit conditions and the implementation of the landscape scheme, it is considered the proposed development will not have a negative visual impact when viewed from public roads and other vantage points.
The impact on plant life, animal habitats and the landscape.	This matter is assessed in detail in the flora and fauna section of this report. The proposed use and development has been considered with appropriate regard for flora and fauna habitat and subject to the recommended conditions, it is considered habitat will be conserved in the long term.
The impact on the character and appearance of any area or feature of architectural, historic or scientific significance or of natural beauty, interest or importance.	The area is not in an area of architectural, historic or scientific significance. It is within an area of natural beauty though forming part of the Casey Foothills and being adjacent to the Lysterfield National Park. Subject to the recommended permit conditions and the implementation of the proposed landscaping scheme, it is considered the development will not have a negative impact on the character and appearance of the area.
Whether vegetation will be removed, and the proximity of this vegetation to a watercourse.	Limited vegetation is proposed to be removed as part of the proposal. Specifically, native vegetation removal is limited to 0.015 hectares of land within the road reserve, to accommodate the proposed vehicle crossovers. Native vegetation around the existing wetland is proposed to be retained and as part of the vegetation management plan, revegetation around the existing and proposed wetlands will be secured.
The need to revegetate or landscape the site.	The subject site forms part of a modified farmland landscape dominated by introduced pasture. Revegetation would enhance the site's contribution to local biodiversity and likely compliment the adjacent National Park. Subject to the proposed landscaping and vegetation management plan recommended to be secured via conditions, it is considered the proposal has the capacity to result in ecological improvements for the site and surrounds.

99. It is noted though there are some potential conflicts between the SLO1 requirements and bushfire management requirements. Conditions are recommended to secure further detail to ensure the landscaping objectives, sought by the planning policy and controls applicable to the site, are achieved.

Other offsite impacts

100. It is policy under Clause 22.08 (Non-Agricultural Uses in Green Wedge Areas Policy) to ensure non-agricultural uses do not adversely impact on productive agricultural land or on existing agricultural activities on nearby land. Further, under Clause 22.08, it is policy that non-agricultural uses/development to be designed, constructed and operated in a manner that causes minimal loss of amenity, privacy and convenience to people living in nearby dwellings, having regard to traffic, car parking, access, built form and overall site layout.

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101. Visual, traffic and car parking impacts are discussed in the above and below sections of this report and subject to the recommended conditions, will not cause unreasonable adverse impacts to nearby dwellings and agricultural uses. Other matters are discussed below.

Noise

102. The school buildings and main areas for outdoor play are sufficiently separated from the dwelling to the south. Within this separation distance is also a physical buffer, provided by the fenced 'Kangaroo protection area', which will further assist in limiting potential noise related impacts.
103. To the east, the school buildings are proposed to be setback a minimum of 22.5m from the boundary. The existing wetlands to be retained and proposed wetlands will also act a physical buffer zone, pushing typical school activities, including areas for play, away from the eastern boundary. Noting the adjoining property is used an equestrian centre (an agricultural use), with riding tracks located within close proximity to the shared boundary, it is important the school does not unreasonably affect its use and operation by way of noise or other activities which have the capacity to startle or frighten horses in training. To address this, the following conditions are recommended to be included on the planning permit:
- In Stage 1, all space to the east and south of the hall, and the east of the admin building must be designated as no play zones.
 - In Stage 2, all space to the east of the workshop, primary building, hall, and admin building must be designated as no play zones.
 - Deletion of the covered play area to the south of the workshop.
 - No amplified music may be played externally.
 - School related events, including sporting events, must not occur on weekends and not before 8am or after 6pm on weekdays, unless with written consent of the responsible authority.
 - The school must not operate on weekends and public holidays.
104. Subject to conditions addressing the above, it is considered potential noise related impacts from the school can be suitably mitigated and managed. In addition, it is noted the school's operation and infrastructure (including mechanical services) will be required to comply with Environmental Protection Regulations under the Environment Protection Act 2017.

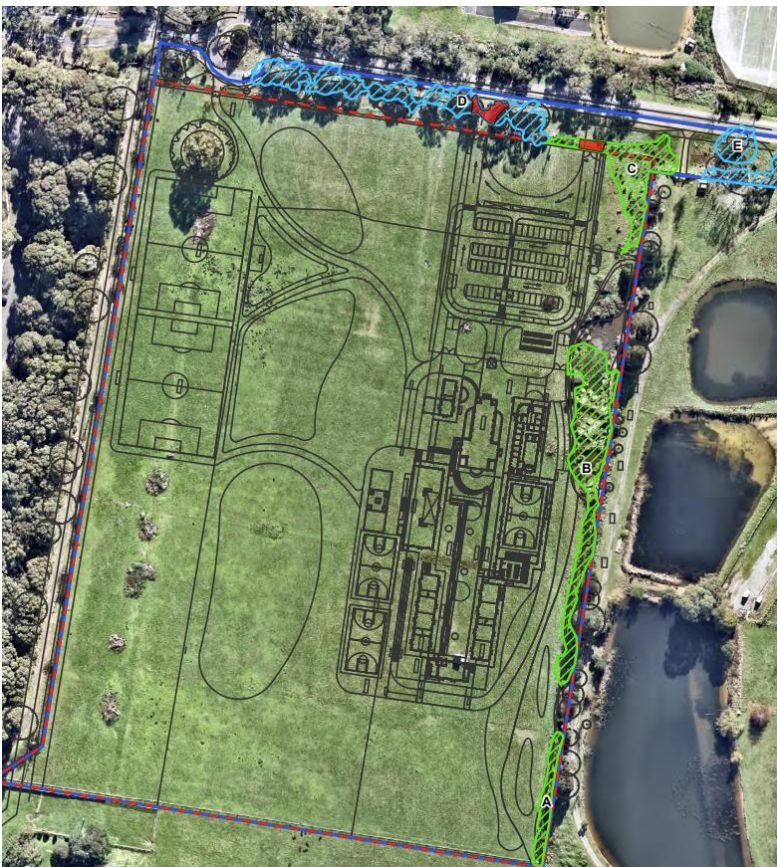
Lighting

105. Given the site's interface with residential properties, agricultural land and the Lysterfield National Park, it is important that impacts associated with lighting be suitably managed.
106. Permit conditions are recommended to secure details of lighting ensuring it is designed to limit offsite amenity impacts, particularly to adjacent residential dwellings which are more likely to be affected by lighting outside of typical school operating hours. Further, it is recommended that any lighting associated with sporting fields located in the west of the site, be designed to have no adverse fauna impacts, given the position of the sporting fields adjacent to the Lysterfield National Park.
107. Notwithstanding the above, it is noted the proposed buildings and the likely locations for lighting on the property, are to be positioned a considerable distance away from dwellings on the adjoining allotments. Therefore, generally, it is considered lighting impacts can be mitigated and managed.

