

PLANNING PERMIT

Permit No.:	PA2302062
Planning scheme:	Yarra Ranges Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	20 Wattle Valley Road and 244 Mount Morton Road, Belgrave (Land within Plan of Subdivision PC37040)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.03-4	Construct a building or carry out works associated with a use in Section 2 of Clause 32.03-1 (existing primary and secondary school)
42.03-2	Construct a building or carry out works
42.03-2	Remove, destroy or lop indigenous vegetation and substantial trees
44.06-2	Construct a building or carry out works associated with an education centre (primary and secondary school)
52.17-1	Remove native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Layout not altered

3. The development as shown on the endorsed plans must not be altered (unless the Yarra Ranges Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Approved and endorsed plans – changes required

Date issued: 6 November 2024

Signature for the responsible authority:



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4. Before the development starts, including demolition, bulk excavation and site preparation works, plans must be approved and endorsed by the responsible authority. The plans must be generally in accordance with the plans prepared by Smith+Tracey, Revision No. C, dated 26 July 2024, but modified to show:
- a. A revised material schedule confirming the colours, which are to be of a muted palette.
 - b. An annotation on all plans, elevations and sections that the car park is to be constructed above natural ground level, and that no excavation is permitted where within the Tree Protection Zone of Trees 3, 110, 182, 183, 189, 227, 228, 229 and 237.
 - c. Trees 4, 5, 6, 54, 68, 110 and 131 shown as removed.
 - d. The commitments within the approved Sustainability Management Plan to be annotated / drawn on plans, as appropriate.
 - e. Any changes required by the approved Bushfire Management Plan.

Tree Protection Management Plan

5. Before the development starts, including demolition, bulk excavation and site preparation works, a Tree Protection Management Plan (TPMP) must be approved and endorsed by the responsible authority. The TPMP must be prepared to the satisfaction of the responsible authority, be prepared by a suitably qualified person, and must include the following:
- a) Trees 4, 5, 6, 54, 68, 110 and 131 shown as removed.
 - b) A tree retention plan addressing the retention and protection of retained trees as identified within the 'Site Overview Map' contained in the Arboricultural Impact Assessment report prepared by Ironbark Environmental Arboriculture, dated 10 July 2024.
 - c) Measures to ensure the protection of all trees identified for retention, determined in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*.
 - d) The location of tree protection zones (TPZ) and tree protection fencing for trees identified for retention.

Tree Protection

6. Before the development starts, including demolition, bulk excavation and site preparation works, a tree protection fence must be erected around retained trees as identified within the 'Site Overview Map' contained in the Arboricultural Impact Assessment report prepared by Ironbark Environmental Arboriculture, dated 10 July 2024, consistent with the approved Tree Protection Management Plan.
7. The tree protection fencing and TPZ must be established and maintained in accordance with the following requirements to the satisfaction of Yarra Ranges Council:
- a. the tree protection fence must be constructed of a material to form a physical and visual barrier that is continuous and will prevent access.
 - b. the tree protection fence must remain in place until the development is completed.
 - c. the TPZ must be covered by a 100mm deep layer of mulch and watered regularly.
8. During the course of construction, the TPZ must not be used for:

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Signature for the responsible authority:



- a. vehicular or pedestrian access
- b. trenching or soil excavation
- c. storage or dumping of materials, tools, equipment or waste.

Yarra Ranges Council may consent in writing to vary any of these requirements.

Native Vegetation Offset Requirement – DEECA Conditions

9. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
10. The total area of native vegetation proposed to be removed totals 0.677 hectares comprised of:
 - a. 3 patches of native vegetation with a total area of 0.677 hectares;
 - b. 2 large scattered trees; and
 - c. 74 small scattered trees.
11. To offset the permitted native vegetation removal the permit holder must secure a general offset of 0.046 general habitat units:
 - a. located within the Melbourne Water Catchment Management boundary or Yarra Ranges municipal area;
 - b. with a minimum strategic biodiversity score of at least 0.3395; and
 - c. 0.224 species habitat units for 505293 *Red-tip Greenhood Pterostylis sp. aff. parviflora*.The offset(s) secured must also protect 2 large trees.
12. Before any native vegetation is removed evidence that the offset required by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
13. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning and Environment Approvals by email to pe.assessment@deeca.vic.gov.au.
14. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
15. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured



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wildlife is captured, please contact the Department of Energy, Environment and Climate Action on 136 186 for further advice.

