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19-23 HORSWOOD ROAD, NARRE WARREN NORTH

Town Planning Report

Prepared by Hansen Partnership - October 2023

APPLICATION SUMMARY

PERMIT PREAMBLE



To use land, to construct buildings and works, and to remove native vegetation for the staged development of a non-government primary and secondary school.

RESPONSIBLE AUTHORITY

The Minister for Planning is the responsible authority for the issue of a planning permit, pursuant to Clause 72.01-1 of the Casey Planning Scheme.

EXEMPTION FROM REVIEW RIGHTS

The application is exempt from the decision requirements of Sections 64(1), (2) and (3), and the review rights of Section 82(1) of the Planning and Environment Act, pursuant to Clause 53.19-1 of the Casey Planning Scheme.

PERMIT TRIGGERS



Clause 35.05-1: To use land for a Primary School and a Secondary School.

Clause 35.05-5: Buildings and works associated with a Primary School and a Secondary School.

Clause 42.03-2: Buildings and works.

Clause 44.06-2: Buildings and works associated with an Education Centre.

Clause 52.17-1: To remove, destroy or lop native vegetation

PROJECT TEAM



Architecture | Cullen Architects

Planning | Hansen Partnership

Arborist | The Green Connection

Bushfire Management | Fire Risk Consultants

Ecology | Nature Advisory

Landscape | Nadia Gill

Landscape Master Plan | Hansen Partnership

Stormwater | Paroissien Grant & Associates

Traffic | Traffix Group

Visual Impact | Orbit Solutions

Waste Management | Traffix Group

CONTENTS

1. INTRODUCTION	4
2. BACKGROUND	5
3. SITE CONTEXT	8
4. SURROUNDING CONTEXT	10
5. THE PROPOSAL	12
6. THE PLANNING CONTEXT	16
7. KEY PLANNING CONSIDERATIONS	24
8. CONCLUSION	31

1

INTRODUCTION

Hansen Partnership has been engaged by the owners of 19-23 Horswood Road, Narre Warren North (the subject site) to prepare a town planning report to accompany a planning permit application.

The proposal seeks to develop a non-government primary and secondary school at the subject site.

The purpose of this report is to provide details of the subject site, the surrounding context, the proposal, relevant planning controls and policies, and a discussion of relevant planning considerations.

This report should be read in conjunction with the following documents:

- Architectural plans prepared by Cullen Architects, dated 21 August 2023;
- Arboricultural Impact Assessment prepared by The Green Connection, dated 18 May 2023;
- Bushfire & Emergency Management Plan (B&EMP) prepared by my emergency management, dated 20 November 2019;
- Bushfire Management Statement (BMS) prepared by Fire Risk Consultants, dated July 2023;
- Bushfire Management Plan (BMP) prepared by Fire Risk Consultants, dated 20 September 2023;
- Flora and Fauna Assessment (FFA) prepared by Nature Advisory, dated May 2023;
- Geotechnical reports, including Land Capability Assessment (LCA), prepared by Civiltest, dated 30 May 2023;
- Landscape Plan prepared by Nadia Gill, dated 20 June 2023;
- Proposed Landscape Master Plan report prepared by Hansen Partnership, dated September 2023;
- Stormwater Management Strategy Report (SMSR) prepared by Paroissien Grant & Associates, dated 29 May 2023;
- Traffic Engineering Assessment (TEA) prepared by Traffix Group, dated May 2023;
- Preliminary Visual Impact Assessment (VIA) prepared by Orbit Solutions, dated 5 June 2023; and
- Waste Management Plan (WMP) prepared by Traffix Group, dated May 2023.

2

BACKGROUND

A previous planning application (PA2-0971) was lodged with Council for a faith-based primary and secondary school for up to 239 students and 22 staff, to be development over two stages. The application was refused by Council and later, at the Tribunal (P325/2022).

The Tribunal's findings in relation to the previous application identified and address a number of key issues of contention that were raised at the hearing. It found in favour of the proposal in relation to most of the key issues raised, as set out below:

- The use of the site for a school is acceptable based on the "nomination of schools as permissible uses in the Green Wedge A Zone."
- Long-range views of the site and the proposed works are "insignificant" based on "the distance [2km - 4km] and the dominance of the Montague Orchard."
- Horswood Road "has the capacity to accommodate the anticipated traffic from the school", and the proposed car parking arrangement within the site can "properly manage the surge of vehicles at school drop-off and pick-up times."
- The risk from bushfire by the proposed school can be "appropriately managed", noting that "the CFA does not object to the grant of a permit subject to conditions."

The key reason why the application was refused by VCAT was the degree to which the school buildings and the ovals were proposed to extend over the majority of the site, and the excessive amount of earthworks that would be required to enable the development to proceed. As stated by the Tribunal:

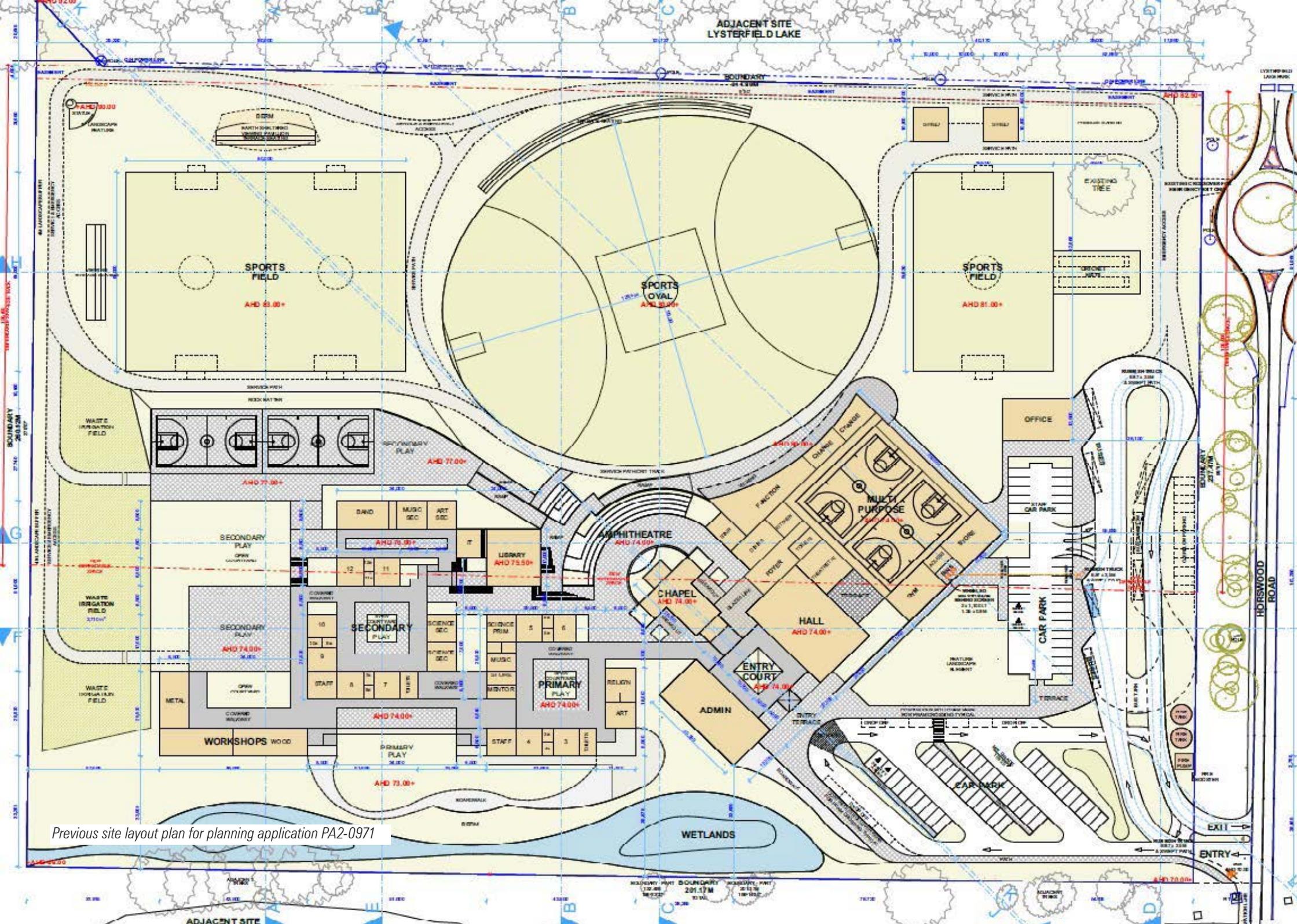
The landscape impact of the proposed earthworks in the Casey Foothills cannot be justified against "the policy framework and the purpose of the Significant Landscape Overlay."

The plans that form part of this application have been substantially changed to address the Tribunal's findings. The proposed changes are as follows:

- The site layout has been substantially changed and the degree to which buildings and playing fields extend across the site has been significantly reduced.
- The built form has been changed from a single storey to a double storey form. This substantially reduces the development footprint on the site from 13.6% to 5.4%.
- All buildings are now located on the lower, less visible eastern side of site.
- All buildings now being located outside the Bushfire Management Overlay area that applies to the western part of the site.
- All buildings are set back a considerably greater distance from Horswood Road than previously proposed, which reduces potential visual impacts from that road.

- The separation distance between buildings on the site and single dwellings that exist on adjoining rural properties to the south and to the east have been increased, reducing impacts on adjoining properties, despite buildings being two storey compared to single storey in the previous application.
- A large sports oval has been deleted and smaller playing fields have been reconfigured and relocated to the north-west corner of the site, which is flatter land and required less earthworks.
- The reduced building footprint and the reduced number and area of sport fields results in a significant part of the site now being set aside for ecological purposes, for an orchard, a vineyard and a kangaroo grazing area.

The revised site layout will result in the need for considerably less earthworks than the previous proposal and is considered to appropriately respond to the previous VCAT decision.



Previous site layout plan for planning application PA2-0971

ADJACENT SITE
LYSTERFIELD LAKE

AMPHITHEATRE
AND 74.00+

CHAPEL
AND 74.00+

HALL
AND 74.00+

ADMIN
AND 74.00+

WETLANDS

SPORTS FIELD
AND 82.00+

SPORTS OVAL
AND 82.00+

SPORTS FIELD
AND 81.00+

WORKSHOPS WOOD
AND 74.00+

SECONDARY PLAY
AND 74.00+

PRIMARY PLAY
AND 74.00+

MULTI PURPOSE
AND 74.00+

OFFICE

CAR PARK

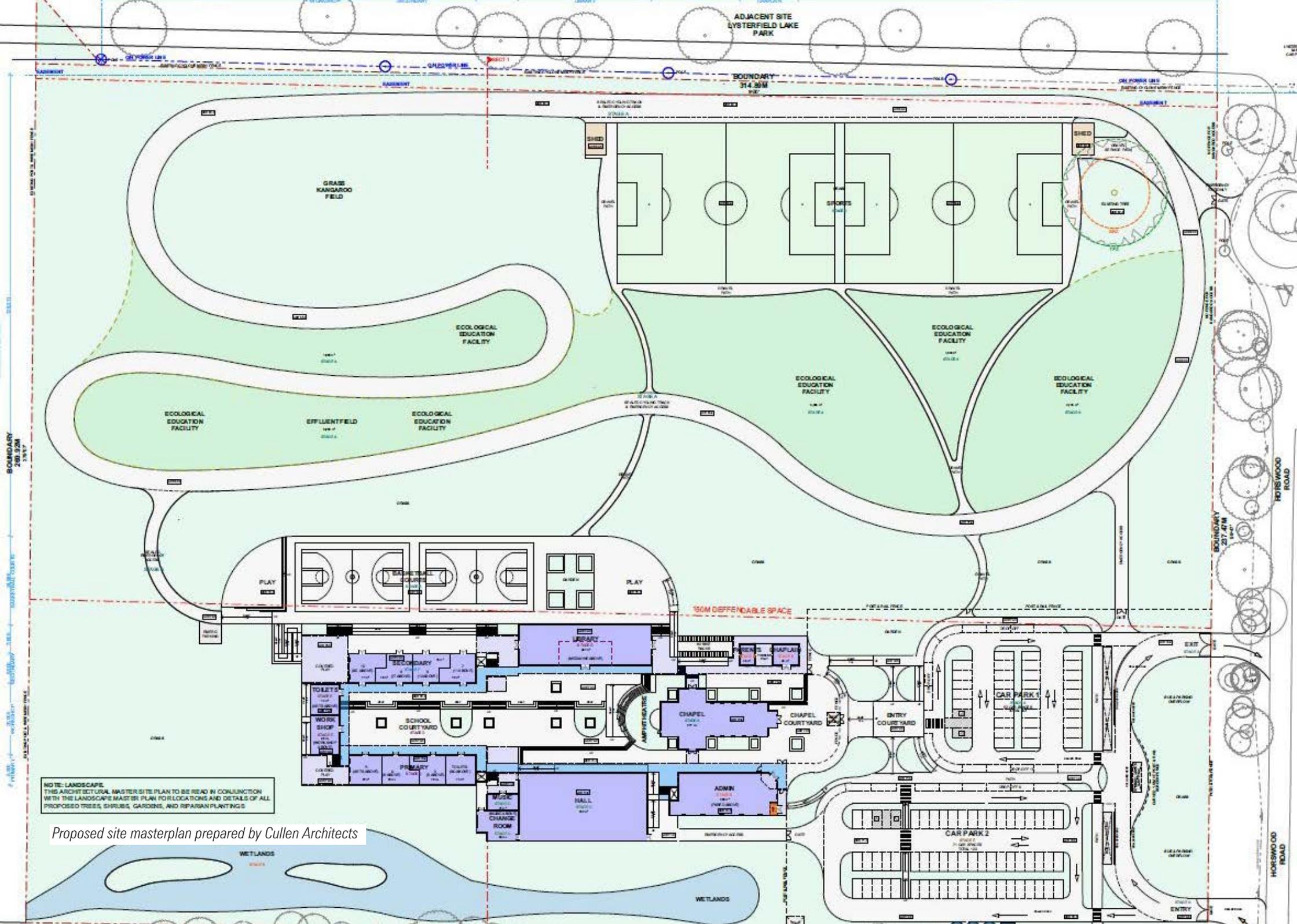
CAR PARK

HORSWOOD ROAD

BOUNDARY 201.17M

ENTRY

EXIT



NOTE: LANDSCAPE
 THIS ARCHITECTURAL MASTER SITE PLAN TO BE READ IN CONJUNCTION
 WITH THE LANDSCAPE MASTER PLAN FOR LOCATIONS AND DETAILS OF ALL
 PROPOSED TREES, SHRUBS, GARDENS, AND RIPARIAN PLANTINGS

Proposed site masterplan prepared by Cullen Architects

3

SITE CONTEXT

The site is located at the western end of Horswood Road on the southern side of the road, at the entrance of Lysterfield Lake. It is approximately 950 metres west of Belgrave-Hallam Road. It is formally known as Lot 1 LP130932.

The site has a generally rectangular shape with the following dimensions:

- **North:** 237.47 metres
- **South:** 260.92 metres
- **West:** 314.89 metres
- **East:** 333.66 metres
- **Total site area:** 8 hectares

The site is currently vacant, and has previously been used for grazing.

The site is generally cleared of trees, except for a significant tree in the north-western corner of the site. There is a gate at the north-western corner of the site that can be accessed from the Horswood Road roundabout.

The site slopes down eastwards from a ridgeline along its western boundary. The change in level across the site is about 25 metres, with a maximum slope of about 1 in 8 (i.e. 12.5%).

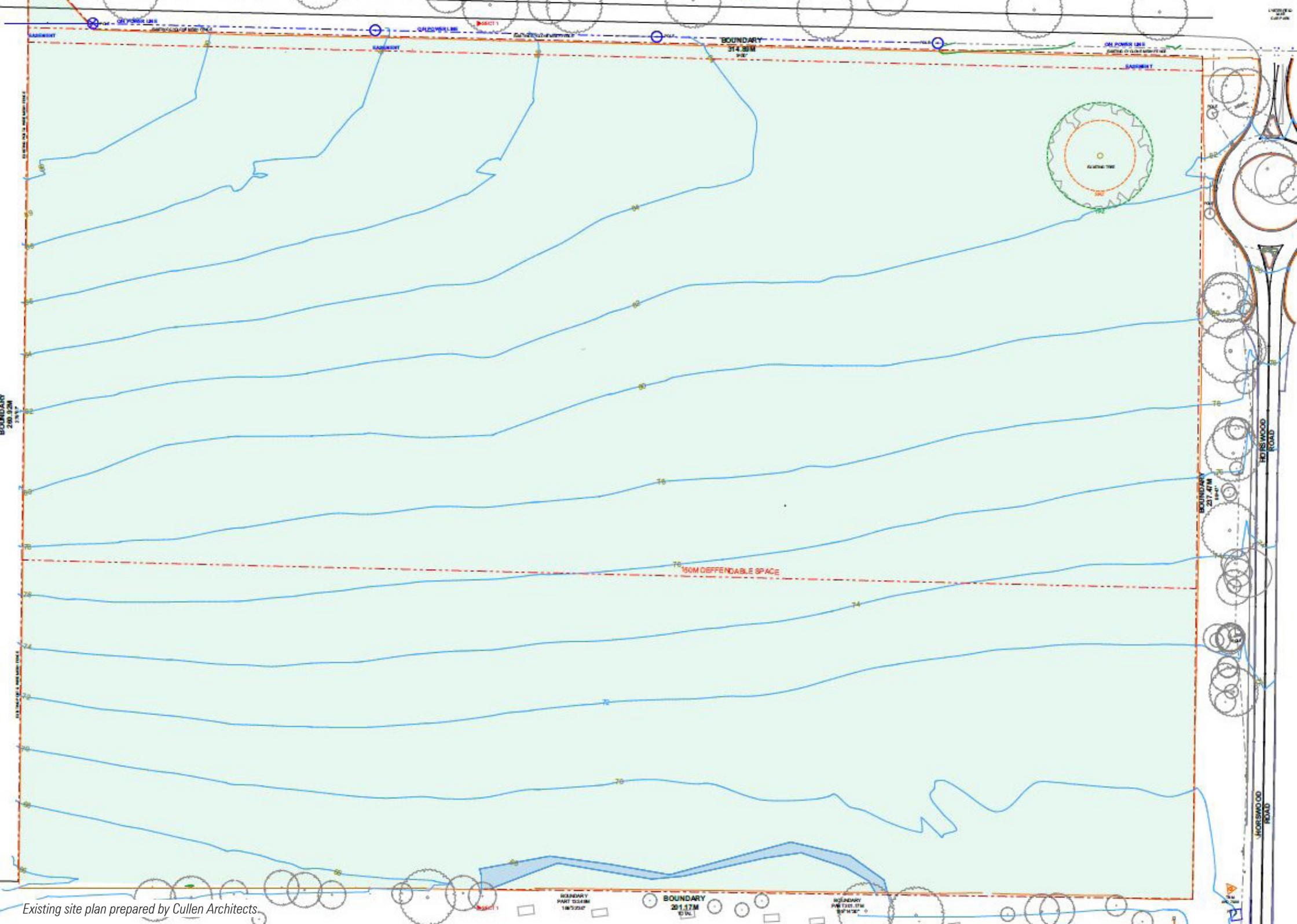
A 4 metre wide electricity easement runs along the western boundary of the site.