Ecology & Environment Risks

Clause 52.17 – Native Vegetation Removal

108. The application is supported by the following reports which collectively contain the information required pursuant to Section 6.4.1 of the Guidelines for the removal, destruction or lopping of native vegetation 2017 (the guidelines):
- Flora and Fauna Assessment, prepared by Nature Advisory, dated July 2024 (corrected November 2024); and
 - Arboricultural Impact Assessment, prepared by Green Connection, dated January 2024.
109. The reports confirm that the proposed native vegetation removal falls within the basic assessment pathway.
110. The native vegetation proposed to be removed includes 0.015 hectares of native vegetation 'in patches'. It includes no large trees in patches. A patch of native vegetation is defined as:
- An area of vegetation where at least 25 percent of the total perennial understorey plant cover is native; or
 - An area with three or more native canopy trees² where the drip line³ of each tree touches the drip line of at least one other tree, forming a continuous canopy; or
 - Any mapped wetland included in the Current wetlands map, available at MapShareVic (DEECA 2023b).
111. The patches of native vegetation proposed for removal includes 0.005 hectares of Swamp Riparian Woodland and 0.010 hectares of Grassy Forest. The areas of native vegetation proposed to be removed are located generally within the road reserve, as opposed to the subject site. A proposed native vegetation removal plan is shown below (areas to be removed in red):



Above: Native Vegetation Removal Plan (Flora and Fauna Report, prepared by Nature Advisory, dated July 2024)



112. It is noted the proposal has been amended over the course of the application to reduce the extent of native vegetation removal. This has occurred by amending the proposal to include the retention of the existing wetlands, by reducing the size of the car park and by shifting the car park further west.
113. According to the Guidelines, offset requirements can be secured by either:
 - A credit extract allocated to the permit from the Native Vegetation Credit Register.
 - A first party offset site is established, including a signed security agreement and management plan as described at Section 9 of the Guidelines.
114. The Flora and Fauna Impact Assessment confirms that a general offset of 0.008 General Habitat Units will need to be provided to compensate for the biodiversity impact associated with the removal of the native vegetation shown and described above.
115. The application is supported by a quotation for the supply of native vegetation credits through a Department of Energy, Environment and Climate Action (DEECA) accredited offset provider. This indicates that as at the date of that quotation, suitable native vegetation credits were available to offset the biodiversity impact associated with the proposed native vegetation removal.
116. The applicant has adequately responded to the application requirements set out at Table 4 of the Guidelines. In this regard it is noted that:
 - The location of existing native vegetation on the site, with a plan showing the extent of proposed native vegetation to be removed, along with photographs dated 7 March 2023.
 - Efforts have been undertaken to avoid and minimise native vegetation removal. It is noted the extent of native vegetation removal has been reduced from 0.098 hectares to 0.015 hectares over the course of the application, with native vegetation removal now proposed only within the road reserve. The extent of native vegetation removal proposed at 0.015 hectares is necessary to facilitate the construction of the proposed vehicle crossovers. It is noted these have been strategically placed to minimise native vegetation removal.
117. Based on the above, the application is supported subject to a condition requiring the permit holder to provide evidence that the required offset has been secured to the satisfaction of the responsible authority ahead of the removal of any native vegetation.

Flora and Fauna Impacts

118. Clause 12.01-1S (Biodiversity) seeks to protect and enhance Victoria's biodiversity. Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) includes strategies for protecting areas of environmental, landscape and scenic values such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.
119. A key purpose of the Green Wedge A Zone is to protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area. The GWAZ contains a series of the decision guidelines which require consideration of environmental issues, such as flora and fauna impacts.
120. The Flora and Fauna Assessment indicates that no threatened flora and fauna species were evaluated as likely to be impacted by the proposal. Based on the proposed works and the existing site conditions, it is highly unlikely the proposed facility will have, or is likely to have, a significant impact on any matters of national environmental significance. In particular, the assessment notes:
 - That no listed flora species are likely to occur or have the potential to occur on the subject site.
 - That the proposed development footprint will not have significant impact on any rare or threatened species.
 - That whilst grazing paddock habitat on the site will be partially replaced by buildings and managed lawns, the surrounding landscape contains an abundance of grazing paddocks which will support species which utilise this grazing habitat.

- That whilst some roadside aquatic habitat will be lost, the proposal to establish a new wetland alongside the retention of the existing wetland will likely provide a net gain and potentially improve the quality of the aquatic habitat.
- That roadside habitat is 'regularly and closely slashed as part of roadside management'.
- That the proposed development is unlikely to result in significant impact on EPBC Act-listed species including:
 - Gang-gang Cockatoo (Endangered-EPBC Act)
 - Swift Parrot (Critically Endangered-EPBC Act; Critically Endangered-FFG Act)
 - White-throated Needletail (Vulnerable-EPBC Act; Migratory-EPBC Act; Vulnerable-FFG Act)
 - Latham's Snipe (Migratory-EPBC Act)
 - Rufous Fantail (Migratory-EPBC Act)
 - Satin Flycatcher (Migratory-EPBC Act)

121. Informal advice was sought from DEECA in regard to potential impacts on listed and/or threatened species. Generally, DEECA's advice was:
- That whilst the report by Nature Advisory lists Latham Snipe as occurring on the site, this species is only likely to browse and forage. Latham Snipe is a migratory bird with its breeding season outside of Australia and impacts from the proposal are likely to be minor given better-quality habitat exists at Lysterfield Lake nearby.
 - That other bird species such as the Gang-gang Cockatoo, Swift Parrot, and Powerful Owl are unlikely to utilise the site more than opportunistically and are unlikely to be significantly impacted by the proposal.
 - Notes that whilst the Nature Advisory Report lists the Growling Grass Frog as unlikely to occur on the site, the existing wetland does meet habitat requirements, and it is noted the submitted Vegetation Management Plan proposes to respond to potential habitat requirements of the Growling Grass Frog.
122. Clause 35.05-6 (Green Wedge A Zone) requires consideration of the need to protect and enhance the biodiversity of the area, including the retention of vegetation and fauna habitat and the revegetation of land including riparian buffers along waterways, gullies, ridge lines, property boundaries and saline recharge and discharge areas.
123. The Vegetation Management Plan submitted with the application sets out management requirements of threats including weeds, pests, habitat decline, fencing, lack of natural regeneration, dumping of rubbish and fauna management. It also aims to inform management of the area over a five-year period to support bird, amphibian, reptile and bat habitat. An amended Vegetation Management Plan is recommended to be secured via conditions which reflects the proposal amended under Section 57a in July 2024. Within the VMP, details are recommended to be secured to ensure, amongst other things, that both the proposed and retained wetland is enhanced.
124. The proposal has been amended during the application to retain and protect grazing habitat, mainly for eastern grey kangaroos. To support this, an Eastern Grey Kangaroo Conservation and Welfare Management Plan (CWMP), prepared by Nature Advisory, dated July 2024 has been provided. It is noted eastern grey kangaroos are not a listed or threatened species. However, mobs have been observed to frequent the site for grazing purposes and it is therefore considered appropriate to ensure the species are not adversely affected by the school use and development. Therefore, the CWMP is recommended to be referred to as a condition of the planning permit.
125. In addition to the CWMP (which relates only to eastern grey kangaroos), a further detailed Construction Environmental Management Plan is recommended to be secured via condition to include specific fauna management procedures to avoid impacts during construction. This includes, but is not limited to, measures such as specifying a requirement to contractors to check trees for hollows and for qualified wildlife handlers to be present for native vegetation removal.
126. It is considered that the proposal has been altered in a positive manner to avoid and minimise flora and fauna impacts. The retention of the existing wetlands along with the conservation, protection and regeneration aims set out within the VMP and CWMP are welcomed and will assist in ensuring the proposed school does not have a negative impact on the environmental values of the site and surrounds.



127. Subject to the recommended conditions, it is considered the proposal will not adversely affect flora and fauna on and near to the site.

Bushfire

128. The application was supported by a Bushfire Management Statement and a 13.02-1S Assessment, dated July 2023. Following receipt of comments from the relevant Fire Authority (the CFA), the Bushfire Management Plan within this report was subsequently updated to include measures required by the CFA.
129. Overall, the assessment concludes that the development can be achieved safely and in accordance with the requirement of the Bushfire Management Overlay. Due to the siting of the buildings, and the creation of defendable space to the property, it is unlikely that bushfire will impact through radiant heat and flame contact.
130. The proposed development has been designed with regard to bushfire risk, noting the following:
- The location of the buildings and main school activity is proposed to be located outside of the BMO area and with clear defendable space.
 - The proposed emergency vehicle access track will enable access around the full extent of the buildings.
 - The proposal incorporates adequate supply of water for firefighting purposes, in a convenient location
 - The buildings are proposed to be constructed to an appropriate BAL construction level.
131. The supporting assessment concludes that due to the siting of the buildings, and the creation of defendable space to the property, it is unlikely that bushfire will impact through radiant heat and flame contact. It also concludes that the development can be achieved safely and in accordance with the BMO.
132. The Emergency Management Plan also sets out that the school will be closed on catastrophic fire days and may be closed on other days of high risk. The proposal is considered to be acceptable having regard to Clause 13.02 (Bushfire Planning) which seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning prioritises human life.
133. Importantly, the relevant Fire Authority does not object to the grant of a planning permit, subject to a condition requiring the endorsement of the Bushfire Management Plan, dated 9 July 2024. Given the CFA supports the application, it is considered the proposal is acceptable in bushfire risk and management terms.

Infrastructure

Services

134. The Green Wedge A Zone sets out decision guidelines for primary and secondary schools which relate to access to reticulated services or alternatives when there is lack of reticulated services. These are assessed in the table below:

Clause 35.05-6 – Green Wedge A Zone – ‘primary and secondary school issues’ Decision guidelines	Assessment
Connection to a reticulated sewerage system if available or if not available, the wastewater must be treated and retained on-site in accordance with the requirements of the Environment Protection Regulations under the <i>Environment Protection Act 2017</i> for an on-site wastewater management system.	Connection to a reticulated sewerage system is not available on the site. Therefore, wastewater is proposed to be treated and retained on site in accordance with EPA regulations for an on-site wastewater management system. The size of the wastewater management system is proposed to increase between stage 1 and stage 2. The size required at stage 2, will require permission from the EPA under separate legislation, outside of the planning process.
In the absence of reticulated	A Land Capability Assessment was submitted with the application and has



<p>sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the <i>Environment Protection Act 2017</i>.</p>	<p>been updated through the course of the application to include additional detail. The LCA includes a risk assessment of the proposed wastewater management at full capacity. This has determined the location of the proposed effluent fields which are positioned strategically away from the wetlands but also within reasonable pumping distance from school facilities. The LCA concludes that subject to the recommendations, the wastewater treatment and disposal system is environmentally sustainable. The recommendations within the LCA, along with the staging of the wastewater treatment system, are recommended to be secured via conditions.</p> <p>Notwithstanding the above, it is noted the S57a amended plans, dated 26 July 2024, position one of the wastewater treatment systems within 30m of the existing and proposed wetlands. The location of the wastewater system shown on the architectural drawings was not addressed in the LCA and does not likely comply with setback EPA regulation setback requirements to waterbodies. To address this matter, the following is recommended to be secured via conditions:</p> <ul style="list-style-type: none"> • The architectural drawings amended to display the location of proposed wastewater treatment plants setback to comply with EPA regulations as per the recommendations an amended LCA. • An amended LCA to include a further details assessment of the size and location of proposed wastewater treatment system as shown on the architectural drawings. Confirmation must be provided Confirmation must be provided that the proposed size and location of the proposed wastewater treatment systems/plants are in accordance with the requirements of the Environment Protection Regulations under the <i>Environment Protection Act 2017</i>.
<p>Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire-fighting purposes.</p>	<p>Potable water supply tanks (20,000L) and grey water tanks (20,000L) are proposed to be located underground adjacent to the school hall. Additionally, 40,000L static water supply tanks are proposed to be located above ground adjacent to the car parking area. The alternative potable water supply is sufficient for the school use and for firefighting purposes. It is noted the CFA does not object to the grant of a planning permit.</p>
<p>Connection to a reticulated electricity supply or an alternative energy source.</p>	<p>The permit applicant has confirmed the subject site is connected to a reticulated electricity supply.</p>

Stormwater Management

135. Clause 21.14 (Casey Foothills) seeks to extend and improve the environmental qualities of the Casey Foothills through a variety of strategies, including ensuring that best practice stormwater management is used to limit the damaging effects of sedimentation and polluted run-off.
136. The application is supported by a proposed stormwater management plan (prepared by PG1, dated 9 July 2024). The SMP has been designed with due regard to the council's Onsite Stormwater Detention Policy. It is noted the clause 53.18 (Stormwater Management in Urban Development) does not apply to the proposal due to the zoning of the land.
137. Key required features of the SMP include:
- That the design to the site entry road and the circulating access on the eastern side of the car park are to be designed as an overland flow path to direct flows to the wetland/sediment pond and regarding basin.
 - That as there is no formal outlet from the site, the development will be required to retard stormwater back to pre-developed levels.
 - A minor and major stormwater network is proposed for the sporting fields, carpark and paved areas.

- A closed roof rainfall and storage strategy is proposed for the development, whereby all rainfall collected on roofs around the site is to be stored on site, treated and re-used for both potable/grey water usage and irrigation/fire fighting purposes.

138. Further details are to be secured via conditions regarding the proposed wetland/retarding basin size and configuration to ensure stormwater is appropriately treated prior to discharge from the site. Overall, though, it is considered the proposal provides an appropriate response to managing the on and off site stormwater flows.

Access, Parking and Traffic

Access

139. Vehicle access is proposed to be provided via two vehicle crossovers from Horswood Road. A further emergency access point is also provided. The decision guidelines of the Green Wedge A Zone, relating to access, are assessed below:


Clause 35.05-6 – Green Wedge A Zone – ‘primary and secondary school issues’ Decision guidelines	Assessment
Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.	Access to the site is via Horswood Road which is a made road and is trafficable in all weather conditions. The road is suitable for emergency access vehicles and is accessible via Belgrave-Hallam Highway which is an arterial road.
Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.	The site is not readily accessible by public transport. It is noted that during stage 1 of the development, all students are to be transported to the school via bus from the nearby Harkaway Hills campus. Given the lack of public transport access to the site, it is considered appropriate to require the school to provide an on-going bus transport service to the school in stage 2. Details of this are recommended to be secured via condition. It is noted the design of the access ways and car parking area is suitable for bus parking, with three bus parking bays proposed.

140. The design of the accessways/crossovers will be required to accord with the council's requirements and will be to the council's satisfaction.

Car Parking Provision & Layout

141. Pursuant to Clause 52.06-5, a primary school is required to provide 1 car parking space to each employee that is part of the maximum number of employees on site at any time. A summary of the car parking requirements and provision for each stage of the proposal is set out below:

Stage	Total Staff	Car parking spaces required	Car parking spaces proposed	Compliance
1	19	19	72	Achieved
2	27	27	72	Achieved
Total when all stages are complete	27	27	72	Achieved

- 
142. The total number of car parking spaces exceeds the number required to be provided on the site and is acceptable. In addition, it is noted further drop off and pick up bays are proposed to be provided along with three bus parking bays.
143. Given the site's lack of direct public transport access, the degree of car parking proposed is appropriate to assist in avoiding potential street spill out of vehicles in Stage 2. It is noted, in Stage 1, all students will be required to be transported to the school via bus services (provided by the school) until the intersection at Belgrave-Hallam Road is completed.
144. Notwithstanding the above, the following is noted regarding the car parking provision:
- The car parking plan shows 72 car parking spaces and approximately 10 drop off / pick up bays. However, a note is contained on the car parking plan referring to '85 sealed car parking bays'. Further, the Stage 1 and Stage 2 floor plans show notations station 53 and 82 sealed car parking bays. None of these notations are correct regarding the number of car spaces shown. Whilst this has no bearing on the acceptability of the proposal in car parking terms because the statutory requirements are met, conditions are recommended to ensure notations are updated to reflect the correct number of sealed car parking bay
 - The detailed car parking layout plan shows an 'overflow car parking area' to the north of the bus parking zone. This will reduce the effectiveness of the landscaping buffer and is not required in a statutory sense. This element of the proposal is recommended to be deleted via condition.
145. The proposed car parking area and accessways have been assessed against the Design Standards of Clause 52.06-9. The car parking spaces, aisle widths and gradients are compliant with Clause 52.06 and an assessment has been provided to demonstrate the acceptability of the sight distances provided at vehicle entry and exit points.
146. The areas set aside for bus parking and parent drop off/pick up are considered to conveniently located within the car parking area, where safe access to and from the car park area to the main school buildings is provided.
147. It is noted the detailed design of the vehicle crossovers, and the slip lane/road extension will be to the council's satisfaction.

Traffic Generation

148. A Traffic Impact Assessment, prepared by Traffix Group, July 2024, was submitted to support the application. Amongst other things, it includes an assessment of traffic generation impacts.
149. Under Stage 1, students will travel to and from the school via private buses organised by the school. This will generate the need for three buses, resulting in 2 trips per peak for each bus. In stage 2, students can be dropped off at the school by parents and subject to the further detail recommended to be secured via conditions, private bus services to and from the school will continue to be provided.
150. Under Stage 2, the assessment estimates 108 entry movements and 108 exit movements in the AM peak hour and 78 entry and 78 exit movements in the PM peak hour. This is noted to be a conservative estimate because the continued use of buses to transport students will lower traffic generation rates and because it is unlikely that staff will arrive and depart in the same peak periods as students. The submitted TIA notes that the additional vehicle trips to Horswood Road during each weekday, is well under what Horswood Road carries on a weekend.
151. The TIA includes an analysis of impacts to the Horswood Road/Belgrave-Hallam Road intersection for both stages of the proposal, utilising SIDRA. The results of the analysis confirm that signalisation of the intersection provides adequate capacity for the school to be accommodated. The Head, Transport for Victoria is supportive of the proposal and require the signalisation of the intersection to occur before Stage 2 commences.
152. It is noted the TIA refers to anecdotal evidence that the intersection can be challenging on weekends due to increased visitors to the Lysterfield National Park and Montague Orchard. This is reflected in a number of the objections received to the planning permit application, where concerns have sited the dangerous road conditions at



the intersection between Horswood Road and Belgrave-Hallam Road. Therefore, the requirement for the school to signalise the intersection will have a broader community benefit.

153. It is noted that traffic impacts were considered in the previous permit application reviewed by VCAT. The tribunal noted in its findings that the intensity of activity at the Montague complex and at Lysterfield Lake Park make this road (Horswood Road) capable of absorbing a school despite its 'remoteness'
154. Subject to the recommended permit conditions, the proposal is considered to be acceptable in traffic impact terms.

Bicycle Facilities

155. Clause 52.34-1 of the Scheme requires the provision of 1 bicycle space to each 20 employees and 1 space to each 5 pupils over year 4. The bicycle parking requirements and provision is shown below:

Stage	Students over year 4	Staff	Bicycle spaces required	Bicycle spaces proposed	Compliance
1	129	17	27	28	Achieved
2	239	27	49	28	Achieved
Total when all stages are complete	239	27	49	80	Achieved

156. The number of bicycle parking spaces exceeds the statutory requirement and is therefore acceptable. Whilst this is a positive, it is noted that students are not likely to cycle to school due to the limited off-road bicycle paths and facilities.

Waste

157. Waste collection is proposed to occur via a private contractor. The car park and accessway design can comfortably accommodate waste collection vehicles and this has been demonstrated by swept path diagrams in the submitted TIA. A Waste Management Plan is recommended to be secured via a condition of the permit for each stage. Sub conditions will require waste collection to occur outside of peak hours but also within hours that will not cause amenity impacts, by way of noise, to nearby dwellings.

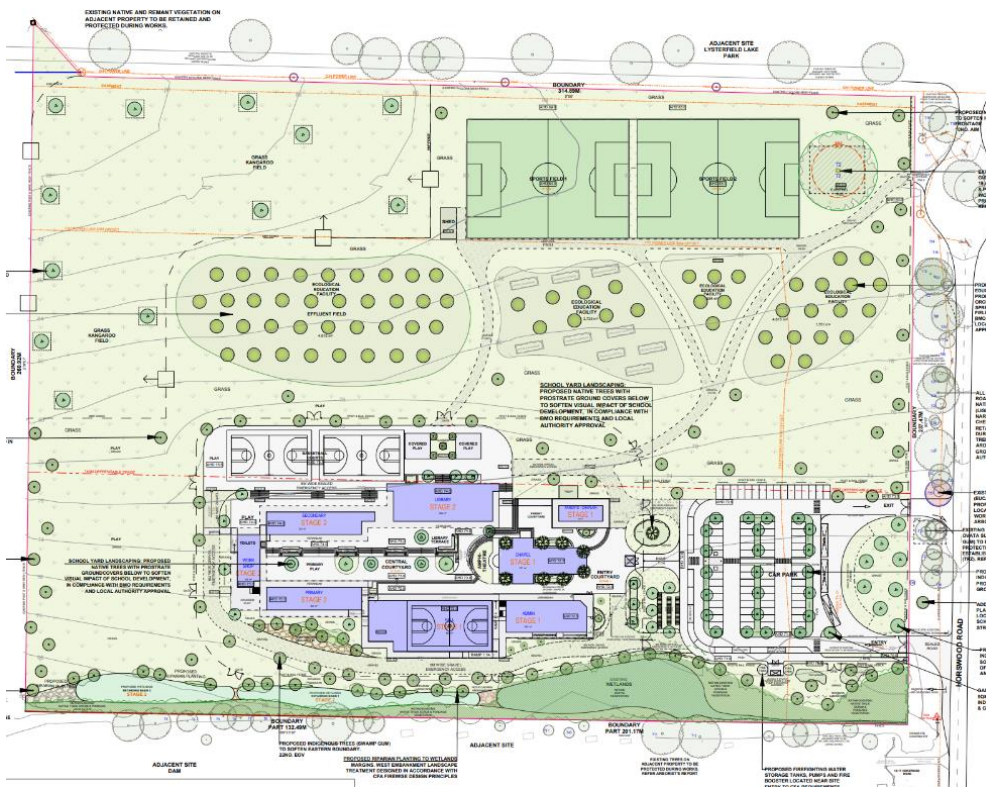
Other Matters

Cultural Heritage

158. It is noted the VicPlan planning property report states part of the site is in an area of Aboriginal Cultural Heritage Sensitivity. However, the VicPlan map shows the site is not in an area of Aboriginal Cultural Heritage Sensitivity but adjoins an area of ACHS (bordering with the Lysterfield National Park). Advice was obtained to support the previous permit application (ref. PA20-0971) and current application from Heritage Insight, a Heritage Consultancy specialising in field work and assessment for Aboriginal and Historic Heritage. They advise that the site is not located in an ACHS but adjoins an ACHS. Spatial Planning Services have confirmed the maps are the statutory document to be referred to. Therefore, a Cultural Heritage Management Plan is not required for the proposed use and development.

Planning for Melbourne's Green Wedges and Agricultural Land – Action Plan 2024

159. The above-mentioned Action Plan has been considered in the assessment of this planning application. It is noted that the Action Plan does not incorporate any proposed actions relating to proposed primary and secondary schools in Green Wedge Areas that would prohibit or further discourage the proposal, compared to what already exists in the Casey Planning Scheme.



Above: Proposed Landscape Master Plan (current scheme).

164. It is clear just on visual comparison that the current proposed scheme includes significantly less buildings and works, including hard surfacing for pedestrian and vehicle accessways, excavation for sporting fields and courts and associated infrastructure.
165. The current scheme positions buildings and limits hard surfacing areas to areas of the site which will have less impacts on the character and appearance of the site and surrounds and retains land for regenerative landscaping and fauna habitat.
166. It is noted the scheme considered by council and VCAT did not identify native vegetation removal as a permit trigger, despite the proposal including alteration to the existing wetland and removal of vegetation to accommodate the car park, adjacent to the eastern boundary. Despite this not being identified, it is noted the current scheme has sought to avoid and remove less native vegetation.
167. Overall, when comparing the previous and proposed schemes, it is clear the proposal has sought to respond to the key findings within the VCAT Order issued 4 October 2022 and the extent of works now proposed represents a more appropriate fit to the site's size, topography and general conditions.

Recommendation



168. The proposal is generally consistent with the relevant planning policies of the Casey Planning Scheme and will contribute to the provision of a new primary and secondary school within the Narre Warren North area.
169. The proposal is supported by the various referral agencies.
170. The proposal is not supported by Casey City Council. However, the council acknowledge that several issues previously raised with the proposal have been addressed.
171. It is recommended that Planning Permit No. **PA2302660** for the use and development of a primary and secondary school and removal of native vegetation at **19-23 Horswood Road, Narre Warren North** be issued **subject to conditions**.
172. It is recommended that the applicant, referral authorities, the council and objectors 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.

Name: Julia Smith

Title: Senior Planner, Development Approvals and Design

Signed:

Phone: [REDACTED]

Dated: 6 November 2024

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**
- 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.

Name: Erin Baden-Smith

Title: Manager, Development Approvals and Design

Signed:

Phone: [REDACTED]

Dated: 13 November 2024



173. The following table comprises an assessment of the council's latest advice:

Urban Design

Council Comment	Assessment
<p><u>Site Responsive Design</u> This revision has retained more existing wetlands along the East site boundary, especially on the Northeast corner of the site. This update provided more landscape buffer and planting opportunities along this key interface to conceal the double-storey Hall and Admin Building from Horswood Road, which is supported. This update also pushes the carpark along the Horswood Road interface further to the West, which ensures planting opportunities on the East end of the Horswood Road interface, which is also supported.</p> <p>However, to ensure the vision demonstrated in the development plans and 3D renders will be implemented:</p> <ul style="list-style-type: none"> • The landscape concept plan must be updated to demonstrate that the detailed design and planting species selection are realistic and feasible. (& the Horswood Rd interface also) • A lighting management plan should be submitted for review by internal experts to ensure that no detrimental light spill is created into the surrounding sensitive uses. • Shadow diagrams should be submitted for assessment to ensure minimising the overshadowing of common open spaces. 	<p>Conditions are recommended to be included on the planning permit to secure further detail to demonstrate the landscape design intent and to also secure the provision of a lighting management plan. The lighting management plan will help to ensure the school does not cause negative offsite impacts, by way of light spill, to adjoining land uses.</p> <p>There isn't a specific requirement in the Casey Planning Scheme for a shadow assessment of common open space within schools. Therefore, it is considered unnecessary to require the submission of shadow diagrams.</p>
<p><u>Attractive Character Responsive Streetscape</u> Signage design details, including their designs, locations, and dimensions, should be submitted for review if applicable. The development plans and elevations should include all gateway/entry and building signs for further assessment. The signage designs must ensure they will not cause detrimental visual impacts to the rural character of the area.</p>	<p>The proposal does not include signage. If signage is proposed in future, an amendment to the planning permit or a separate standalone application will need to be applied for. The appropriateness of the signage and the visual impacts will be assessed at that stage.</p>
<p><u>Safe Pedestrian Access</u> A wayfinding signage plan should be incorporated into the site plans and elevations to allow for easy movement of people within the campus.</p>	<p>Permit conditions are recommended to place limitations on where the school activity can occur within the site and to ensure the car parking area is compliant with relevant safety and design standards. Other than addressing these matters though it is considered wayfinding within the campus can be appropriately managed by the school and does not need to be further constrained and managed by the permit.</p>
<p><u>Durable and Character responsive building materials</u> Provide more information on the proposed post and wire fencing located along boundary lines and internally within the car park area. The information should include but not be limited to fence height, solid to-void ratio, and design detail.</p> <p>The following should be included as part of the permit conditions if the responsible authority approves the application:</p>	<p>A condition is recommended to be included on the planning permit to secure additional fencing details. Notwithstanding this, the fences as generally shown on the proposed drawings are supported.</p> <p>A condition is recommended to be included on the planning permit to ensure the plans demonstrate that the proposed windows will be non-tinted and non-reflective so as to not cause unreasonable glare impacts.</p>



<ul style="list-style-type: none"> It is advised that all materials used, including glazing for windows, should not cause any glare and be non-tinted and non-reflective, and this should be noted in the drawings to ensure that the amenity of the surrounding landscaped is protected. 	
<p><u>Integrated Building Services</u> It is advised that the colours applied to the fire tanks complement the rest of the colours and be more of a darker shade to ensure that their visual impacts are reduced.</p> <p>The following should be included as part of the permit conditions if the responsible authority approves the application:</p> <ul style="list-style-type: none"> It is advised to conceal hydrants, substations, mechanical air-conditioning units, rainwater tanks and other building services from street/road view or preferably integrate them into the overall built-form design. Architectural screening similar to the material and colour palette for the development should be used. Mechanical units on the roof are strongly discouraged. 	<p>A condition is recommended to be included on the planning permit to secure details demonstrating services are integrated into the overall built form design.</p>
<p><u>Generous Landscaping</u> An updated landscape concept plan with the planting species schedule should be provided to reflect the proposed landscape design in the current version of the development plan and 3D renders. Which should include but not be limited to:</p> <ul style="list-style-type: none"> Good landscape buffers between the grassed overflow bus parking area along the front setback and the northern boundary help achieve the desired rural and landscaped streetscape setting. More tree planting and maximum possible landscape measures (subject to compliance with BMO requirements) are encouraged to be provided here. The updated landscape design of the wetlands and their surroundings. 	<p>Conditions are recommended to be included on the planning permit to secure further details of the landscape buffer in the frontage to ensure it achieves its intended effect. The landscape plans will be required to show these details and are recommended to be required to be delivered in stage 1. Additionally, further details on the landscape design of the proposed wetland/retarding basin will be secured.</p>
<p>The following should be included as part of the permit conditions if the responsible authority approves the application:</p> <ul style="list-style-type: none"> The proposed landscaping within and surrounding the car parking area should be implemented and delivered in conjunction with the delivery of the car parking, with appropriate text within the drawings to ensure its implementation. All landscaping associated with and surrounding the buildings, which would be delivered at different stages, would be delivered in conjunction with the implementation of the stage to ensure that the built form does not dominate within the surrounding setting. 	<p>A staging landscape plan is recommended to be secured as a condition of the permit. It will be required to be generally in accordance with the endorsed staging plan, which shows areas such as the car park to be delivered in stage 1. Therefore, the landscaping within the car park area and frontage must be delivered at the same time before the use commences.</p>

Asset Permits and Consent



Council Comment	Assessment
<ul style="list-style-type: none"> The development proposes the use of three access points which is supported. The turn in lane and access requirements are to be reviewed by engineering. Design of the turn in lane and crossings are to be reviewed and approved by development engineering during development plans stage. 	<p>Noted.</p> <p>It is noted the turn in lane and access will require separate permission from the council and will be to the council's satisfaction. A condition to this effect is recommended to be included on the planning permit</p>

Landscape

Council Comment	Assessment
No objections raised.	Noted.

Traffic

Council Comment	Assessment
<p>Functional Layout Plan - Horswood Road/ Belgrave-Hallam Road intersection (Signalised), prepared by Traffix Group (Appendix E);</p> <ul style="list-style-type: none"> The intersection needs to be upgraded to become a signalised intersection for the Stage 2 of the development The proposed signalised intersection must be designed as per the Austroads Guide Part 4A or as per the VicRoads Standards. Street lighting must be provided in accordance with the Australian Standards. - Proposed FLP of the intersection should be assessed and approved by the DTP. 	<p>The requirement for a signalised intersection has been requested by the Head, Transport for Victoria. Any documentation relating to this will need to be to the satisfaction of and approved by the Head, Transport for Victoria. Conditions relating to this, as requested by HTfV will be included on any permit issued.</p>
Access for emergency vehicles must be designed to the CFA requirements and should be assessed and approved by the CFA	The CFA has reviewed the application and does not object, subject to a condition requiring the endorsement of the submitted Bushfire Management Plan. The plan displays the location, layout and size of the accessways.
The dimensions of the access arrangement, driveways, cycling track & emergency access, car parking area including car parking spaces and aisles must be shown on the plans.	Conditions are recommended to secure such details where they are not already shown on the drawings.
Proposed bus bays should be provided with the appropriate dimensions to accommodate typical bus (14.5m?) that will be operated to the site	The bus bays are adequately sized to accommodate a typical bus. Dimensions are shown on the Car Park Setout Plan (TP16, dated 28/07/2024).
Provide the proposed car parking and accessway width (aisles) with the minimum dimensions outlined in Table 2 in clause 52.06-9 of the Casey Planning Scheme.	The car parking and accessways widths are shown on the drawings and are acceptable. Refer to the Car Park Setout Plan (TP16, dated 28/07/2024).
Provide the accessible car parking spaces which must be designed (with bollards in the shared area) in accordance with Australian Standard 2890.6- 2009 (disabled) or its successor and the Building Code of Australia and be DDA compliant.	The Car Park Setout Plan (TP16, dated 28/07/2024) shows two accessible car parking spaces which are compliant with these requirements.
Provide the proposed bicycle spaces designed as outlined in clause 52.34-6 of the Casey Planning Scheme	Bicycle parking spaces are provided in accordance with Clause 53.24-6.
Line markings, pavement markings, TGSI's (Tactile Ground Surface Indicators) and signage must be installed in accordance with relevant Australian Standards.	Line marking details are recommended to be required as part of an amended Traffic and Parking Management Plan.
Paths, pram crossings, crossovers, access ramps and	Noted.



TGSIs must be installed in accordance with DDA requirements and relevant Australian Standards.	
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Environment

Council Comment	Assessment
Environment has reviewed the Flora and Fauna Assessment and all requested changes from the pre-application and subsequent May 2024 response, have been made to the document.	Noted.
The updated NVR Report and avoid and minimise statement is supported; however, the report is a scenario test and does not support an application to remove, destroy or lop native vegetation under Clause 52.16 or 52.17 of planning schemes in Victoria. A formal report must be supplied as well as an updated report of available native vegetation credits to process the application.	The NVR report has since been corrected to include the formal NVR Report (i.e. not in 'scenario test' mode'). The NVR report is acceptable and demonstrates the available native vegetation credits.
In principle, Environment has no objections to the proposed development.	Noted.

Concluding Comments

Council Comment	Assessment
<p>Whilst the amended proposal has addressed some of the issues previously raised, there are still concerns with the proposals ability to meet the requirements of the Casey Planning Scheme.</p> <p>It is considered that the proposed built form is excessive and is inappropriate given the character of the area. The extent of car parking and associated sports fields is also considered at odds with the zoning of the land. The proposal fails to meet the objectives of the Casey Foothills policy which seeks to protect and enhance the valued rural landscape character of the area whilst also ensuring that the area remains largely free of development</p>	<p>The extent of car parking has been reduced over the course of the application. Its extent is considered to acceptable, given sufficient buffers for vegetation are proposed to be provided.</p> <p>The sports fields are in a section of the site where they require limited to not excavation. Given the extent of the site which is to remain unaltered and subject to the conditions proposed to limit hours of operation of the school, including any sporting events, it is considered the sports fields will not negatively impact on the character of the area.</p> <p>For the reasons outlined in this report, the proposal is acceptable when considered against the Casey Planning Scheme.</p>

Appendix B: Key Objections



174. All matters raised in objections have been considered in the assessment of this application. The following table comprises an assessment of objections received from the public. Note, the below list is not exhaustive, but covers key themes.