16. The construction works must be in accordance with a Construction Environmental Management Plan, prepared to the satisfaction of the Department of Energy, Environment and Climate Action. The Construction Environmental Management Plan must implement the mitigation recommendations contained in the report *Ecological Assessment for Belgrave Heights Christian School* (Southern Fauna Ecology, August 2024). The Construction Environmental Management Plan must contain measures to:
 - a. protect tree protection zones for retained trees;
 - b. identify construction laydown areas and the like which do not impact retained vegetation and/or fauna habitat;
 - c. control sedimentation;
 - d. use a qualified ecologist to inspect and evacuate burrowing crayfish burrows if applicable; and
 - e. ensure wildlife affected by tree removal is identified and relocated.
17. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. any vehicle or pedestrian access, trenching or soil excavation;
 - b. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - c. entry or exit pits for underground services; and
 - d. any other actions or activities that may result in adverse impacts to retained native vegetation.

Landscaping

18. Before the development starts, excluding demolition, bulk excavation and site preparation works, a detailed landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be generally in accordance with the landscape plan prepared by RDLA Landscape Architect, Revision F, dated 26 July 2024 but modified to show:
 - a. An annotation on all plans, elevations and sections that the car park is to be constructed above natural ground level, and that no excavation is permitted where within the Tree Protection Zone of Trees 3, 110, 182, 183, 189, 227, 228, 229 and 237.
 - b. Trees 4, 5, 6, 54, 68, 110 and 131 shown as removed.
19. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.
20. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Yarra Ranges Council.

Burrowing Crayfish Management Plan

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21. Before the development starts, including demolition, bulk excavation and site preparation works, a Burrowing Crayfish Management Plan must be approved and endorsed by the responsible authority, in consultation with the Department of Energy, Environment and Climate Action. The management plan must be consistent with, and implement the recommendations and initiatives outlined within the Targeted Fauna Survey – Burrowing Crayfish (*Engaeus* sp.), prepared by Ironbark Environmental Arboriculture, dated 26th June 2024.

Amended Bushfire Management Plan – CFA conditions

22. Before the development starts, an amended Bushfire Management Plan (BMP) must be submitted to and endorsed by the responsible authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the BMP prepared by Millar Merrigan, 20799 BMP4 Version 5, Dated June 2024 but modified to:
- a. Show turn-around provisions at the end of the access road to the West of the proposed development in the form of a T or Y head as per the access conditions.
 - b. Replace the conditions for Defendable Space with:
 - a. for a distance of 50 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
 - i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 5 metres with the exception of
 - Clump 1: Trees 38, 42 and 43
 - Clump 2: Trees 118, 119 and 120
 - Clump 3: Trees 93, 115, 114, 113, 127 and 128
 - Clump 4: Trees 142, 140 and 141
 - ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

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Stormwater Management Plan

23. Before the development starts, excluding demolition, bulk excavation and site preparation works starts, a stormwater management plan must be approved and endorsed by the responsible authority. The stormwater management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Stormwater Management Plan prepared by Millar Merrigan, dated May 2024, Version 2.

Sustainability Management Plan

24. Concurrent with the endorsement of plans, the ESD opportunities report, Revision V2, prepared by Sustainable Design Consultants, dated June 2024, must be approved and endorsed by the responsible authority.

Noise

25. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

New Vehicle Crossing

26. Before the development is occupied, the new vehicular crossing must be constructed to the satisfaction of Yarra Ranges Council.

Vehicle access

27. Vehicles are not permitted to exit the staff car parking area on Wattle Valley Road until 15 minutes after the school bell or the end of the school day, whichever comes later. If egress is required in exceptional circumstances, the exit must be managed by a car park supervisor to ensure the safe and efficient movement of vehicles along Wattle Valley Road.

Lighting

28. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Amenity

29. The amenity of the locality must not be adversely affected by the permitted development, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the responsible authority.

Permit Expiry

30. This permit will expire if:
- The development is not started within two years of the date of this permit; or
 - The development is not completed within four years from the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 6 November 2024

Signature for the responsible authority:

