

Officer Assessment Report

PA2302062 – 20 Wattle
Valley Road Belgrave



Officer Assessment Report
Development Approvals & Design

© The State of Victoria Department of Transport and Planning 2023

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.



Department
of Transport
and Planning

OFFICIAL

Executive Summary



| Key Information | Details | | |
|---|--|---|---|
| Application No: | PA23021062 | | |
| Received: | 9 February 2023 | | |
| Statutory Days: | 81 | | |
| Applicant: | Belgrave Heights Christian College C-/ Millar Merrigan | | |
| Planning Scheme: | Yarra Ranges | | |
| Land Address: | 20 Wattle Valley Road and 244 Mount Morton Road, Belgrave (Land within Plan of Subdivision PC37040) | | |
| Proposal: | Buildings and works, removal of vegetation and native vegetation | | |
| Development Value: | \$ 3.8m | | |
| 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"> - The application is relation to a development of land for a primary and secondary school where the cost of the development is greater than \$3 million. | | |
| Why is a permit required? | Clause | Control | Trigger |
| Zone: | Clause 32.03-4 | Low Density Residential Zone | Construct a building or carry out works associated with a section 2 use (primary and secondary school) |
| Overlays: | Clause 42.03-2 | Significant Landscape Overlay – Schedule 22 (SLO22) | Construct a building or carry out works Remove, destroy or lop indigenous vegetation and substantial trees |
| | Clause 44.06-2 | Bushfire Management Overlay | Construct a building or carry out works associated with an education centre. |
| Particular Provisions: | Clause 52.17 | Native Vegetation | Removal of native vegetation. |
| | Clause 53.19 | Non-Government Schools | Refer to the underlying planning policies. |
| Cultural Heritage: | <p>The subject site is located within an area of cultural heritage sensitivity and is not exempt from the preparation of a cultural heritage management plan.</p> <p>Accordingly, an approved cultural heritage management plan (CHMP) has been provided within the application (CHMP No. 18704).</p> | | |
| Total Site Area: | 8,315 | m ² | |
| Gross Floor Area: | 1,601 | m ² | |
| Referral Authorities: | <p>Section 55 – recommending referral authority</p> <ul style="list-style-type: none"> - Country Fire Authority (CFA) – no objection, subject to conditions - DEECA Port Phillip Region – no objection, subject to conditions <p>Section 52 notice</p> <ul style="list-style-type: none"> - Yarra Ranges Council – s52(1)(b) notice – no objection, subject to conditions. | | |
| Public Notice: | The application has been advertised and a total of 12 objections have been received. | | |
| Delegates List: | Approval to determine under delegation received on 6 November 2024 . | | |
| Recommendation | Grant planning permit PA2403088. | | |



Application Process

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

| Milestone | Date |
|---|-----------------------------------|
| Application lodgement | 9 February 2023 |
| Further information requested | 27 February 2023 |
| Further information received | 16 August 2023 |
| Cultural Heritage Management Plan approved (CHMP no. 18704) | 5 October 2023 |
| Advertising (letter and sign) | 15 January 2024 – 29 January 2024 |
| Request to place application on hold | 28 February 2024 |
| Section 57A amendment lodged | 27 July 2024 |
| Further information requested | 7 August 2024 |
| Further information received | 16 August 2024 |
| Re-advertising (emails and letters only) | 4 September – 18 September 2024 |

- It is noted that following the first notification period of the application in January 2024, the applicant requested the application be placed on hold so it could respond to feedback received from referral agencies.
- Subsequently on 27 July 2024, the application was amended under Section 57A of the *Planning and Environment Act 1987* (the Act), to reduce the extent of the building footprint with lowered height and reduced setbacks and revise the architectural design.
- As a result of these design revisions, the extent of tree removal, native vegetation removal and hard surfaces were substantially reduced and all supporting technical reports were amended and re-issued.

| Decision Plans and Assessment Documents | Date |
|---|---|
| Decision Plans | <ul style="list-style-type: none">Architectural Plans prepared by smith+tracey architects, dated 26 July 2024, Revision CLandscape Plans prepared by RDLA, dated 26 July 2024, Revision F |
| Other Assessment Documents | <ul style="list-style-type: none">Acoustic Report prepared by Hanson Associates, dated 31 May 2024Arborist Report prepared Ironbark Environmental Arboriculture dated 10 July 2024Bushfire Management Plan prepared by Millar Merrigan, dated 2 June 2024Ecological Assessment prepared by Southern Fauna Ecology, dated August 2024ESD statement prepared by Sustainable Development Consultants, dated June 2024, Version V2Stormwater plan and report prepared by Millar Merrigan, dated May 2024Traffic Report prepared by O'Brien Traffic, dated 2 June 2024Waste Management Plan prepared by Leigh Design, dated 27 May 2024 |

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

Proposal Summary

6. Planning permit application PA2302062 proposes to undertake buildings and works to an existing primary and secondary school to provide a new 2-storey building with associated works to integrate that new building to the existing campus.
7. The proposal does not foreshadow any increase of students nor teaching staff, but instead is proposed to enhance the school's facilities for existing students.
8. The building is intended to be a senior learning centre. The new building generally faces onto Wattle Valley Road, is setback approximately 130m from Mount Morton Road, and will be accessible via a new crossover and driveway off Wattle Valley Road.
9. The proposal includes formalising an existing gravel accessway / parking area, along the northern boundary, resulting in the delivery of 43 new car parking spaces.
10. The application also involves the removal of existing vegetation which requires planning permission and has been appropriately identified within the submitted arborist reports and ecological assessment. This is discussed in the assessment, further below.
11. The proposed building and works, relative to the broader school campus, are shown in Figure 1 below.



Figure 1 - Extract of the campus site (outlined in red) with a detailed plan of the area of the proposed new building (in green)



Site Description

12. The site is a large and irregularly shaped parcel of land with a primary street frontage to Wattle Valley Road (which is essentially a court-bowl terminating at the school's primary entrance) and extends towards Mount Morton Road.
13. The site is an established primary and secondary school, known as Belgrave Heights Christian College (Year 3 to Year 12).
14. The school's primary entrance is accessed from Wattle Valley Road. This is not intended to be altered.
15. The site is predominantly surrounded by existing residential dwellings to the south and west. The site also has an interface with the backyards of Mount Morton Road-facing dwellings to the west, and Monbulk Creek to the north.
16. The campus comprises existing school buildings, recreational grounds, an oval, internal loop road, formal and informal car parking and dense vegetation spread throughout the site. Refer to Figure 4.



Figure 4 - Aerial of the subject site



Planning Policy Framework

18. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this application:

- Clause 2.01 (Context)
- Clause 2.02 (Vision)
- Clause 2.03 (Strategic Directions)
- Clause 2.04 (Strategic Framework Plan)
- Clause 11.01-1R (Settlement)
- Clause 12.05-2S (Significant Environments and Landscapes)
 - Clause 12.05-2L (Rural Landscapes)
- Clause 13.02-1S (Bushfire Planning)
- Clause 15.01-1S (Urban Design)
- Clause 15.01-2S (Building Design)
 - Clause 15.01-2L (Environmentally Sustainable Development)
- Clause 19.02-2S (Education Facilities)

Statutory Planning Controls

Zoning

19. The subject site is located within the Low Density Residential Zone (LDRZ).

20. Pursuant to Clause 32.03-4, a planning permit is required to construct a building or carry out works associated with use in Section 2.

Overlays

21. The subject site is affected by a number of overlays.

Erosion Management Overlay (EMO)

22. The EMO partially affects the site.

23. However, as the buildings and works are not located within the extent of the EMO, the overlay is not triggered.

Significant Landscape Overlay – Schedule 22 (SLO22)

24. The subject site is wholly included within the SLO22.

25. Pursuant to Clause 42.03-2, a planning permit is required to:

- a. Construct a building or carry out works as not all permit trigger exemptions are met. In particular:
 - i. The height of the building is more than 7.5 metres above the natural surface level, directly below it.
 - ii. The buildings and works are located less than 4 metres from any substantial tree (Tree 6 and Tree 43).



- b. Remove destroy or lop any indigenous vegetation, and substantial trees. Multiple trees are proposed to be removed which are defined as 'substantial' vegetation. A detailed schedule is included within the assessment section, below.

26. Clause 1.0 of SLO2 contains a statement of nature and key elements of the landscape. Relevant to the site, it specifies that for the Dandenong Ranges Foothills that for:

Belgrave, Upwey and Tecoma - the treed slopes of the Dandenong Ranges have iconic significance for Melbourne, and the relationship between buildings and the surrounding landscape contributes significantly to the character of the area. Extensive vegetation in this area complements the conservation and habitat values of nearby bushland areas, many of which are included within the Dandenong Ranges National Park.

In the hillside areas of Belgrave, Upwey and Tecoma, houses and their grounds stand in a forested hills landscape. Dwellings are dominated by mostly native forest vegetation, which includes tall canopy trees and some understorey.

Buildings maintain similar orientation and setbacks to adjoining properties and integrate well with the topography and the streetscape. There is usually little or no formal delineation of front property boundaries.

Planting of native vegetation and where possible vegetation indigenous to the environs is encouraged in order to complement and enhance the visual and environmental qualities of the area.

27. Clause 2.0 of SLO22 also provides a number of relevant landscape characters to be achieved including:

- *To recognise and conserve the environmental and visual sensitivity of residential areas*
- *To maintain vegetation as a dominant element of the landscape and encourage retention and regeneration of native vegetation*
- *To ensure development is sensitive to the natural characteristics of the land including slope, terrain and any existing vegetation*
- *To ensure setbacks are generous, consistent with nearby dwellings and allow sufficient space for mature plantings*
- *To ensure site cover maintains the ambience and sense of spaciousness*
- *To ensure that buildings and works retain an inconspicuous profile and do not dominate the landscape*
- *To ensure that the health of existing trees is not jeopardised by new development*
- *To maintain an absence of front fences and informal rural character with either open style front fencing or an absence of front fencing*
- *To protect and preserve the riparian areas along waterways.*

28. Clause 4.0 of the SLO22 also provides a range of decision guidelines, which are also required to be considered as part of this application.

Bushfire Management Overlay (BMO)

29. The subject site is wholly included within the BMO.

30. Pursuant to Clause 44.06-2, a planning permit is required to construct a building or carry out buildings associated with the use of land for an education centre (primary and secondary school).

31. It is noted that a bushfire management plan was submitted as part of the application, as required by Clause 44.06-3 (application requirements).



Particular and General Provisions

Clause 52.06 – Car Parking

Design Standards for Car Parking

32. Clause 52.06-1 specifies that the Clause 52.06 applies to an increase in the floor area of an existing use.
33. As such, the design standards under Clause 52.06-9 are a relevant consideration to this application.

Car Parking Provision

34. Clause 52.06-2 identifies that before the floor area of an existing use is increased the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in a number of ways.
35. Clause 52.06-5 specifies that where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.
36. The rate of car parking for primary school and secondary school within this table is calculated based on the maximum number of employees on the site at any one time.
37. There is no increase to staff numbers (nor students) and the amount of car parking in connection with the current use will not be reduced. As such, there is no requirement under the planning scheme for the new building to provide additional car parking spaces.

Clause 52.17 – Native Vegetation

38. Clause 52.17 seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
39. The proposal involves the removal of three patch of native vegetation (totalling to 0.677ha), two large scattered trees, and 74 small scattered trees.
40. Accordingly, a planning permit is required under Clause 52.17-1 to remove, destroy or lop native vegetation.

Clause 52.34 – Bicycle Facilities

41. Clause 52.34-1 specifies that where the floor area by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.
42. For use of land as education centre, Clause 52.34-5 specifies:
 - a. For employees – 1 bicycle space per 20 employees
 - b. For visitors/students – 1 to each 20 full-time students.
43. However, as the number of staff and students are not proposed to be increased as part of this application, there is no statutory requirement to provide any bicycle parking.
44. Accordingly, Clause 52.34 is not relevant to the consideration of this application.

Clause 53.19 – Non-government Schools

45. Clause 53.19 applies to use or development for a secondary school with a development value of at least \$3 million.
46. An application to which Clause 53.19 applies, exempts it from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.



Referrals

47. Owing the post-advertising amendment the application, the application was referred twice to the following groups:

| Provision / Clause | Organisation | Response and date received |
|---|------------------------------|---|
| Section 55 Referral – Recommending | DEECA (Port Phillip Region) | First response – received 15 February 2024 – more information required Second response – received 11 September 2024 – <u>no objection</u> , subject to conditions. |
| | Country Fire Authority (CFA) | First response – received 10 March 2023 – no objection, subject to conditions. Second response – received 12 September 2024 – <u>no objection</u> , subject to conditions. |


Municipal Council Comments

48. Yarra Ranges City Council was notified of the application pursuant to Section 52(1)(b) of the Act. The council provided feedback on two occasions to coincide with the post-advertising amendment under Section 57A of the Act. In both instances, the council did not object to the application and recommended certain planning permit conditions.

49. The council's views are summarised as follows:

First notice

- *Environmental Sustainable Design methods are adopted. Should the proposal be lodged post 4th Dec 2022, Sustainable Design Assessment Report under Clause 15.01-2L of the Yarra Ranges Planning Scheme. Rainwater tanks to be plumbed to toilets.*
- *Consider Lot consolidation.*
- *Storm Water Management Plan. The preliminary Storm Water Management plan from Millar Merrigan ref: 20799E00 F1 Stormwater Management Plan has been reviewed, subject to the following conditions.*
 - *Prior to the occupation of the permitted development piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the Responsible Authority.*
 - *Prior to the commencement of any works as required by this permit, Development Stormwater Drainage Engineering Plans and Computations must be submitted to, and approved by, the Responsible Authority. Development Stormwater Drainage Engineering Plans and Computations must be in line with all the requirements of the approved point of discharge certificate. <https://www.yarraranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submit-stormwater-drainage-and-computations>*
 - *Prior to the occupation of the permitted development a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the Responsible Authority.*
 - *Prior to the occupation of the permitted development the construction of all civil works within the site, including detention system must be fully completed and subsequently inspected and approved by a suitably experienced at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the Responsible Authority.*
 - *Prior to the occupation of the permitted development, developer must demonstrate to the satisfaction of the Responsible Authority that stormwater runoff exiting the site has been designed and constructed to meet*



the current best practice performance objectives for stormwater quality, as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).

Second notice

- The proposed access road along the western boundary does not appear to comply with access requirements under the Bushfire Management Plan (BMP) as no turning area appears to have been provided for. The architectural drawings (Dwg No. DA0500/C) shows the road ending without any turning area provided for. It is also unclear if this road will provide access to existing accessways north of the development.*
- Proposed new car parking spaces should comply with Design Standard 2 under Clause 52.06. The 45 degree angular carparking proposed requires vehicles exiting the car park to travel north of the site, however no turning bay has been provided for to allow vehicles to exit the site.*
- Material and colour palette should be muted in tone and non-reflective (recommended luminance reflective value of <40) to maintain the landscape character an ambience of the area.*
- Environmentally Sustainable Design measures as detailed within the submitted report be notated on the development plans/ conditioned to confirm with ESD requirements.*

50. Council officers acknowledged the amended proposal and requested that the feedback associated with re-notification be considered in addition to comments that were provided as part of the first notification.

Notice

51. On 19 December 2023, the applicant was directed to give notice by way of erecting two signs on the site and notifying adjoining owners and occupiers.
52. Following the first advertising period, a total of 11 objections were received raising concerns with extent of vegetation removal, impacts to native vegetation, impact to indigenous flora and fauna, traffic and car parking, overlooking, overshadowing, visual bulk, stormwater impacts, impacts to the creek, light spill and poor landscaping outcomes.
53. Following notice, the applicant amended the application under Section 57A of the Act.
54. As a result, the objectors were notified of the amendment, and the applicant was also directed to re-notify the adjoining owners and occupiers on 20 August 2024.
55. One further objection was received.



Low Density Residential Zone

57. As noted above, the buildings and works are associated with an existing secondary school. The LDRZ does not provide any specific decision guidelines that relate to buildings and works.
58. However, the general decision guidelines at Clause 32.03-6 specifies that the responsible authority must consider, as appropriate the municipal planning strategy and the planning policy framework.
59. This assessment has been undertaken in detail below.

Strategic Direction

60. State planning policies encourage appropriate development which enhances the built environment, supports economic growth, delivers education facilities to assist the integration of education and early childhood facilities with local and regional communities that meets existing and future community expectations (Clause 19.02-2S).
61. Some of the strategies list at Clause 19.02-2S include:
 - *Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.*
 - *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
 - *Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.*
 - *Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities*
62. The proposed buildings and works will upgrade facilities for the existing school and enhance the school's offering to the existing and future community needs, consistent with the objectives of Clause 19.02-2S.

Built Form

63. Clause 15.01-2S (Building Design) encourages new building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development, while minimising detrimental impact on neighbouring properties, the public realm and the natural environment.
64. Clause 19.02-2S also recognises that school facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).
65. The building has been appropriately sited away from the property boundaries. Refer to Figure 5. This ensures that the building is subservient to retained and existing canopy trees on the subject site, maintaining the visual primacy of the existing landscape backdrop. In particular:
 - The building is setback approximately 130m from Mount Morton Road, such that it will barely be visible from the streetscape and public realm.
 - From the western boundary, the new building is setback a minimum of 11m from the common (rear) boundaries with the single storey dwellings at 252, 254 and 258 Mount Morton Road. The setback is sufficient to avoid unreasonable visual impact to the secluded private open space (SPOS) of these properties. While ResCode does not technically apply to a non-residential building in the LDRZ, it is nevertheless noted that if ResCode did apply, the proposal would fully comply with the side and rear setbacks standard. Accordingly, it is considered that the proposal, while it will be visible from nearby residential properties, will not result in unreasonable visual bulk, consistent with policy at Clauses 15.01-2S and 19.02-2S of the planning scheme.



- The submitted elevations and sections show that the extent of excavation has been kept to a practical minimum and has been designed to generally complement the slope of the land. Refer to Figure 6.
- Given the positioning of the proposed building, relative to the school's broader campus, it will be barely visible when viewed from surrounding residential dwellings. This ensures that the building avoids unreasonable amenity impacts to the surrounding residential neighbourhood.

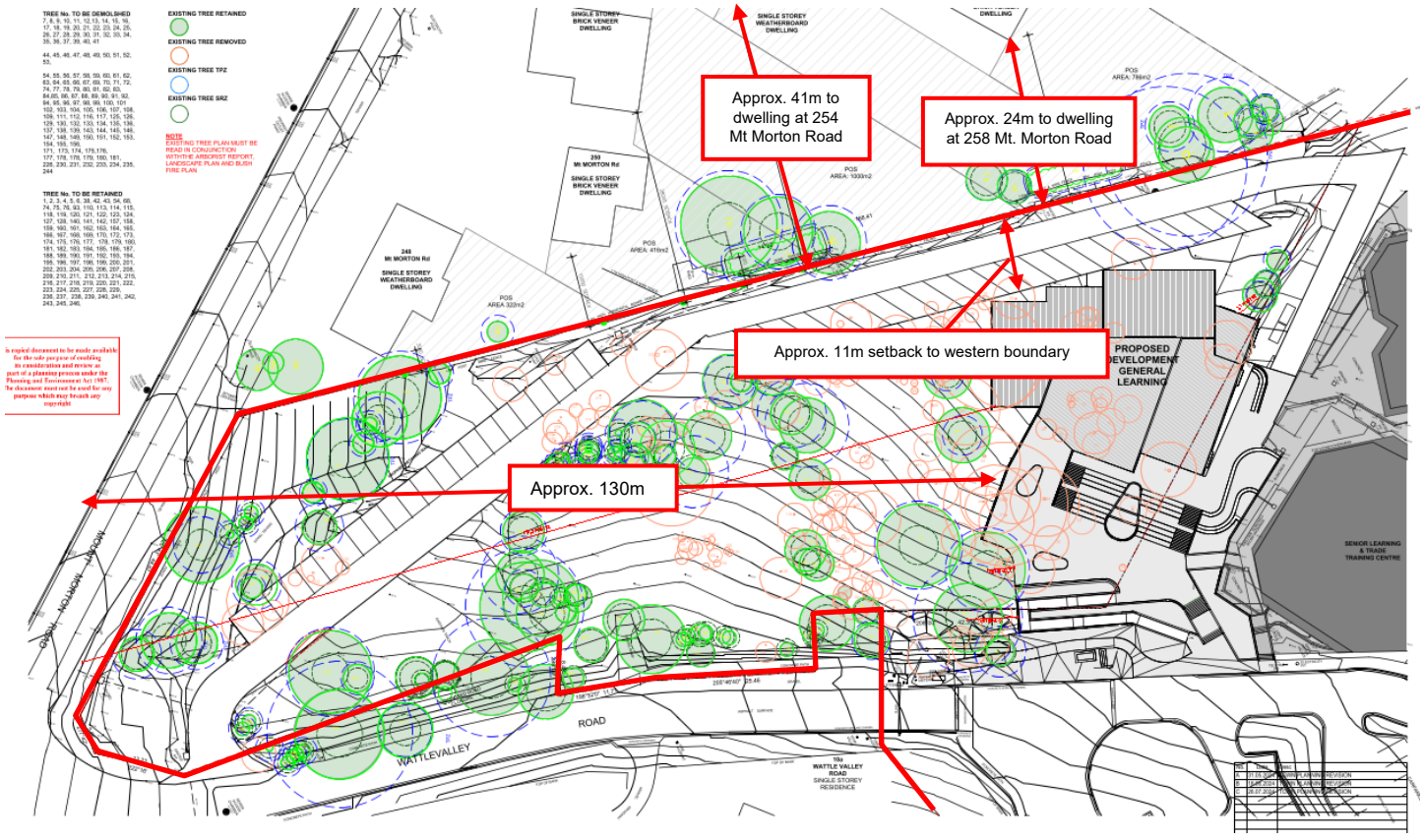


Figure 5 - Extract of the siting plan showing the proposed building relative to the boundary, Mount Morton Road frontage and adjoining dwellings

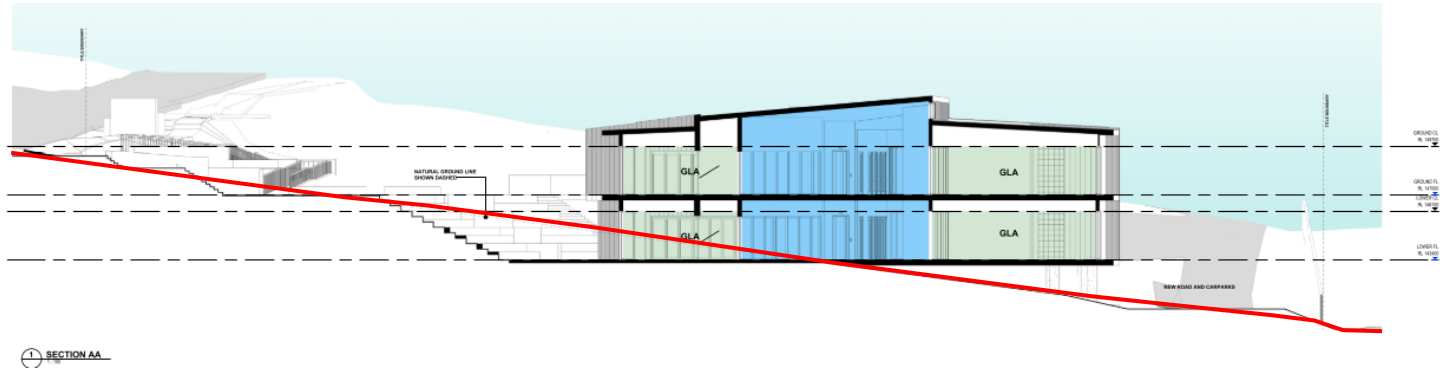


Figure 6 - An east-west section (section A-A) through the building showing its relationship with the natural ground level (outlined in red)

66. The floor plans show that the building provides a flexible layout with classrooms and staff offices. This is appropriate as it will support a range of learning settings. Refer to Figure 7.

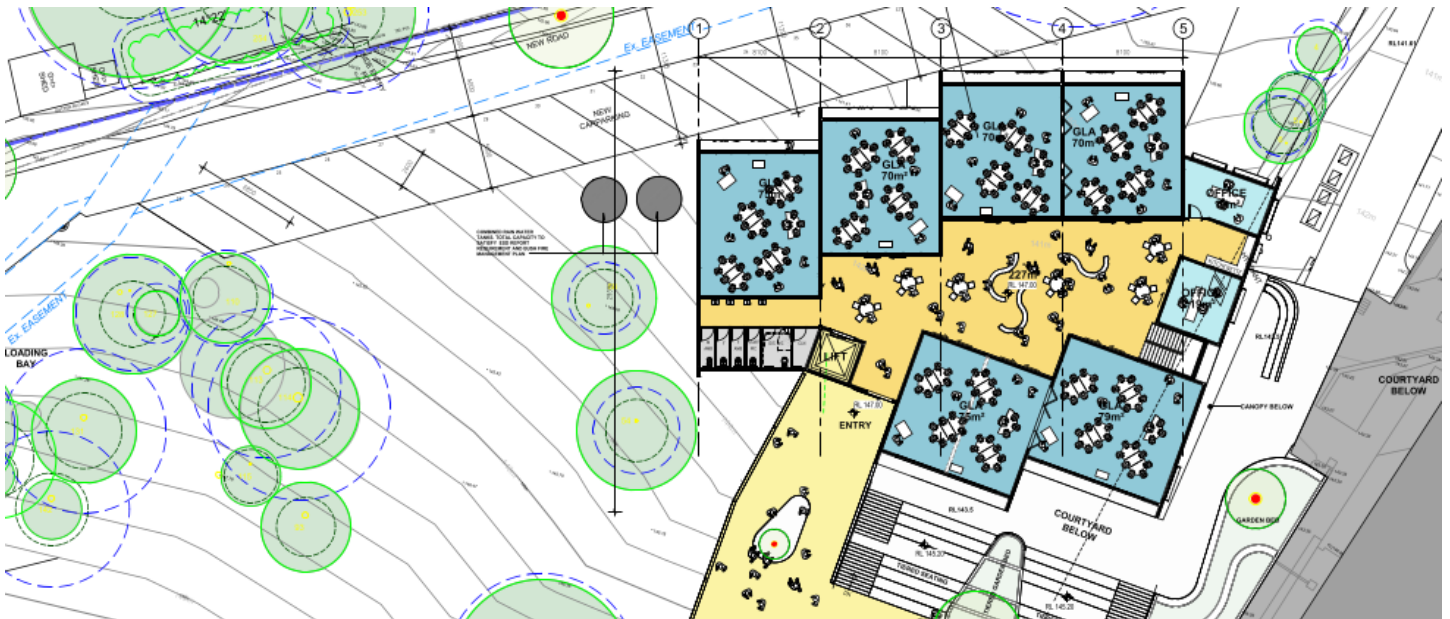


Figure 7 - Extract of the Ground Floor Plan showing the typical floor layout and flexible classrooms

67. The new building is modern and adopts a skillion roof form through its architecture, and is modest in scale, comprising an overall height of approximately 10.3m (when measured from the eastern elevation). Refer to Figure 8.

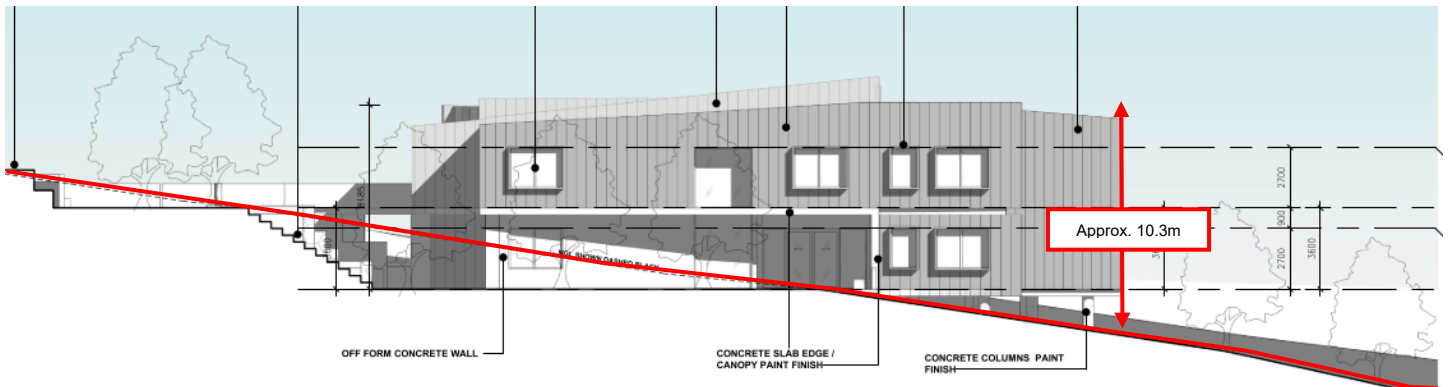


Figure 8 - Extract of the eastern elevation showing the overall 2-storey building showing its relationship with the natural ground level (outlined in red)

68. The façade of the building consists of glazing and is clad with a combination of form concrete, off-white rendered finishes, aluminium window shrouds and perforated metal cladding. This results in a new building that is clearly contemporary and will provide visual interest and a high degree of articulation to the façade. However, the specific colours of materials have not been specified. As such, it will be a condition of permit requiring that the material schedule be revised to confirm the colours with a muted tone palette.

69. As noted above, the new building is contemporary in nature, however, it has been clearly designed to respond to the existing topography and landscape constraints. The scale of the building is modest in nature, sited away from its surrounding and avoids unreasonable visual impacts to the neighbouring dwellings.

70. Overall, the proposed building is consistent with the objectives under Clause 15.01-2S (Building Design) and acceptable, subject to conditions.

- The conversion of a gravel car park to sealed concrete is also considered acceptable noting that it is simply formalising the existing car parking arrangements for staff. It is acknowledged that tree removal is required to enable this to occur, however, the extent of removal is acceptable as discussed below.

Canopy Trees and Tree Removal

75. It is an objective of SLO22 to conserve and maintain vegetation as a dominant element of the landscape, ensuring that the health of existing trees is not jeopardised and that development is sensitive to the natural characteristics of the land including slope, vegetation and terrain.
76. As noted above, the proposed building has been appropriately designed to respond to its slope and terrain.
77. However, the proposal involves the necessary removal of existing vegetation both indigenous and native vegetation, as depicted in Figure 5. The extent of vegetation is required as a result of facilitating the new building, formalising the staff car park, and establishing defensible space requirements.
78. The application was referred to the CFA, which also requested a further 7 trees be removed for the purposes of fire safety and defensible space.
79. Multiple objections raised concerns with the extent of vegetation removal.
80. The application was accompanied by a number of arborist reports and ecological assessments, which assess the trees to be removed. The arborist report assessed a total of 260 trees within the subject site, and a total of 105 trees will be retained as part of the current proposal.
81. It is observed that the proposed building has kept tree removal to a practical minimum, and avoids unreasonable impacts to neighbouring trees.

Facilitating the New School Building

82. A total of 30 trees are proposed to be removed to facilitate the new school building. These include generally include Trees 7-26, 30-35, 45 and 50-52. The extent of tree removal has been fully assessed and is considered acceptable noting that:
 - a. Of these 30 trees, 27 are identified as either low or medium retention value with a majority of these trees coming to end of their useful life expectancy (ULE) and/or do not require planning permission under SLO22 as they are not defined as 'substantial trees,' and their removal is supported by the arborist report. As such, the removal of these trees is acceptable and supported.
 - b. The remaining 3 trees impacted by the building footprint are Trees 7, 9 and 14, which were identified as high retention value.
 - i. Tree 14 is effectively dead but was only identified as a high retention value due its height of 18m and visibility from within the subject site. The arborist supports its removal. The photos in the arborist report shows that the tree has been lopped multiple times in an effort to slow the tree's decline in health, without success. Accordingly, the removal of tree 14 is supported.
 - ii. Trees 7 and 9 are identified as high retention value and reach approximately 12m and 20m in height respectively. The trees are clearly visible from within the site, but less so from the streetscape. Furthermore, Trees 7 and 9 are located within the centre of the proposed building and their retention would not be practical. Given that the arborist is supportive of removal, it is considered that the removal of Trees 7 and 9 is acceptable.

Formalising the Staff Car Park

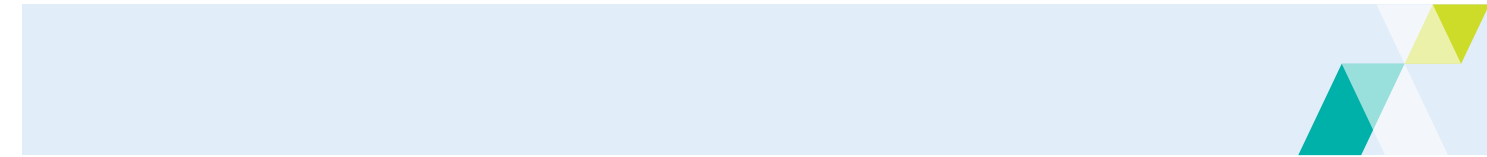
83. A total of 23 trees are within the footprint of the formalised staff car park along the western boundary are proposed to be removed. These include Trees 27-29, 60, 101, 102, 132, 133, 171, 173-175, 177-180, 226, 231-235 and 244.



- a. Of these 23 trees, 25 are identified as either low or medium retention value with a majority of these trees coming to end of their useful life expectancy (ULE) and/or does not require planning permission under SLO22 as they are not defined as 'substantial trees' and their removal is supported within the arborist report. As such, the removal of these trees is acceptable and supported.
 - b. The remaining two impacted trees are Trees 101 and 133, which are identified as having high retention value due to their ULE and height (16m and 15m respectively). On balance, their removal is supported as they will result in a direct conflict with the accessway for the staff car park with limited ability for redesign without impacting other vegetation in the immediate vicinity and compromising vehicle movements.
84. The formalised staff car park is also located within close proximity to a range of canopy trees located on neighbouring properties including Trees 3, 110, 182, 183, 189, 227, 228, 229 and 237.
85. While the impacts to each of these third-party trees vary from 'minor' to 'major', it is recommended that a tree protection management plan (TPMP) be commissioned to support the project during its construction phase. This will be secured by a planning permit condition.
86. The submitted arborist report identifies that the works will only have a minor encroachment to most of these trees. This is considered acceptable as the works will not unreasonably impact their health.
87. However, there will be a major encroachment into the root zones of neighbouring Trees 3, 182, 183, 189 and 228.
88. The plans show that – where within the TPZ of these neighbouring trees – the car park is to be constructed at natural ground level and there will be no excavation to facilitate this car park. As such, it is acknowledged that there will be some degree of encroachment into the root zones, but there is no excavation into the ground.
89. However, it will be a condition of permit requiring that an annotation is included on all plans, elevations and sections that no excavation is permitted to occur within the TPZs of Trees 3, 182, 183, 189 and 228.
90. This – coupled with the provision of a TPMP – will appropriately ameliorate any unreasonable impacts to those trees.

Achieving Defendable Space Requirements

91. A total of 86 trees are proposed to be removed to achieve defendable space requirements.
92. The extent of tree removal for the purposes of defendable space has been assessed and is considered to be acceptable noting that:
- a. 79 of the trees proposed to be removed are identified as either low or medium retention value with a majority of these trees coming to the end of their ULE and/or do not require planning permission under the SLO22 as they are not identified as 'substantial trees' or listed on *Yarra Ranges Council – Environmental Weeds 2019*.
 - b. Of the remaining 7 seven trees that are identified as high retention value proposed to be removed:
 - i. Trees 37 and 41 are assessed to be 'dead' – as such, their removal is supported.
 - ii. Trees 42 has poor health and currently declining with less than 10 years in ULE with limited foliage being produced. Removal is supported.
 - iii. Trees 43, 48, 49 and 53 are prominent Eucalypts with more than 10 years in ULE, and 14 – 18m in height. While their removal is not ideal, it is considered acceptable given the need to provide defendable space so as to ensure future fire safety associated with the building.
93. The application was referred to CFA which suggested that a further 7 trees (Trees 4, 5, 6, 54, 62, 110 and 131) be removed to ensure adequate fire safety between various clumps of vegetation. This suggestion did not form part of CFA's formal conditions but was 'further advice' from CFA. Nonetheless, it has been considered, and their removal is supported on the basis that it will promote bushfire mitigation between various 'clumps' of vegetation, as noted by the CFA.

- 
94. In summary, it is recognised that trees are being removed for the purposes of creating defensible space however on balance, is considered to be acceptable given that:
- A majority of the vegetation is medium to low retention value.
 - Planning policies recognise that school buildings necessarily have a different built form within their broader context.
 - The overall building design is generally considered acceptable, subject to conditions.
 - The removal of high retention value vegetation is justified given that planning policy seeks to prioritise the protection of human life above all other policy considerations.

Native Vegetation

95. The submitted ecological assessment report identifies that the proposal involves the removal of approximately 0.677ha of native vegetation patches, 2 large trees and 74 scattered trees.
96. It is noted that the 76 trees that are being removed have already been assessed from an arboricultural perspective above.
97. Clause 12.01-1S (Protection of Biodiversity), Clause 12.01-1L (Biodiversity), Clause 12.01-2S (Native Vegetation Management) and Clause 52.17 (Native Vegetation) collectively seek to ensure no net loss of biodiversity as a result of native vegetation removal, that new development minimises the removal of canopy trees and protect significant vegetation on private land, and that unavoidable vegetation removal is adequately offset by revegetation.
98. Overall, the removal has been assessed and is considered appropriate for the following reasons:
- a. The proposal involves the removal of 0.677ha of native vegetation and does not impact any threatened EVCs. In particular, the native vegetation patches that were recorded.
 - b. The areas that are proposed to be removed are already disturbed and regularly slashed short with all woody debris pushed up into piles with other solid debris and soil. Accordingly, most of the patches were assessed as either 'unremarkable' or only represented a minor ecological contribution.
 - c. The extent of native vegetation removal has been kept to a practical minimum, noting that DEECA is satisfied with the report's avoid and minimise statement, such that they do not object to the development, subject to conditions.
 - d. The proposal removal does not represent a significant reduction in habitat fauna.
 - e. Appropriate offsets have been evidenced and capable of being secured within the applicant's submission.
99. It is considered that the extent of native vegetation removal is acceptable, subject to appropriate offsets that will be secured via permit condition.

Flora and Fauna

100. Clause 12.01-1S (Protection of Biodiversity) seeks to ensure that decision making takes into account the impacts of development on Victoria's biodiversity, and that new development contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.
101. The submitted ecological assessment identified that the vegetation on the site has a good degree of connectivity with the surrounding residential area, and that such vegetation was suitable for fauna to occupy and move through the vegetation corridor.
102. The ecological report identified several possum dreys throughout the site, presence of burrows of the threatened land crayfish species and native birds using the site, and potential presence of threatened flora Redtip Greenhood (*Pterostylis clivosa*).
103. As a result, targeted flora and fauna studies were submitted to assess these aspects.

Redtip Greenhood

104. The targeted flora study found that while the Redtip Greenhood species was present throughout the Yarra Ranges municipal, there was no presence of any Redtip Greenhood recorded within the planning unit.
105. As such, the proposal does not impact this threatened flora species.

Possum Dreys and Native Birds

106. The proposed trees being removed will not unreasonably impact native birdlife given that they generally have low to medium retention value and the site is located close to other areas of vegetation.
107. Further, the trees that are being removed which have been identified as high retention value do not appear to have any possum dreys present.
108. Accordingly, the extent of tree removal will not unreasonably impact native wildlife.

Burrowing Land Crayfish

109. The submitted ecological assessment identified that burrows of the land crayfish were detected across the site. More specifically the Tubercle Burrowing Crayfish (*Engaeus tuberculatus*) is known to occupy slopes away from water and should be considered as possible present on site.
110. Potential impacts to these species were an issue raised by DEECA within its first referral response, and by objectors.
111. A targeted fauna study undertook a detailed assessment of the burrowing crayfish relative to the proposal. Within the planning unit, it identified 15 areas of crayfish burrowing identified through the presence of their distinctive 'chimneys.' Within these 15 areas, 60 chimneys were discovered. The assessment recommended mitigation techniques.
112. In particular, the targeted study identifies that:
 - a. The burrowing crayfish (*Engaeus sp.*) are cryptic invertebrates distinguished by their underground burrowing capabilities, found only in south-east Australia. They are mostly nocturnal and most active following wet conditions in their breeding conditions. In warmer months, where water is scarce, they will retreat underground towards the water table below surface.
 - b. Yarra Ranges Shire is home to several crayfish species – many of which are listed on the Flora and Fauna Guarantee Act 2019. However, due to their elusive nature and similarities between each genus, the ability to distinguish between each individual species is challenging. As a result, capture rates have been low, and the distribution and habitat preference between different species is not well understood. Therefore, all species of crayfish are treated as endangered species.
 - c. Burrowing crayfish are seldom seen on land, spending most of their time underground. Their presence on the surface can be detected by a distinctive 'chimney-like' structure made of mud, which are constructed at the entrance of their burrows. The presence of these burrows provide the most useful indicator for assessors of the crayfish's presence.
 - d. Two clusters of the crayfish were evident – one along the western boundary associated with the car park and the other within the footprint of the building. It was recommended that redesign of the car park should be considered or translocation of these habitats to a central location. Refer to Figure 10.

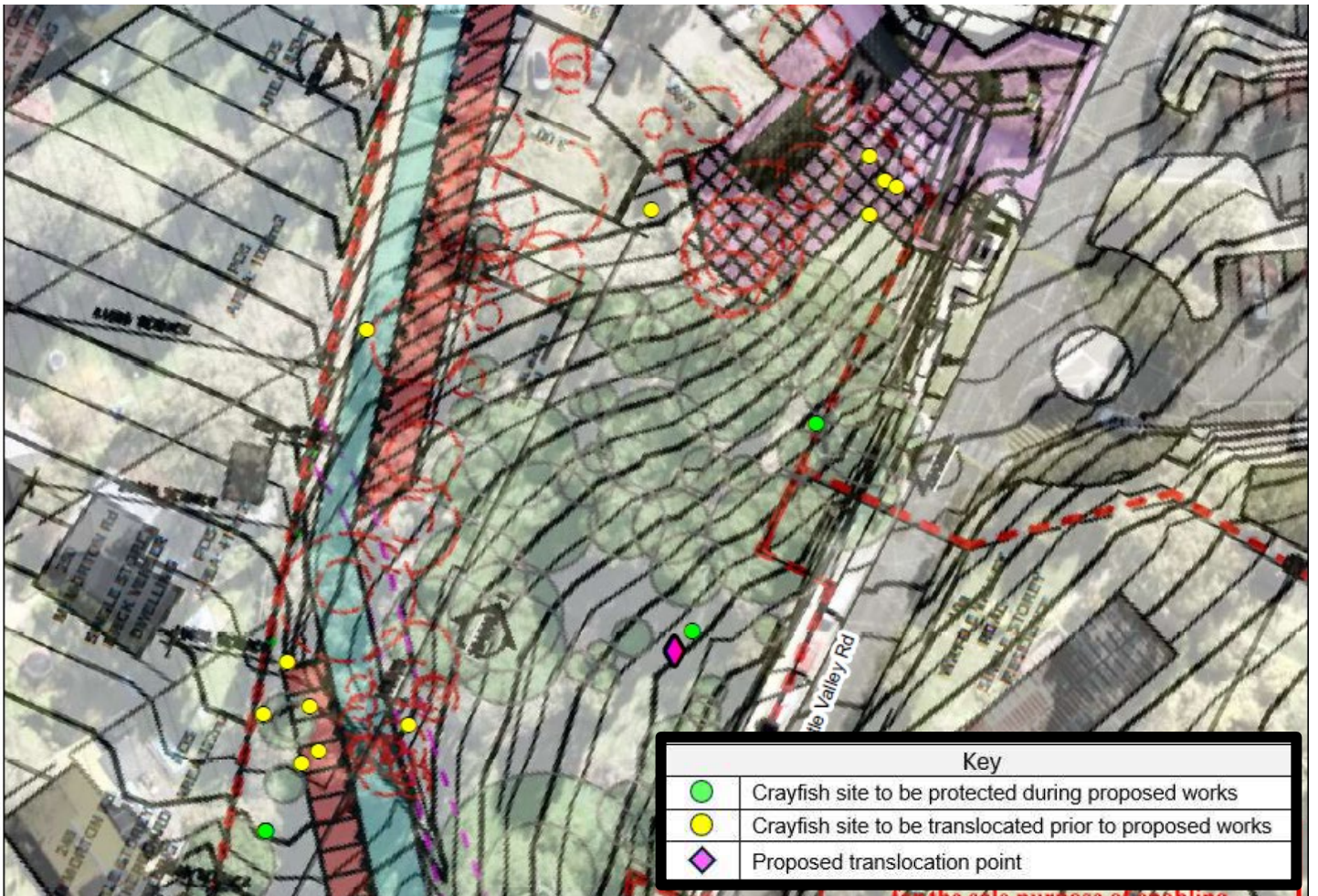


Figure 10 - Location of the 15 areas that the burrowing crayfish were detected and the proposed translocation point for affected areas

113. There is little doubt that the burrowing crayfish is present on the site and that the proposed buildings and works will impact 12 of the 15 areas.
114. On-balance and subject to conditions, it is considered that the proposal is acceptable noting the following:
- A redesign of the car park area is not possible given the constraints of the existing vegetation on-site. It is preferred to formalise existing staff parking arrangements to ensure that there no future vehicles conflicts onto Wattle Valley Road with the primary school entrance.
 - The twelve affected crayfish sites that are affected by the proposal can be appropriately relocated towards the translocation point, under the supervision of a suitably qualified ecologist. This avoids absolute destruction of their habitat, will ensure the ongoing viability of those species, does not result in a net loss of those habitat and facilitates orderly development of the school campus.
 - The translocation point has been carefully selected based on the existing burrowing crayfish activity and habitat requirements that closely match those of the current environment. In other words, the proposed translocation point is suitably considered, not just simply an arbitrary location.
 - The remaining three crayfish sites can be appropriately protected by suitable protection measures.
 - DEECA no longer objects to the proposal and is satisfied with the ecological assessment and targeted studies, and recommends a number of permit conditions to confirm the mitigation strategies.




115. Accordingly, mitigation strategies will be confirmed by a planning permit condition to ensure that Burrowing crayfish within the construction footprint should be collected and translocated prior to the commencement of construction, and crayfish habitat outside of the footprint be fenced off and protected during construction.

Significant Landscape Overlay – Schedule 22 (SLO22)

116. In addition of the assessment above, the buildings and works, and tree removal has also been assessed against the decision guidelines of the SLO22 and is considered to be acceptable noting the below:

| Relevant Decision Guideline | Assessment / Comment |
|--|---|
| <i>Whether the development satisfies the statement of key elements of the landscape and character objectives of this schedule</i> | <p>The proposal is consistent with the statement of key elements and character objectives within Schedule 22, as noted above. In particular:</p> <ul style="list-style-type: none"> • The building will maintain an inconspicuous profile within the dominant landscape setting. • The building will not detract from the visual prominence of existing vegetation. • The building footprint has been appropriately designed to avoid unreasonable impacts to existing vegetation and native wildlife, subject to conditions. • The proposal achieves an appropriate balance between ensuring a building design that is conducive to that of a school purpose, while minimising canopy tree removal as much as practical. |
| <i>The role of vegetation in contributing to the character and environmental significance of the area</i> | <p>The new building has sought to minimise tree removal as much as practical. The building is also setback generously from Mount Morton Road ensuring that the dominant role of vegetation and canopy trees is preserved.</p> |
| <i>The impact of the proposal on views within the foothills areas and on more distant views across the city and suburbs to the foothills of the Dandenong Ranges</i> | <p>The building is 2-storeys high and has been designed to respond to the slope of the site. This results in a building that is nestled within its landscape and will not unreasonably impact view lines in any direction.</p> |
| <i>The impact of the proposal on the rural character of the townships where development is more spacious and allows views through to the Yarra Valley and/ or the foothills</i> | |
| <i>If the buildings are of a height that is below the tree canopy level and are inconspicuous in the landscape. Aspects such as the height of surrounding development, the slope of the land and the impacts on views to and from adjacent viewpoints should be carefully considered</i> | |
| <i>The site coverage allows for the planting of canopy trees and other vegetation</i> | <p>The proposal does not preclude future tree planting and landscaping opportunities.</p> |
| <i>The buildings are dispersed to allow trees to be planted among them and any works will not impact on the health of any substantial tree</i> | <p>The extent of vegetation preservation, impacts and removal has been thoroughly assessed above.</p> |
| <i>The habitats for native fauna, including wildlife corridors will be protected, strengthened or created</i> | <p>Native vegetation, flora and fauna considerations have been discussed above.</p> |
| <i>If the buildings or works will adversely impact on the natural environment of the adjacent watercourse</i> | <p>The proposed buildings and works will not result in any unreasonable impacts to the natural watercourse noting that a stormwater management plan was submitted with the application confirming that the site will be connected into the existing legal point of discharged, complemented by water sensitive urban design measures.</p> |



If front fences are commonly provided in the street and the style of fence, including degree of transparency, height, materials and finishes. No fence is proposed.

Amenity Impacts

Overlooking

117. ResCode does not apply to a non-residential building in the LDRZ. However, if ResCode did apply, the proposal would fully comply with the overlooking standard given that the proposed building windows which face onto the SPOS of 252, 254 and 258 Mount Morton Road, are located more than 9m from their SPOS and there are no direct views into habitable room windows.
118. As such, the proposal will not result in unreasonable overlooking impacts.

Overshadowing

119. The submitted shadows demonstrate that the new building will not cause any unreasonable overshadowing impacts at September 22 between 9am to 3pm to the SPOS of 252, 254 and 258 Mount Morton Road.
120. Similar to the above, ResCode does not apply to a non-residential building in the LDRZ. However, if ResCode did apply, the proposal would fully comply with the overshadowing standard. Accordingly, it is considered that the proposal avoids unreasonable overshadowing impact to the neighbouring properties.

Car Parking, Vehicle Access and Waste Management

Car Parking and Vehicle Access

121. As noted above, the existing vehicle arrangements into the school campus are not proposed to be altered as part of this application. The school's primary entrance and access into the centre of the campus remains the same. It is proposed to introduce a new crossover along Wattle Valley Road and provide a new boundary road along the western boundary to service (and formalise) the existing 43 staff car park spaces.

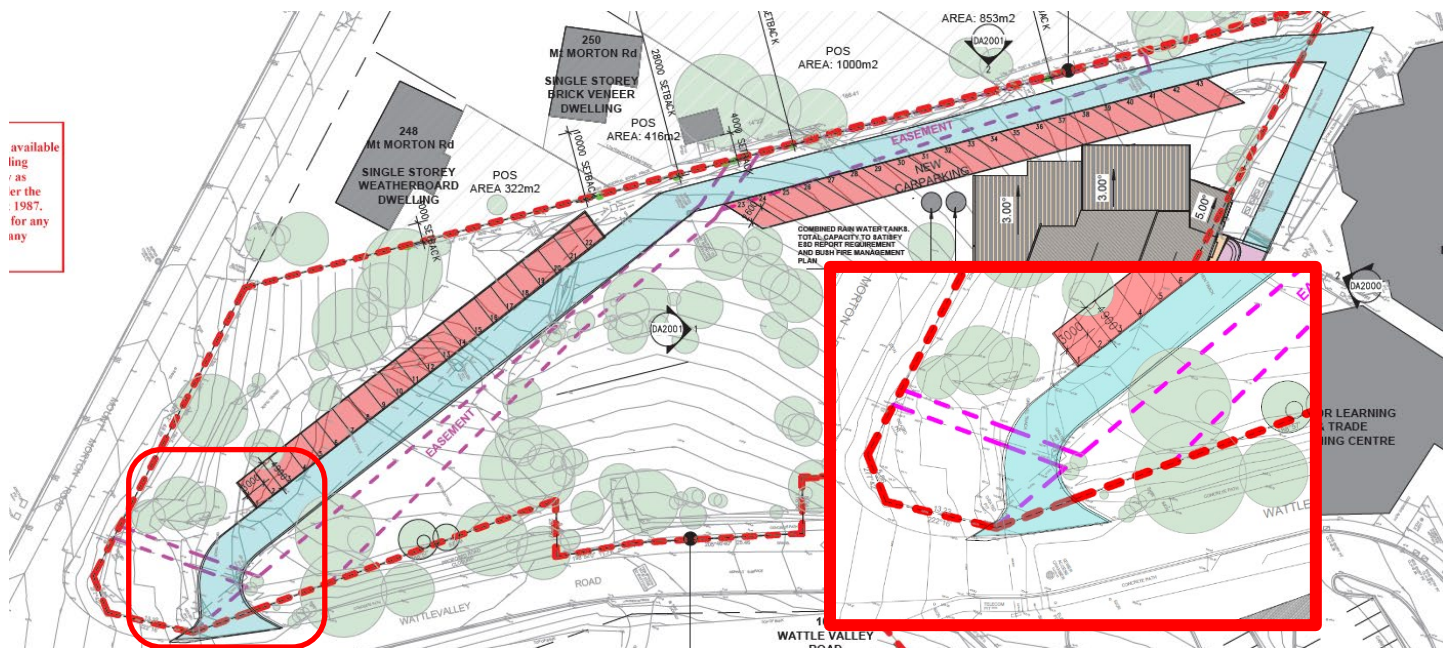


Figure 11 - Extract of the new car parking layout and vehicle access

122. The new crossover will not result in unreasonable impacts to the existing vegetation within the nature strip and is considered acceptable.
123. The traffic report notes that as this new crossover is for staff car parking, it has the potential to conflict with the main entrance for student / parent departure times. This was also a concern raised by resident objectors.
124. In response, the applicant has agreed to accepting a condition of permit, recommended by traffic engineers, requiring that there be no exit movements from staff car parking until 15 minutes after the school bell rings to avoid conflict between parent and staff departure, with exceptions for staff who may need to exit outside of these times owing to extenuating circumstances. This will be confirmed by a permit condition.
125. Additionally, the applicant notes that the school has worked closely with Yarra Ranges Council and have recently installed a left turn auxiliary lane from Mt Morton Road into Wattle Valley Road easing movements into the subject site.
126. The new car parking layout has also been assessed:
- The car parking spaces that are perpendicular with its accessway are 3m wide and 4.9m deep. This complies with the requirements of the planning scheme. Its respective accessway is approximately 5.7m wide, exceeding the minimum planning scheme requirement of 5.2m.
 - The car parking spaces that are angled 45 degree to the accessway are 2.6m wide, and 7m deep. This complies with the requirements of the planning scheme. Its respective access is 4.3m wide, exceeding the minimum planning requirement of 3.5m.
 - The council and CFA identify that turn-around provisions have not been adequately demonstrated / shown on the plans in relation to firefighting capabilities. The applicant has noted that the proposed access will link with an existing loop road around the campus for CFA access and firefighting. Accordingly, it will be a condition of permit requiring that the plans are updated to clearly show this turn-around provision (or similar).

Waste Management

127. A waste management plan has been provided, which notes that the school currently benefits from council waste collection services. The additional building will require 2 new bins be provided, which can be arranged through the council. The plan notes that the school will continue to utilise council services.
128. Given that the school continues to more than adequate frontage adjacent to the site to accommodate all bins to be collected by council, it is considered that this arrangement is acceptable.

Environmental Risks

Bushfire Planning and Management

129. The application was supported by a bushfire management plan (BMP). The application was also referred to the CFA, which did not object to the application subject to conditions.
130. The BMP has been assessed and is considered to be acceptable noting the following:
 - a. Conditions within 150m of the planning unit comprise a mix of Low Threat and Modified and Forest Vegetation, together with the surrounding landscape present a considerable fire risk. The proposed building design has appropriately integrated within its broader surrounds noting that the building will be built to BAL-29 with defensible space requirements capable of being achieved in accordance with the requirement of Clause 53.02.
 - b. Bushfire protection is enhanced from all aspects owing to separation of the building from bushfire hazards via public roads, internal roads, and emergency service access via an existing perimeter loop road which will facilitate CFA access around the site (which will be confirmed by permit condition)
 - c. The building is well setback from the Forest areas in the north, and appropriately setback from the other boundaries which are a Low or Modified vegetation threat.
 - d. Reticulated water is available to the area and the school already has a static water supply on site, together with a series of fire hydrants. Two new 20,000L water tanks are shown adjacent to the proposed building to meet this measure.

Sustainability

Environmentally Sustainable Design (ESD)

131. The application was accompanied by an ESD statement, which highlights a range of measures that are capable of being implemented within the overall proposal. In particular, the report highlights that the building as currently designed is capable of including:
 - a. Provision of 50kW solar photovoltaic (PV) system to minimise reliance on fossil fuels.
 - b. Water efficient fixtures supported by rainwater collection and harvesting.
 - c. The provision of ceiling fans and the-like
 - d. The provision of a sensory garden to further enhance the landscaped areas and promote water sensitive urban design measures.
 - e. The use muted tone palette of colours to reduce urban heat island affect.
132. Given that the submitted ESD statement has not fully committed to these measures, it will be a condition of permit requiring that the ESD report is prepared with the commitments suitably annotated on the plans, as appropriate.



Stormwater Management

133. The application was accompanied by a stormwater management plan. The stormwater plan management confirms that the site is capable of connecting into the existing legal point of discharge (LPOD) and will enhance the sites stormwater capabilities by:
- Deploying an on-site underground detention system (although not mandatorily required given the low-site coverage) with a maximum capacity of approximately 78m³ (accounting for 1% storm event) so as to not increase flows into the creek from the development.
 - The provision of two rainwater tanks with a combined capacity of 27,000L plumbed to approximately 862m² of roof area for the reuse of that water.
134. The council has also reviewed the stormwater management plan and recommended general permit conditions to be imposed. As such, the proposal will provide appropriate stormwater management.

Response to Council comments

135. As noted above, the council provided comments through the notice periods. As such, its comments have been considered below.

| Council Comment | DTP response |
|--|---|
| <i>Environmental Sustainable Design methods are adopted. Should the proposal be lodged post 4th Dec 2022, Sustainable Design Assessment Report under Clause 15.01-2L of the Yarra Ranges Planning Scheme. Rain water tanks to be plumbed to toilets.</i> | This is discussed above. |
| <i>Consider Lot consolidation.</i> | The applicant has been encouraged to consider lot consolidation. However, given that the absence of lot consolidation does not impact the merits of the application, no permit condition will be imposed requiring lot consolidation. |
| <i>Storm Water Management Plan. The preliminary Storm Water Management plan from Millar Merrigan ref: 20799E00 F1 Stormwater Management Plan has been reviewed, subject to conditions</i> | A stormwater management plan been prepared and suitable planning permit conditions will be imposed to ensure that the outcomes are delivered. |
| <i>The proposed access road along the western boundary does not appear to comply with access requirements under the Bushfire Management Plan (BMP) as no turning area appears to have been provided for. The architectural drawings (Dwg No. DA0500/C) shows the road ending without any turning area provided for. It is also unclear if this road will provide access to existing accessways north of the development.</i> | It will be a condition of permit requiring that the BMP be amended to address this matter. |
| <i>Proposed new car parking spaces should comply with Design Standard 2 under Clause 52.06. The 45 degree angular carparking proposed requires vehicles exiting the car park to travel north of the site, however no turning bay has been provided for to allow vehicles to exit the site.</i> | The car parking layout has been assessed to be compliant, as discussed above. |



Material and colour palette should be muted in tone and non-reflective (recommended luminance reflective value of <40) to maintain the landscape character an ambience of the area.

It will be a condition of permit requiring that material schedule be amended to be muted tone and non-reflective.

Environmentally Sustainable Design measures as detailed within the submitted report be notated on the development plans/ conditioned to confirm with ESD requirements.

This is discussed above.



Conclusion

136. The proposal is generally consistent with the relevant planning policies of the Yarra Ranges Planning Scheme and will contribute to the provision of secondary school education facilities.
137. The application was referred to various external agencies who do not object to the proposal, subject to conditions.
138. Yarra Ranges Council was notified of the application and does not object to the proposal, subject to conditions. The council's comments have been considered through the proposal.

Recommendation

139. It is **recommended** that:
- A planning permit PA2302062 for buildings and works, and the removal of vegetation and native vegetation be issued, subject to conditions.
 - The applicant, objectors and council be notified of the decision 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:

Title:

Phone:

Signed:

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:

Title:

Phone:

Signed:

Dated: 6 November 2024