Objector concern	Assessment
Development creep. If a permit is issued, it will be easy for the school to expand further into the site.	This matter is discussed in the assessment section of this report. Given the site's unique features and associated constraints, it is considered the school will not be able to significantly expand into the site further than that proposed.
The school is in a bushfire risk and school children will be at risk.	The application has been assessed against the relevant requirements of the Bushfire Management Overlay and also by the relevant Fire Authority – the CFA. The proposal is acceptable with regard to the bushfire risk and the CFA does not object to the grant of a permit.
The school will damage the environmental value of the adjacent state park.	Parks Victoria has reviewed the proposal and does not object to the grant of a permit, specifically noting the proposal will not unduly impact on the adjacent park values.
Non-government school applications can become the centre piece for a community for a community centre and church. These communities are often at special risk of as they lack bushfire awareness.	This is an insinuation that does not form part of the matters which require assessment under the planning scheme. The application has been assessed against the relevant requirements of the Bushfire Management Overlay and also by the relevant Fire Authority – the CFA. The proposal is acceptable with regard to the bushfire risk and the CFA does not object to the grant of a permit.
The application should be refused for the same reasons VCAT refused the last application.	This differences between the current proposal and the proposal refused by the council and VCAT are detailed throughout this report. Sufficient alterations to the proposal have been made in response to the matters raised in the previous VCAT decision and in this regard the current proposal is considered to be acceptable subject to conditions.
The neighbour will lose its agricultural equestrian academy.	Impacts on the adjoining and nearby agricultural uses are discussed in the assessment section of this report. Further, specific conditions are recommended to be included on the planning permit to mitigate potential impacts associated with noise, light and traffic.
The development is far more than intense than the previous proposal, with buildings now two storeys in scale and earthworks of 4-5m.	This is incorrect. The extent of buildings and works and earthworks is substantially less intense than the previous proposal considered by the council and VCAT.
The Department hasn't referred the application to Melbourne Water at the planning permit stage.	There is no statutory requirement for a referral to be sent to Melbourne Water.
More time should be provided for people to complete their submissions.	The public notice period was carried out in accordance with the Planning and Environment Act 1987. Public submissions can be received up until the point a decision is made. Communication between Planning Officers and the public has been ongoing since the formal notice period which occurred in April 2024.
The intended kangaroo management plan involves killing and removing kangaroos from their home which is despicable.	At the time this comment was received, a Kangaroo Management Plan did not form part of the proposal. In response to general public concern regarding kangaroo management, an 'Eastern Grey Kangaroo Welfare Management Plan' has been prepared and provides a strategy for the longer term management of eastern grey kangaroos (EKG) on the site, to ensure they can coexist with the school during both construction and operation.
As a park user, the school will affect the scenic drive into the National Park.	Visual impacts are discussed in the assessment section of this report. Subject to the recommended conditions, the proposal is acceptable in visual impact terms.
The site is not in the Urban Growth Boundary and it is therefore an inappropriate location for a school.	The fact the site is not in the Urban Growth Boundary does not automatically mean its location is inappropriate. The school is not considered to be in a remote location, is accessible by an all-weather road and is located a convenient distance from the proposed school's sister campus. Subject to the recommended conditions, it is



	considered that on balance, the school use and development including its location, is acceptable.
Harm to macropods of kangaroos will have wider, distressing effects on local residents, dogs and other wildlife.	<p>The Eastern Grey Kangaroo Welfare Management Plan submitted as part of the Section 57a amendment provides management strategies to:</p> <ul style="list-style-type: none"> • Prevent EGK from being attracted to the construction areas of the site during the construction phase; • Prevent harm from construction to any EGK; and • Develop standard protocols to mitigate the potential for EGK to interact with attendees of the school and/or limit harm to EGK that may enter school grounds prior to or after construction. <p>Additionally, it is noted the site now retains an area with special fencing and gates specifically for kangaroo grazing. Notwithstanding this, it is also noted DEECA, Parks Victoria and the council's Environment Department, have not raised concern with potential impacts to kangaroos.</p>
The school will affect the tranquillity of the park.	Subject to the recommended conditions, it is considered the school will not unreasonably impact on the adjacent National Park by way of noise, light spill and traffic.
Wetlands will be negatively impacted.	The proposal has been amended throughout the course of the application to include the retention of the existing wetlands in conjunction with new proposed wetlands. Subject to the recommended permit conditions, it is considered the existing wetlands will be appropriately conserved and new wetlands will contribute to environmental regeneration on the site.
The proposal is contrary to the Green Wedge Zone and Green Wedges Action Plan.	For the reasons outlined in the assessment section of this report, the proposed use and development is considered to be acceptable having regard to the decision guidelines of the GWZ and is not at odds with the Green Wedges Action Plan 2024.
The use and development is incompatible with agriculture. In particular, it will effect the equestrian activities and the Montagues orchard operation. The delivery trucks to Montagues Orchard pose a risk to children.	<p>Subject to the recommended conditions discussed in this report, it is considered the proposal will not negatively impact on surrounding agricultural uses in terms of noise, light spill and traffic.</p> <p>The Head, Transport for Victoria, the council's Traffic Department and the supporting Traffic Impact Assessment have raised no concerns with the potential risk to children from delivery trucks to Montagues Orchard. The risks are no greater than a typical main road and it is noted children will be transported to the school by bus in Stage 1 and Horswood Road does not contain any footpaths that would enable children to walk or cycle to school.</p>
Unacceptable traffic impacts. Horswood Road will be unsafe.	Subject to the recommended conditions discussed in this report, it is considered traffic impacts will be suitably managed and mitigated against along Horswood Road and the intersection with Belgrave Hallam Road. The application is supported by the Head, Transport for Victoria.
The Green Wedge Action Plans seeks to protect the right to farm and to prevent land use conflicts. This proposal will directly affect adjacent properties rights to farm.	Subject to the recommended conditions discussed in this report, it is considered the proposal will not negatively impact on surrounding agricultural uses in terms of noise, light spill and traffic. It is also considered the proposal will not adversely affect the land to point in which it could not be used for agricultural purposes, in part, in the future.
The proposal conflicts with the 20-minute neighbourhoods plan.	The 20-minute neighbourhoods plan is not directly applicable to all site's and proposals, given the needs in green wedge and rural areas can differ from those in more urban settings. The purpose for allowing primary and secondary school uses under the Green Wedge A Zone is



	to ensure such types of community infrastructure are available to address diverse needs in diverse locations of the community, including Green Wedge areas. It is noted the Green Wedge A Zone includes specific decision guidelines for 'primary school or secondary school issues. These are discussed in the assessment section of this report.
The proposal is contradictory to the Casey Foothills Policy.	An assessment of the proposal against the Casey Foothills policy is set out within the assessment section of this report. Subject to the recommended conditions, the proposal is considered to be acceptable.
The existing wetland must be protected.	The proposal was amended through the course of the application to include the retention and protection of the existing wetland.
There are more suitable sites with sewer connection to locate a school, without risking environmental pollution, and the displacement of wildlife.	Subject to the recommended conditions, it is considered the proposal will not cause environmental pollution impacts or displace wildlife. This is discussed in further detail in the assessment section of this report.
The intensity and capacity of this school is greater than the previously refused application with more and students and teachers and larger buildings.	This is incorrect. The extent of buildings and works and earth works is substantially less intense than the previous proposal considered by the council and VCAT.
There are deliberate omissions on the plans to avoid setback requirements to waterways.	The plans have been updated over the course of the application to incorporate further requested detail. Further details are to be secured via conditions where necessary.
More clarity is required to demonstrate how existing stormwater drainage is to be altered to accommodate this development.	A minor and major stormwater network is proposed. The minor stormwater network will enable drainage by way of an underground stormwater pipe drainage system with a discharge point to the onsite wetland and retarding basin. The major system will involve design levels and grading towards the overland flow paths and open swales. The open swales will adjoin the north and west side of the wetland/sediment pond. The wetland will then release stormwater runoff at pre-development levels to the existing south-east point of discharge. This will be via a restricted pipe outlet to the ground level at the south-eastern corner with a shared open outlet that disperse run off rather than concreting it.
The development must be setback 30m from the banks of a waterway system (the wetland). The proposal therefore fails to comply with Clause 12.03-1S.	Clause 12.03-1S includes a policy guideline which is to consider as relevant locating development a minimum of 30m from the banks of waterway systems. Given the nature of existing wetland/sediment pond, the proposed varied setbacks are acceptable, subject to the conditions relating to the on-site waste water treatment plant.
Children are at risk from snakes and mosquitos given the proximity of classrooms to the existing wetland.	Risk from snakes and mosquitos is not a unique feature of this proposal and can be suitably managed by the school. Notwithstanding this, for other reasons discussed in the assessment section of this report, the existing wetland and proposed retarding basins are recommended to be 'no play zones'.
The land capability report is fundamentally flawed. It is based on incorrect student numbers and underquotes the required envelope and waste treatment. The soil testing locations are also not in the location of the effluent field.	The Land Capability Assessment has been updated over the course of the application to include corrected detail and further information necessary to assist in the assessment and determination of the application. Further conditions are recommended to ensure the waste treatment facilities comply with EPA regulations.
It is a legal requirement that the EPA be included as a referral authority for this proposal to determine whether the site can contain the predicted daily wastewater load.	This is incorrect. The EPA is not a statutory referral authority for this application type. Permission will be required to be sought separately from the EPA once the onsite wastewater treatment system is proposed to be updated to a 5000L tank. The school has indicated this will not be necessary until the school enters stage 2 in around 2029 and until such time a modular system under 5000L will be installed which will require permission from the council.
There are rumours the effluent field at Harkaway Hills is failing and the adjacent creek	This is not a relevant consideration. Land capability and environmental risks are discussed in the assessment section of this report.



is at risk of being polluted. This demonstrates how even more difficult it will be for LLC.	
There is no mention in the application about how the school proposes to provide safe drinking water.	Potable water tanks with 20,000L capacity is shown on the proposed drawings.
There are inaccuracies in the fire risk assessment and there is no suitable access for fire trucks to get to the rear of the building.	The application has been assessed against the relevant requirements of the Bushfire Management Overlay and has also been reviewed by the relevant Fire Authority – the CFA. The proposal is acceptable with regard to the bushfire risk and the CFA does not object to the grant of a permit. It is further noted the proposal has been updated over the course of the application to include further emergency access tracks around the full extent of the school building.
Horses are easily startled. The adjoining equestrian centre will not be able to operate properly.	Conditions are recommended to be included on the planning permit to further limit school activities close to the boundary with the equestrian centre. It is considered that subject to the permit conditions, the proposal will not have an unreasonable adverse impact on the equestrian centre and horses utilising the area generally.
The development will have unacceptable biodiversity impacts.	Flora and fauna impacts and environmental risks are discussed in the assessment section of this report. Subject to the recommended conditions, the proposal is acceptable.
The development will be a blight on the landscape.	Visual impacts are discussed in the assessment section of this report. Subject to the recommended permit conditions, it is considered the proposal will not cause any unreasonable adverse impacts on the landscape.
The buildings and hard surfacing, including the paved cycling track, will permanently scar the open rural landscape.	The extent of hard surfacing has been reduced over the course of the application. Subject to the recommended landscaping conditions, it is considered the extent of hard surfacing will not negatively impact on the appearance of the site and surrounds.
The proposal will detract from tourism to the National Park.	Subject to the recommended conditions, it is considered the proposal will not cause any negative impacts to the National Park. Parks Victoria has reviewed the proposal and does not object to the grant of a permit, specifically noting the proposal will not unduly impact on the adjacent park values.
The development will not support future agricultural use on the land.	The proposal incorporates 32% site coverage. Access tracks and paths are proposed to be at-grade gravel tracks. The balance of the land will remain generally unaltered with the exception of new tree plantings and underground services.
If a bushfire occurs, parents will flock to the area to pick up their children, adding congestion to the rural road network.	The CFA has reviewed the proposed bushfire management plan and do not object to the grant of a permit, subject to endorsement of the bushfire management plan. An Emergency Management Plan has also been provided and such risks (i.e. flocking of parents) will be suitably managed. It is also noted the school proposes to close on catastrophic fire days.
Noise associated with garbage collection will impact on the amenity of the adjacent dwelling and equestrian centre.	Conditions are recommended to require that waste collection occur both outside of peak periods and also within ours that will not cause amenity impacts to nearby property owners/occupiers.
No engineering drawings for the proposed wetland is a concern.	Further detailed designs of the proposed wetland will be secured via conditions, along with the details ensuring that no existing vegetation on adjoining properties will be affected by the retarding basin/wet land construction.
The application fails to include the local presence of the southern toadlet and the powerfulowl and does not consider the potential impacts on their breeding and foraging territory.	Bird species such as the Gang-gang Cockatoo, Swift Parrot, and Powerful Owl are unlikely to utilise the site more than opportunistically and are unlikely to be significantly impacted by the proposal. The southern toadlet has only recently been found in the area. The proposal has been amended to retain the existing wetland. The CEMP, recommended to be secured via conditons, will incorporate details to



	ensure flora and fauna are not negatively impacted during and after construction.
The application fails to provide information on key wetland bird species recording in the surrounding area.	The proposal has been amended to retain the existing wetland. A CEMP is recommended to be secured via conditions to ensure the existing wetland is protected.
The application fails to assess impacts on the local kangaroo and the black tailed wallaby.	Neither of these species are threatened locally or nationally. Notwithstanding this, the proposal was amended incorporate a Conservation Welfare Management Plan for Eastern Grey Kangaroos along with the provision of a dedicated protected grazing area for the kangaroos. Subject to the implementation of the plan, it is considered the proposed use and development can coexist with kangaroos both during construction and during operation.
The Application fails to appropriately protect, conserve and enhance the biodiversity, natural resources.	With the retention of the existing wetland and proposed wetlands, along with the recommended permit conditions (including the CEMP and VMP), it is considered the proposal will not negatively impact on the site's biodiversity.
The application fails to provide targeted surveys of the growling grass frog.	The Growling Grass Frog is unlikely to occur on the site. However, the existing wetland does meet habitat requirements, and frogs may utilise it when moving between more permanent water bodies. It is noted the submitted Vegetation Management Plan proposes to respond to potential habitat requirements of the Growling Grass Frog.
The bushfire assessment is inadequate having regard to Clause 13.02 of the scheme.	The assessment against Clause 13.02 is consistent with other developments. The assessment includes a landscape risk assessment and provides justification for the 10km assessment area. The presented 20km assessment area does not identify anything additional to the BMS prepared by FRC. The FRC assessment has not ignored the presence of the grasslands and has considered these within the development of setbacks.
Insufficient consideration of Clause 52.17.	It is considered that over the course of the application the reports and other documentation provided has been sufficient to assess the application against Clause 52.17 of the Casey Planning Scheme.