From a planning perspective, the subject site is affected by the following provisions of the Casey Planning Scheme:

- Green Wedge A Zone - Schedule 4 (GWAZ4);
- Significant Landscape Overlay - Schedule 1 (SLO1); and
- Bushfire Management Overlay (BMO).



Subject site aerial



Existing site plan prepared by Cullen Architects.

4

SURROUNDING CONTEXT

The site is located in the western end of the Southern Ranges Green Wedge, in the southern foothills of the Dandenong Ranges. It is located about 1 km to the north-west of the Narre Warren North township and from the Urban Growth Boundary to its south.

The surrounds are characterised by a mix of agricultural and rural uses, some of which have a considerable built form, and non-rural uses. Land to the south of Horswood Road is generally subdivided into 8 to 12 hectare rural lots.

There are numerous non-rural uses in the surrounds, including the following:

- Harkaway Hills College;
- Sidrah Gardens School;
- Veterinary Hospital; and
- Yun Yang Temple and meditation centre.

Built form in the green wedge is generally minimal, with the natural landscape being the predominant visual element. Though, Montague Orchard is prominent in the green wedge due to the large storage facilities that exist on that site.



Legend

- Subject Site
- Non-Rural Land Uses & Sites with Significant Built Form
- Urban Growth Boundary

Surrounding context aerial

The immediate abutments to the subject site are:

- **North – Horswood Road:** Across Horswood Road at 18 Horswood Road is Montague Orchard. This site contains orchards, fruit processing facilities, visitor centre, restaurant, produce store, and car parking. It provides an extremely dominant built form along the north side of Horswood Road, directly opposite the subject site.
- **South – 17 Reservoir Road:** This site is a rural land hold that contains a dwelling and the remainder of the site is cleared.
- **West – Lysterfield Park:** This site is a regionally significant bushland conservation and recreation reserve that consists of Lysterfield Lake and trails.
- **East – 13-17 Horswood Road:** This site is an 8-hectare equestrian complex that contains paddocks, stables and a series of dams along its western boundary.



18 Horswood Road, to the north of the subject site



17 Reservoir Road, to the south of the subject site (Source: Google Maps)



Montague Orchard, looking north-east towards cool stores from the entrance to Lysterfield Park



Horswood Road entrance to Lysterfield Park, to the west of the subject site
Source: Google Maps)



13-17 Horswood Road, to the east of the subject site

5

THE PROPOSAL

The proposal is for a non-government school to be named Lysterfield Lake College (LLC).

Details of the proposal are as follows.

USE

Philosophy of the School

LLC is an independent boys school. The entity commenced operation from its sister school, the existing Harkaway Hills Campus in 2022, as a temporary measure until a separate campus can be established.

It commenced with 49 students between Grade 3 and Grade 6, and 4 staff. Once a dedicated campus is established (hence this planning permit application), it is expected to reach its capacity of 239 students by around 2029. By that time classes for boys are to be provided from Grade 3 to Year 12.

Harkaway Hills College (HHC) is the sister school to LLC. It is an independent girls school that was established in 2016 at 420 Belgrave-Hallam Road, approximately a kilometre from the site of the proposed Lysterfield Lake campus. The school is intended to be coeducational until Grade 2 and then a single sex girls' school Grade 3 to Year 12.

A planning permit (PA2201883) was recently granted by the Minister for the expansion of HHC. The expansion of HHC includes the addition of temporary portable classrooms, and to increase its maximum student numbers to 471 and maximum staff numbers to 46.

Both schools have an education philosophy based on an approach to primary and secondary education developed by the PARED Foundation (Parents for Education). There are presently four schools based on the PARED model in NSW, the first of which was started in 1982. There are some 150 schools worldwide.

The two schools are both run by PARED Victoria Limited. They are currently the only PARED schools in Victoria.

The PARED approach to education has pioneered a one-on-one mentoring system in its schools. It offers a Christian education focused on academic excellence and character development through human virtues. The philosophy of the schools is that parents exercise greater responsibility in the education of their children than in more conventional schools. The schools have chaplains who are priests of the Catholic Church.

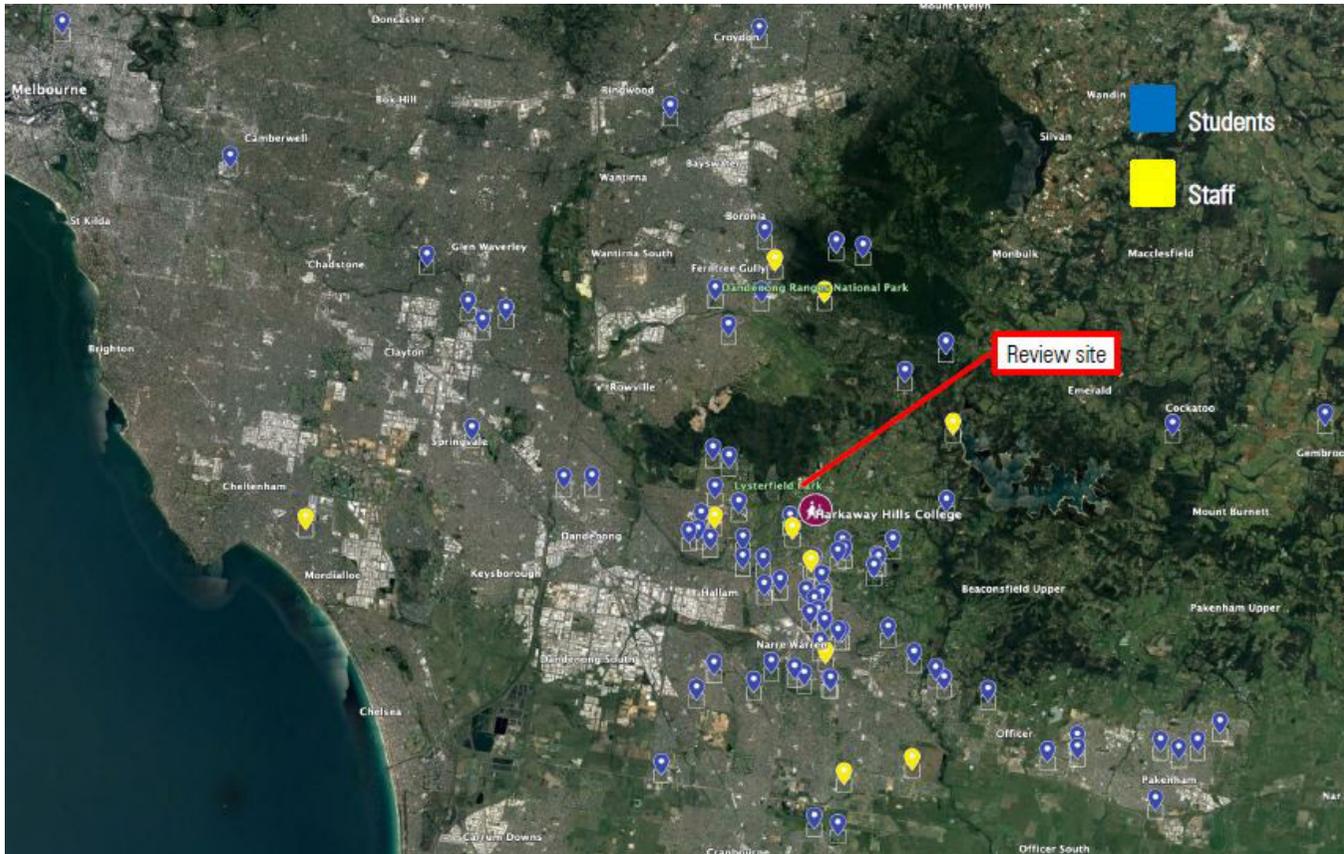
The approach focusses on a mentoring system, in which each student is allocated a mentor, who meets the student regularly (ideally fortnightly) to check on the student's advancement academically, socially, spiritually and to set goals. The mentor guides their mentee over a period of years, often all through their schooling life. Regular parent-mentor meetings supplement parent-teacher interviews throughout the year, with the mentor working closely with the student's teachers to ensure meetings with parents provide practical and current feedback.

The schools offers a particular education experience that is attractive to a relatively small proportion of the population. As a result, the schools have a wide regional catchment, rather than a local catchment. The decision of families to send their children to a PARED school will be based on religion and education philosophy. It will not be based on proximity or ease of access to the school, as is the case with most public primary schools and high schools, and many other non-government schools.

The map in the following page shows the home address of students of HHC and LLC in 2022. It showed that:

- The existing catchment of the school is a large regional catchment.
- The primary catchment generally extends along the south-eastern growth corridor from Endeavour Hills to Pakenham.
- A number of students come from much further afield, from locations such as Ferntree Gully, Belgrave, Cockatoo, Gembrook, Melbourne, Camberwell, Glen Waverley, Clayton, Boronia, Ringwood and Croydon.

Smaller, 'niche', non-government schools based on particular education philosophies, provide an important education choice and benefit to the community. However, they often have difficulty finding appropriate sites within existing urban areas. Land within a Green Wedge A Zone, that is close to the Urban Growth Boundary, provides an appropriate and realistic option as a location for such schools. This was recognised by the Tribunal in its consideration of the previous planning permit application.



Map of home addresses of existing Harkaway Hills College and Lysterfield Lake College students and staff

Proximity to its Sister School

A key reason to locate the Lysterfield Lake (Boys) Campus in Narre Warren North, is the proximity to its sister school, Harkaway Hills College. The model for the location of boys and girls campuses is proximity but not abuttal or shared campuses.

The two campuses will operate largely as separate single sex schools (above Year 2) but with integration, especially at the management and operational level. Management, administrative and operational support will be shared between the two schools. Staff and chaplains will move between the two campuses.

A high proportion of families who send their children to the two schools have large families and have both sons and daughters attending each school. The benefits of proximity between the boys and girls campuses are twofold:

- For parents - The convenience of either driving their children (boys and girls) to schools that are close together, or car-pooling with other parents.
- For the school - The ability to share resources.

BUILDINGS AND WORKS

LLC will comprise of:

- Adminstrative buildings, primary and secondary classrooms, chapel, hall, and specialist rooms and facilities;
- Entry, chapel and school courtyards;
- 2 sports grounds and basketball courts;
- Orchards, effluent fields, vineyards, wetlands, and landscaping areas;
- A sealed cycling track and emergency access;
- A total of 121 car spaces:
 - 99 car parking spaces across two car parking areas, including 4 accessible spaces; and
 - 22 drop-off / pick-up bays.
- 3 bus parking bays plus overflow parking;
- 60 bicycle parking spaces.

Buildings are generally proposed to be two storey in scale, and of brick construction with pitched Colorbond roofing. Colours are proposed to be muted earthy tones that will be respectful of the landscape.

A combination of cut and fill is proposed to manage the slope of the land for:

- School buildings and paved areas on the lower eastern part of the site, and
- Sports grounds on the higher western part of the site.

The proposed buildings have been designed to minimise earthworks and benching. The proposed amount of benching and earthworks is significantly reduced compared to the previous application.

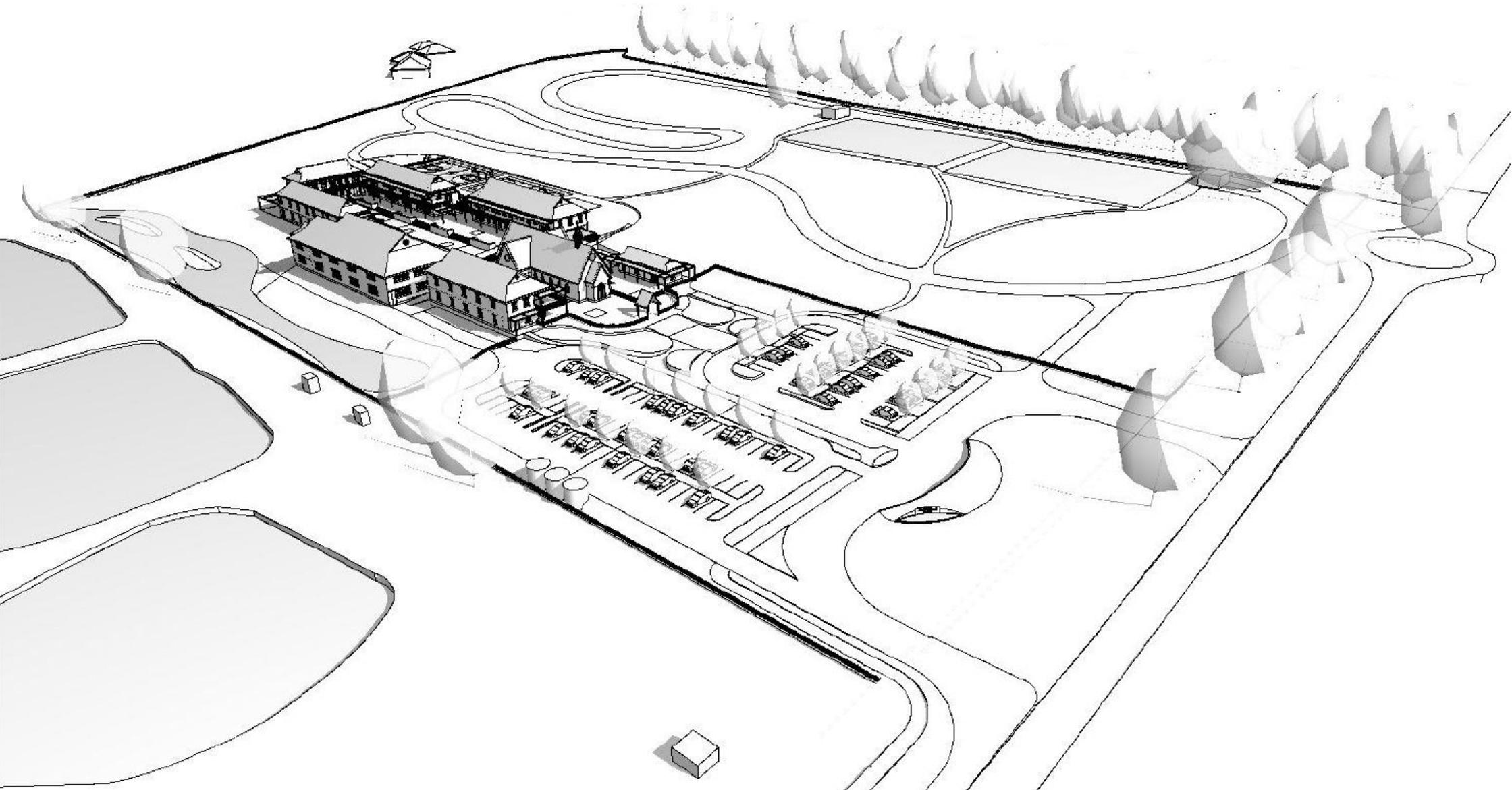
Landscaping is proposed to include a significant number of trees, including Victorian native, planted across the site. The significant Tasmanian Blue Gum tree at the north-west corner of the subject site will be retained.

Site Layout

The proposed site coverage is 4,311 sqm, which is only 5.4% of the subject site. This is a significant reduction from the previous proposal (13.6%).

Key features of the site layout include the following:

- Vehicle entry into and exit out of the school will be along the eastern half of the Horswood Road frontage via two crossovers and a left-turn deceleration lane.
- An emergency access point to Horswood Road at the north-west corner of the site.
- Open space areas, sports grounds and effluent fields are located to the western half of the site.
- A cluster of buildings and the parking area are located to the eastern half of the site. Building setbacks from site boundaries will be:
 - 113.5 metres from the northern boundary (frontage);
 - 80.3 metres from the southern boundary;
 - 24.9 metres from the eastern boundary; and
 - 155 metres from the western boundary.
- Rehabilitation of the drainage line along the eastern boundary at the wetlands.



Indicative 3D render of proposal prepared by Cullen Architects

6

THE PLANNING CONTEXT

PLANNING POLICY FRAMEWORK

The following provisions of the Planning Policy Framework (PPF) are relevant to this proposal:

- **Clause 11.01-1S (Settlement)** seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.01-1R (Green Wedges - Metropolitan Melbourne)** seeks to protect the green wedges of Metropolitan Melbourne from inappropriate development.
- **Clause 12.01-1S (Protection of Biodiversity)** seeks to protect and enhance Victoria's biodiversity.
- **Clause 12.01-2S (Native Vegetation Management)** seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- **Clause 12.05-2S (Landscapes)** seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.
- **Clause 13.02-1S (Bushfire Planning)** seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- **Clause 15.01-2S (Building Design)** seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.
- **Clause 15.01-6S (Design For Rural Areas)** seeks to ensure development respects valued areas of rural character.

- **Clause 19.02-1S (Education Facilities)** seeks to assist the integration of education and early childhood facilities with local and regional communities.

LOCAL PLANNING POLICY FRAMEWORK

The following provisions of the Local Planning Policy Framework (LPPF) are relevant to this proposal:

- **Clause 21.01 (Introduction)** notes the municipal profile and provides the community, environmental, economic and regional context of Casey.
- **Clause 21.02 (Key Issues and Strategic Vision)** outlines the key issues, the land use vision, and the Strategic Framework Plan for Casey.
- **Clause 21.03-4 (Settlement and Housing)** seeks to recognise, value, provide and facilitate a choice of facilities, including learning centres and services that reflect the diverse needs of the Casey community.
- **Clause 21.04-2 (Environment)** seeks to protect and significantly restore Casey's biological diversity, recognising its fundamental importance in achieving a healthy environment and way of life for current and future generations.
- **Clause 21.14 (Casey Foothills)** notes that this area is protected for its long-term environmental and landscape qualities that ensure the special rural character is not compromised.

Clause 21.14 has the following objectives:

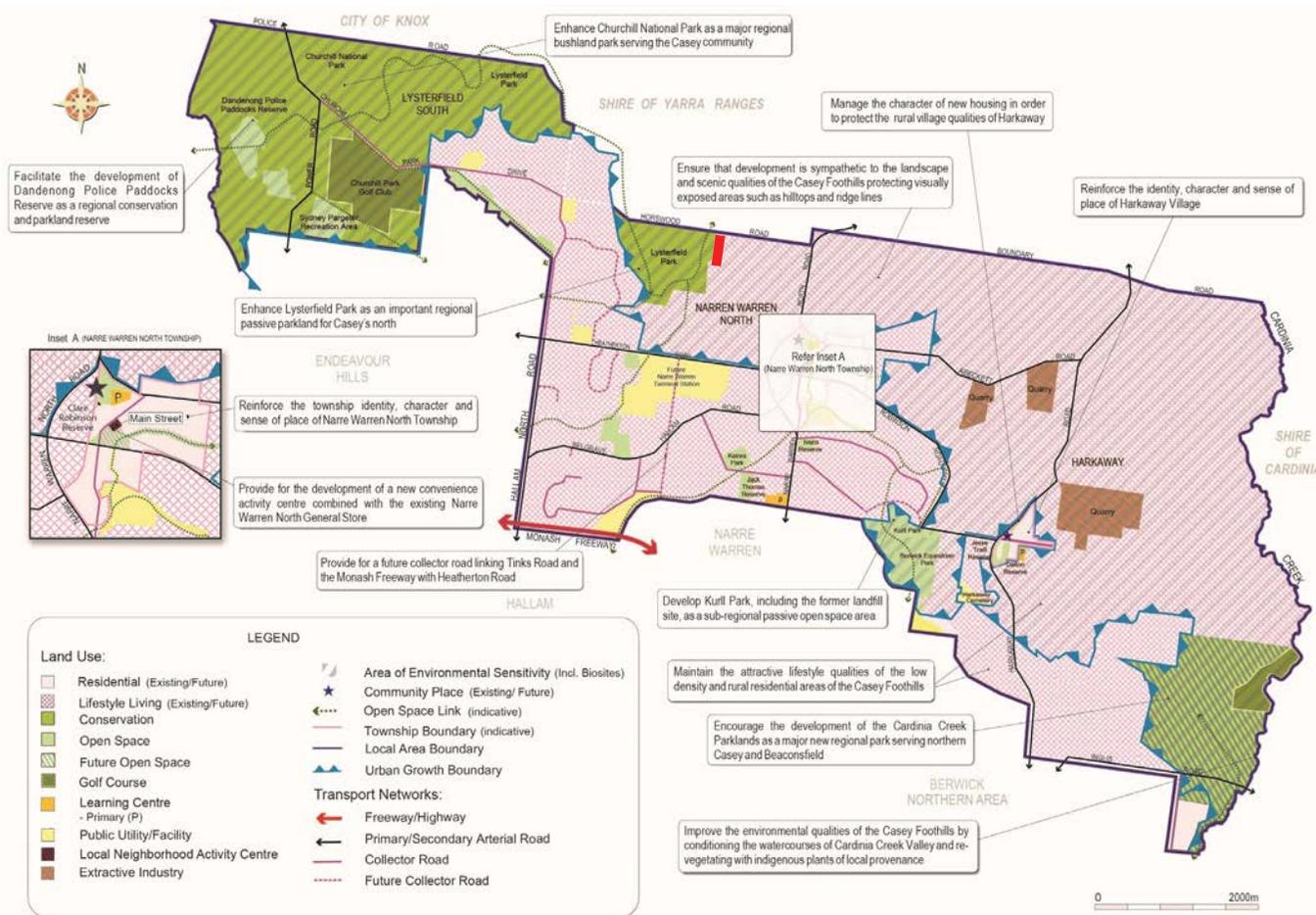
- To ensure the long-term protection and enhancement of the Casey Foothills for its:

- Valued rural landscape and character.
- Significantly exposed hilltops and ridge lines.
- Vegetation that forms the "green backdrop" for Casey.

- To protect and restore the area's natural qualities, especially along ridgelines and in the Cardinia Creek Valley.
- To protect the open rural landscape character of the area so that it remains largely free of development.
- To provide expansive parkland to service the region.
- To reinforce Narre Warren North's unique rural township sense of place that provides easy access to the full range of suburban services.
- To protect the small, green rural village qualities of Harkaway bounded by rural land.
- To upgrade public spaces and community facilities to meet changing needs and, where possible, link them with a network of trails reflecting the strong equestrian heritage of the area.

The policy identifies the subject site for lifestyle living purposes. It also breaks the area into localities. The review site is located within the Narre Warren North locality. Policy for that locality:

- Largely focuses on the Narre Warren North township.
- Makes no reference to the rural / rural lifestyle areas outside of the township boundary to the north and north-west, in the vicinity of the review site.
- Refers to applying Clause 22.08 to project the green wedge from inappropriate development.



Casey Foothills Local Area Map

- **Clause 22.08 (Non-Agricultural Uses In Green Wedge Areas Policy)** applies to all land in a rural / green wedge zone, where a permit is required to establish a non-agricultural use. Clause 22.08 has the following objectives:
 - *To discourage the intrusion of urban-type uses into Green Wedge areas*
 - *To ensure that non-agricultural development provides a positive contribution to the character and appearance of Green Wedge areas.*
 - *To ensure that new buildings and alterations to existing buildings do not detract from the landscape and scenic values of Green Wedge areas.*
 - *To ensure that non-agricultural uses do not adversely affect or prejudice the operation of existing and/or future agricultural activities.*
 - *To ensure that non-agricultural uses do not have an adverse impact on areas of high environmental or natural resource value.*
 - *To avoid creating clusters of non-agricultural activity, unless such activity is located adjacent to, or on the periphery of, an urban or township area.*
 - *To ensure that, where appropriate, non-agricultural uses are sensitively integrated into the surrounding area.*
 - *To reduce car dependency in Casey by consolidating non-agricultural uses in urban and township areas.*
 - *To encourage the retention of existing agricultural land uses within Green Wedge areas.*

As a non-agricultural use is proposed within the Green Wedge A Zone, Clause 22.08 applies to this proposal.

GREEN WEDGE A ZONE (GWAZ)

The subject site is located within the Green Wedge A Zone - Schedule 4 (GWAZ4).

The purpose of the zone, in addition to implementing the MSS and the PPF, is:

- *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*

Pursuant to Clause 35.05-1, a permit is required to use land for a Primary School and a Secondary School.

Pursuant to Clause 35.05-5, a permit is required for buildings and works associated with a Section 2 use (Primary School and Secondary School).

Pursuant to Clause 1.0 of GWAZ4, a permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary.



Legend (Casey Planning Scheme)

- | | | |
|---|---|--|
| Subject Site | Green Wedge A Zone - Schedule 4 (GWAZ4) | Low Density Residential Zone - Schedule 1 (LDRZ1) |
| | Public Conservation and Resource Zone (PCRZ) | Transport Zone 2 (TRZ2) |

1:1600 @ A4

Zoning map

SIGNIFICANT LANDSCAPE OVERLAY (SLO)

The subject site is wholly affected by the Significant Landscape Overlay - Schedule 1 (SL01), which is associated with the *Casey Foothills*.

The purpose of the SLO, in addition to implementing the MSS and the PPF, is:

- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Pursuant to Clause 42.03-2, a permit is required for buildings and works.



Legend (Casey Planning Scheme)

1:1600 @ A4

- Subject Site
- Significant Landscape Overlay, Schedule 1 (SL01)

SL01 map

BUSHFIRE MANAGEMENT OVERLAY (BMO)

The western part of the subject site is affected by the Bushfire Management Overlay (BMO).

The purpose of the BMO, in addition to implementing the MSS and the PPF, is:

- *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.*

Pursuant to Clause 44.06-2, a permit is required for buildings and works associated with an education centre (Primary School and Secondary School).

All of the school buildings are proposed to be located outside the BMO area.



Legend (Casey Planning Scheme)

 Subject Site  Bushfire Management Overlay (BMO)

1:1600 @ A4

BMO map

PARTICULAR, GENERAL AND OPERATIONAL PROVISIONS

Clause 51.02 (Metropolitan Green Wedge Land: Core Planning Provisions) applies to land in Metropolitan Melbourne that is outside an Urban Growth Boundary (UGB). 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.*

As the site is located outside the UGB, Clause 51.02 applies to this proposal.

Clause 52.06 (Car Parking) sets out the requirements for car parking. The purpose of Clause 52.06 is:

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

As the development proposes a new use, Clause 52.06 applies to this proposal.

Clause 52.17 (Native Vegetation) sets out the requirements for the removal, destruction or lopping of native vegetation in relation to biodiversity. 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.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. As native vegetation is proposed to be removed from the subject site, a permit is triggered.

Clause 52.34 (Bicycle Facilities) sets out the requirements for bicycle parking. 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.*

As the development proposes a new use, Clause 52.34 applies to this proposal.

Clause 53.02 (Bushfire Planning) applies to applications affected by the Bushfire Management Overlay. The purpose of Clause 53.02, in addition to implementing the MSS and PPF, is:

- *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.*

As a non-residential use and development is proposed, Clause 53.02-4 applies to this proposal.

Clause 53.19 (Non-Government Schools) applies to applications to use or develop land for a non-government primary school or secondary school. The purpose of Clause 53.19 is:

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

As a non-government primary and secondary school is proposed for development, Clause 53.19 applies to this proposal.

Clause 53.19 exempts the application from the decision requirements of Sections (1), (2) and (3), and 82(1) of the *Planning and Environment Act 1987* (the Act).

Clause 65 (Decision Guidelines) identifies the relevant decision guidelines that a Responsible Authority must consider in assessing a planning permit application. These guidelines include the Planning Policy Framework (PPF), the Local Planning Policy Framework (including the Municipal Planning Strategy), and the effect on the amenity of the area.

Clause 72.01-1 (Minister Is Responsible Authority) outlines the matters required for the Minister for Planning (the Minister) to act as the responsible authority. Clause 72.01-1 specifies that the Minister is the responsible authority for a *primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if the estimated cost of development is \$3 million or greater.*

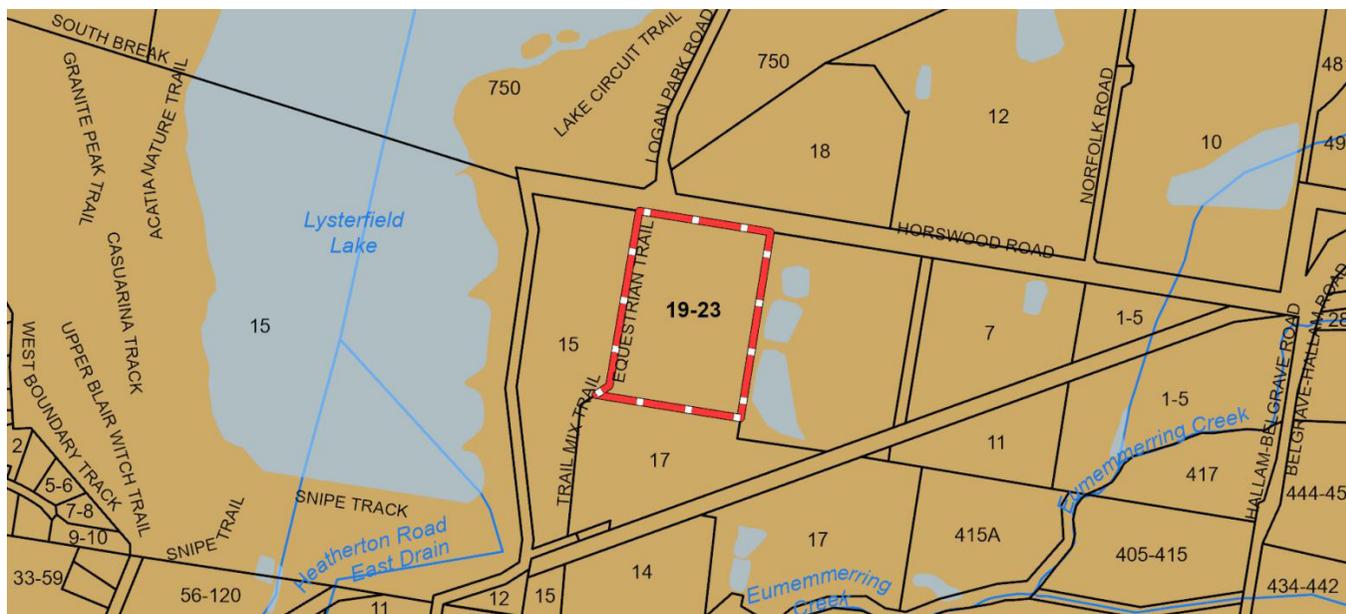
As the cost of development is estimated to be greater than \$3 million, Clause 72.01 applies to this proposal.

Bushfire Prone Area

The subject site and surrounding area is located within a Designated Bushfire Prone Area.

Specific bushfire construction requirements, which are aimed at improving bushfire protection for residential buildings, apply in Designated Bushfire Prone Areas. These requirements are imposed at the building permit stage, controlled under the building regulations.

Inclusion of land in a Bushfire Prone Area does not trigger the need for a planning permit. However, Clause 13.02-1S (Bushfire Planning), is relevant.



Designated Bushfire Prone Area map, extracted from the 19-23 Horswood Road planning property report

STRATEGIC DOCUMENTS

Plan Melbourne 2017-2050

Plan Melbourne 2017-2050 (the Strategy) represents the vision for Melbourne to 2050. The Strategy includes seven key outcomes each with specific policy directions. These are:

- Investment, innovation and jobs;
- Housing choices close to jobs and service;
- Integrated transport connecting people to jobs, services and goods;
- Distinctive and liveable city with quality environments;
- Inclusive, vibrant and healthy neighbourhoods;
- Melbourne is a sustainable and resilient city; and
- Regional Victoria is productive, sustainable and supports jobs and economic growth.

The relevant direction within the Strategy that is of specific relevance to the proposal is *Direction 4.5: Plan for Melbourne's green wedges and peri-urban areas*.

Direction 4.5 seeks to strengthen protection and management of green wedge land, and protect and enhance valued attributes of distinctive areas and landscapes.

Planning for Melbourne's Green Wedges and Agricultural Land, May 2020

Planning for Melbourne's Green Wedges and Agricultural Land, May 2020 is a consultation paper released by the State government. Consultation was completed in February 2021. It is aimed at identifying and addressing current planning issues relevant to the protection of Melbourne's rural areas and green wedges.

The document includes a section in relation to educational facilities in rural / green wedge areas, and a discussion on policy issues that relate to schools. It identifies that primary and secondary schools were made discretionary uses in rural zones, including the Green Wedge A Zone, in 2013, following the approval of Amendment VC103.

The document recommends two options to deal with schools in rural / green wedge zones:

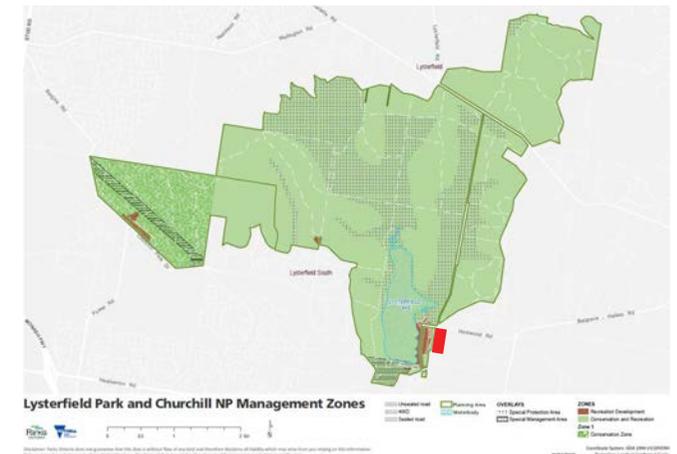
- *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that primary and secondary schools must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.*
- *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit schools in high bushfire risk areas (i.e. areas subject to the Bushfire Management Overlay).*

Churchill National Park and Lysterfield Park Management Plan, April 2020

The *Churchill National Park and Lysterfield Park Management Plan, April 2020* (the Management Plan) outlines the environmental significance, role and function, and the use of both Churchill National Park and Lysterfield Park.

As the subject site is located adjacent to Lysterfield Park, there are implications for the proposal.

The Management Plan applies three management zones to the parks, as well as Special Protection Areas and Special Management Areas. There is a Recreation Development zone located around the Horswood Road entrance of Lysterfield Park, which abuts the subject site.



Lysterfield Park and Churchill National Park Management Zone map (Source: the Management Plan)

7

KEY PLANNING CONSIDERATIONS

Based on the provisions of the Casey Planning Scheme and the decision guidelines of Clause 65, the following are considered to be the key planning issues relevant to the proposed development of the subject site:

- Is there planning policy support for the proposal?
- Is the proposal generally in accordance with the purpose and decision guidelines of the GWAZ?
- Is the proposal generally in accordance with the purpose and decision guidelines of the SLO?
- Does the proposal provide an appropriate biodiversity outcome?
- Does the proposal provide an appropriate bushfire planning outcome?
- Does the proposal provide an appropriate traffic, parking and access outcome?
- Does the proposal provide an appropriate stormwater and waste management outcome?
- Is the proposal an appropriate neighbour to Lysterfield Park?
- Has the proposal responded to the previous VCAT decision?

This application is lodged pursuant to Clause 72.01-1, where the Minister is the responsible authority.

PLANNING POLICY CONSIDERATIONS

As set out in Clause 65, the Responsible Authority must consider the PPF and LPPF, including the MSS, before assessing an application.

It is submitted that there is planning policy support for the proposal for the following reasons:

- The Southern Ranges Green Wedge, where the subject site is located, is not identified as an important agricultural area. Thus, the use and development of a school at the subject site is appropriate under Clause 11.01-1R.
- The development will not unreasonably impact on the productive agricultural potential of the Southern Ranges Green Wedge (Clauses 11.01-1R and 22.08).
- The proposed school would result in a net community benefit for the local and wider regional community, from which the school population will be drawn (Clauses 11.01-1R and 22.08).
- The proposed school provides a niche education opportunity that is attractive to a proportion of the growing local and regional community (Clauses 19.02-2S, 21.01 and 21.03-4).
- The proposed buildings have been designed to have window interfaces to the north and east, allowing them to be energy efficient (Clauses 15.01-2S and 21.04).
- The proposed school is sited adjacent to Lysterfield Park and Montague Orchard, which can be used to provide enhanced educational opportunities for the students of the school (Clause 21.03-4).

- The subject site is within a lifestyle living area under Clause 21.14. Therefore, the site designation contradicts Clause 22.08 in identifying green wedge land as rural areas.
- Line 51 in VCAT application P325/2022 notes that the 'in conjunction' test does not apply to schools in the GWAZ." Therefore, Clause 22.08 is considered to be inconsistent with the GWAZ provisions.
- Clause 53.19 of the Casey Planning Scheme supports the facilitation of new non-government schools.
- Amendment VC103 was approved in 2013 to specifically allow primary and secondary schools to be discretionary uses in rural zones, including the GWAZ.
- Amendment VC180 was applied on 3 December 2019 to streamline planning permit applications for non-government primary and secondary schools. The explanatory report for Amendment VC180 noted that "the amendment supports the increasing need for education facilities but does not override the requirement to consider other relevant planning scheme policy", as required by Clause 71.02-3 (Integrated Decision Making).
- The proposal is consistent with the intent of the recommendations of *Planning for Melbourne's Green Wedges and Agricultural Land, May 2020*, being:
 - Located within 1 km to the UGB and the Narre Warren North township boundary;
 - Having good road access; and
 - Protected from bushfire risk due to the siting of buildings on the eastern part of the site.

GREEN WEDGE A ZONE (GWAZ) CONSIDERATIONS

Pursuant to Clause 35.05-1, a planning permit is required for a Section 2 use (Primary School and Secondary School).

Pursuant to Clause 35.05-5, a planning permit is required for buildings and works for a Section 2 use.

In considering the relevant decision guidelines outlined in Clause 35.05-6, it is submitted that the proposal is appropriate in the GWAZ for the following reasons:

- The development will not visually dominate the landscape nor other buildings within the wider Casey Foothills context, being a double storey scale and is not located on a hilltop or ridge line. According to the preliminary VIA, the eastern boundary setback is the least visually sensitive part of the site.
- The development will not unreasonably impact on the amenity of people living in dwellings near the site due to substantial distances.
 - The dwelling at 13-17 Horswood Road is set back 145 metres from the eastern boundary of the subject site.
 - The dwelling at 17 Reservoir Road is set back 45 metres from the southern boundary of the subject site. There is vegetation between the dwelling and the southern boundary of the subject site that will provide some landscape screening between the two properties.
- The colour and materials palette of the proposed buildings integrate well with the natural surrounds.

- The proposal provides private bus transport for students to access the subject site from Harkaway Hills College in lieu of public transport services in the surrounds.
- The site will be connected to an alternative potable water supply and to reticulated electricity supply.
- The Proposed Landscape Master Plan report concludes that the proposal:
 - Protects, conserves and enhances the biodiversity of the subject site via the establishment of wetland areas and incorporation of native and indigenous species within the landscape plan.
 - Promotes sustainable land management practices and infrastructure provision.
 - Protects the scenic character of the broader landscape via the minimisation of adverse impacts on the character and appearance of the area; and
 - Recognises and protects the amenity of surrounding land uses.

SIGNIFICANT LANDSCAPE OVERLAY (SLO) CONSIDERATIONS

A Proposed Landscape Master Plan report prepared by Hansen Partnership is enclosed as part of this application.

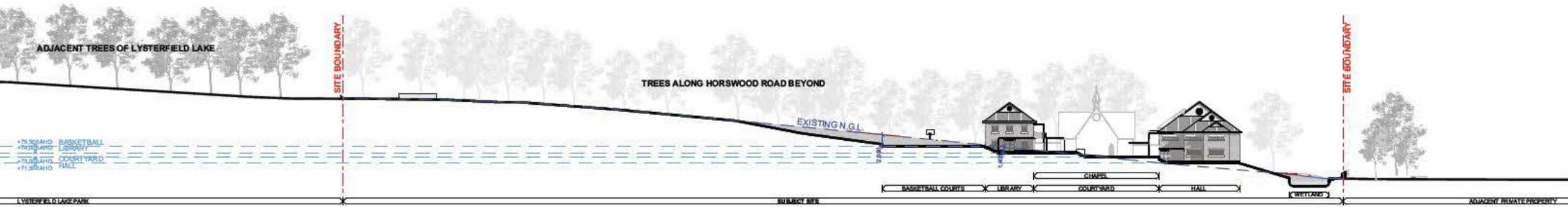
Pursuant to Clause 42.03-2, a planning permit is required for buildings and works.

It is considered that the proposal is consistent with the following purpose of the SLO: *To conserve and enhance the character of significant landscapes.*

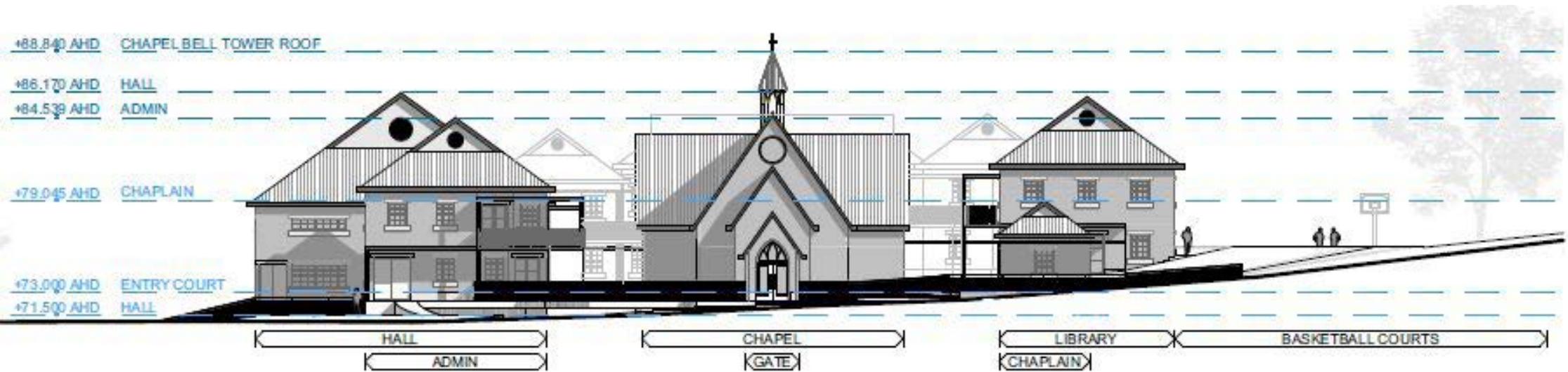
The Proposed Landscape Master Plan report concludes that:

- Hardscape construction works will be limited to the establishment of the sealed emergency track at the site.
- The site and proposed works are considered to be insignificant in long-range views due to the distance and dominance of the neighbouring Montague Orchard.
- The proposal conserves and enhances vegetation on the subject site.
- No trees are proposed for removal and a large native tree of high retention value is to be retained on site.
- There is limited view of the subject site from public vantage points in the surrounding Harkaway and Narre Warren North areas due to the hilly terrain to the east of the property, along with vegetation within road verges and on private properties, and existing built form.

Refer to the aforementioned Landscape Master Plan report for further detail.



Proposed Landscape Elevation prepared by Cullen Architects



Proposed North Elevation prepared by Cullen Architects



View looking west along Horswood Road



View looking north-west from 365-367 Belgrave-Hallam Road



View looking north-west from the upper parts of A'Beckett Road, 3.7 km from the subject site



View towards the subject site from trail along the eastern boundary of Lysterfield Park



Distant view looking north-west from Kurll Park, 3.8 km from the subject site



View looking north-west from the upper parts of Robinson Road, 3.2 km from the subject site

BIODIVERSITY CONSIDERATIONS

Pursuant to Clause 52.17-1, a planning permit is triggered for the removal, destruction or lopping of native vegetation.

The application is supported by a Flora and Fauna Assessment (FFA) prepared by Nature Advisory.

In summary, Nature Advisory considers the proposal to be supportable for the following reasons:

- The proposal will not have a significant impact on any habitat for any rare or threatened species.
- The proposal meets the objective of Clause 12.01-1S, as it results in the protection and establishment of native habitat in an otherwise highly modified setting.
- The proposal meets the objective of Clause 12.01-2S, as the native vegetation proposed for removal is very low quality, very limited in extent and disconnected from larger tracts of native habitat in the landscape.
- Although aquatic habitat will be cleared, the establishment of a wetland is likely to provide a net gain in the area and potentially quality of this habitat type.
- The proposal will not have any implications under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

Refer to the aforementioned FFA for further detail.

BUSHFIRE PLANNING CONSIDERATIONS

It is submitted that the proposal is appropriate in relation to the relevant bushfire planning policies and controls for the following reasons:

- The Narre Warren North CFA Fire Station is located approximately 2.5 km from the subject site.
- A Bushfire & Emergency Management Plan (B&EMP) has been prepared for the proposal. The B&EMP includes actions and emergency procedures in the event of a bushfire. Line 80 in VCAT application P325/2022 notes that the bushfire risk for the previous planning permit application would have been “appropriately managed”.
- The school buildings are proposed to be sited outside the Bushfire Management Overlay (BMO) area.
- 3 water tanks and a fire pump are proposed for on-site rainwater storage and use for firefighting purposes.
- The BMS concludes that:
 - The development can be achieved safely and in accordance with the BMO.
 - The proposed design achieves the requirements of the BMO and Clause 13.02 of the Casey Planning Scheme.
- The Proposed Landscape Master Plan report concludes that the proposal:
 - Accommodates a fire-responsive landscape; and
 - Provides for a decrease in risk to adjacent properties.

TRAFFIC, PARKING & ACCESS CONSIDERATIONS

A Traffic Engineering Review (TER) prepared by Traffix Group is enclosed as part of this application:

The TER concludes that:

- The level of traffic generated as a result of the proposal can be accommodated by Horswood Road, both at peak times and on a daily basis.
- The total provision of 121 car parking spaces well exceeds the minimum requirements under Clause 52.06-5.
- The provision of car parking will result in adequate car parking for all staff and parents and not rely on off-site car parking, which is appropriate in the context of this site.
- The total provision of 60 bicycle parking spaces well exceeds the minimum requirements under Clause 52.34-5.
- The proposed car parking layout and vehicle access arrangement has been designed to be safe, efficient and highly functional.
- The on-site car parking area, bus bays and service roads provide adequate locations to facilitate the loading requirements of a school.
- Waste collection arrangements are acceptable from a traffic engineering perspective.

Refer to the aforementioned TER for further detail.

STORMWATER MANAGEMENT CONSIDERATIONS

The application is supported by a Land Capability Assessment (LCA) prepared by Civiltest and a Stormwater Management Strategy Report (SMSR) prepared by Paroissien Grant & Associates.

In summary, Civiltest and Paroissien Grant & Associates consider the proposal to be supportable for the following reasons:

- The development will be designed to meet the Casey Onsite Stormwater Detention Policy.
- Stormwater from the development will be collected via an underground stormwater pipe drainage system to the proposed wetlands / retarding basin.
- Rainwater will be collected from rooftops, and to be treated and re-used on site for irrigation and firefighting purposes.
- On-site effluent treatment will be provided in accordance with the setback distances set by the Environment Protection Authority (EPA).
- The use of on-site wastewater treatment and disposal is environmentally sustainable.

Refer to the aforementioned LCA and SMSR for further detail.

WASTE MANAGEMENT CONSIDERATIONS

The application is supported by a Waste Management Plan (WMP) prepared by Traffix Group.

In summary, Traffix Group considers the proposal to be supportable for the following reasons:

- The bin store area provided to the north-east corner of the administration building is accessible via pedestrian path, and will have adequate ventilation.
- Swept path diagrams demonstrate that the proposed waste collection point will be suitable for a rubbish truck.
- Waste facilities will comply with acoustic requirements.
- Appropriate washing facilities will be provided for regular washing of bins and for the bin store area.
- The bin store area will be secured to prevent any unauthorised use.

Refer to the aforementioned WMP for further detail.

LYSTERFIELD PARK CONSIDERATIONS

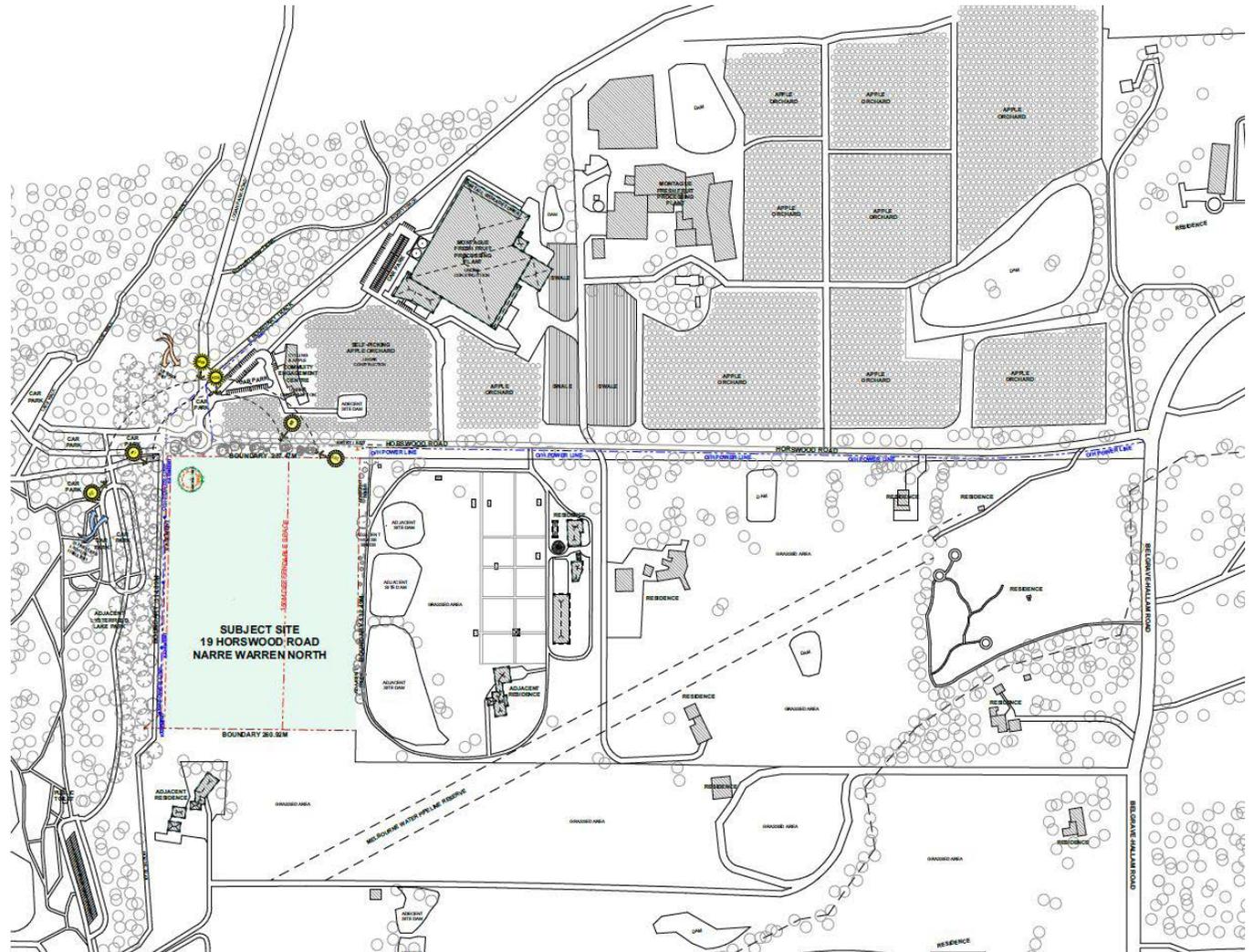
It is submitted that the proposal is appropriate in relation to Lysterfield Park for the following reasons:

- Horswood Road is the main access point to Lysterfield Park and the major activity node within the park.
- The activity node consists of substantial areas of car parking, a visitor information centre, picnic areas and Lysterfield Lake, as well as being the trailhead for most of the park's cycling and pedestrian trails. The *Churchill National Park and Lysterfield Park Management Plan, April 2020* (the Management Plan) outlines that this area is a significant generator of activity.
- There is a trail that runs along the south-eastern boundary of Lysterfield Park adjacent to the subject site. This trail is not located within a designated Conservation Zone or a Special Protection Area in the Management Plan.
- The Management Plan suggests that Lysterfield Park can be used as an environmental educational resource for the proposed school.
- The Management Plan does not suggest that the proposed school at the subject site would be an inappropriate neighbour to Lysterfield Park.

RESPONSE TO PREVIOUS VCAT FINDINGS

It is submitted that the proposal responds appropriately to the VCAT findings in P325/2022 for the following reasons:

- The site is appropriate for a primary and secondary school in the GWAZ, considering it is in an area that does not emphasise agricultural uses and the expectation that students will be driven to the school due to its large catchment across the south and east of metropolitan Melbourne.
- The site will not be extensively used by the proposal, as the site coverage has been reduced from 13.6% in the previous application to 5.4%. Therefore, the rural landscape appearance of the site will remain prominent.
- The natural topography of the site will not be extensively modified. The level of excavation for sports grounds on the western side of the subject site in the previous application has been significantly reduced to conserve the rural landscape setting. Therefore, the proposal is consistent with the following purpose of the GWAZ: *to protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.*
- The anticipated traffic impacts for the previous application was considered acceptable. Traffix Group is of the opinion that the proposal can accommodate the level of traffic it is anticipated to generate.
- The risk from bushfire for the previous application was considered appropriate. The proposal has a B&EMP in the event of a bushfire.



Site context analysis drawing prepared by Cullen Architects

8

CONCLUSION

It is submitted that the proposal is consistent with the relevant planning controls and policies of the Casey Planning Scheme, and we encourage the Minister to support the proposal for the following reasons:

- The proposal is supported by the objectives of the Planning Policy Framework and the Local Planning Policy Framework, as well as strategic documents that support the use of schools in the Green Wedge A Zone.
- The proposed school will provide a net benefit to the local and wider regional community as an education opportunity.
- The proposed buildings have been sensitively designed and sited with consideration of the green wedge landscape.
- The proposed extent of earthworks is appropriate in relation to the natural topography, and will not have a significant impact on the landscape qualities of the subject site and the wider Casey Foothills region.
- Advice prepared by Hansen Partnership in relation to the proposal outlines that the scenic character of the green wedge landscape will be protected, and will be insignificant in long-range views compared to the neighbouring Montague Orchard.
- The proposal will not have a significant impact on the biodiversity of the Casey Foothills region.
- The proposal will prioritise the protection of human life in relation to bushfire management.
- Advice prepared by Traffix Group in relation to the proposal outlines that the parking and access design, and waste management, are considered acceptable.

- Advice prepared by Civiltest and Paroissien Grant & Associates in relation to the proposal outlines that the proposed stormwater management at the subject site is considered acceptable.
- The proposed school is an appropriate neighbour to Lysterfield Park.

Based on the details outlines within this planning report, it is submitted that the proposal warrants ministerial approval, and that it would be appropriate for the Minister to issue a planning permit for the proposed development.



View of Horswood Road frontage of the subject site, looking south-west from the north-east corner of the site