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Planning Report

BELGRAVE HEIGHTS CHRISTIAN SCHOOL
(20 Wattle Valley & 244 Mt Morton Roads, Belgrave)



Senior Learning Centre

Buildings and works and vegetation removal

Reference: 20799

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Site Address:

Belgrave Heights Christian school

Formal Land Description:

Land in Consolidation 105317 and 368227F

Proposal:

Buildings and works and vegetation removal

Responsible Authority:

DEECA

Document Status:

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EXECUTIVE SUMMARY

On behalf of our client we are submitting this planning application for **buildings and works and vegetation removal** at **Belgrave Heights Christian School (20 Wattle Valley Road & 244 Mt Morton Road, Belgrave)**.

It is proposed to construct a new a Senior Learning Centre at the subject site. The new building is the final stage of the schools ongoing strategic masterplan and follows on from the construction of the Junior School redevelopment.

The new building is to be contained mostly on 244 Mt Morton Road, extending slightly over the title boundary to 20 Wattle Valley Road. The land to accommodate the proposed building and works currently contains informal carparking associated with the school at the eastern end and is vacant and unused for the remainder.

A previous application was made for the construction of a performing arts centre and senior learning building in 2022 (PA2302062). The application was assigned to Vincent Pham at Department of Energy, Environment and Climate Action (DEECA) and underwent thorough assessment, including referral, request for further information and advertising.

A number of objections were received to the application from surrounding neighbours, with the general concerns of residents being, environmental impacts, scale and built form, traffic impacts and amenity. As a result of the submissions received from objectors and referral authorities, the applicant has proceeded with an amended proposal and design, and as such this application to amend the application is made. In summary the proposal seeks to:

- Remove the previous performing arts component of the building and provide simply for the senior learning component;
- Amend the previously proposed building with the building footprint reduced substantially;
- Reduce the extent of proposed carparking works;
- Amend the design of the proposed building, resulting in a reduced built form, bulk and scale;
- Reduce the impacts to existing vegetation on site and provide for retention of a greater number of trees;
- Increase the setbacks of the building from property boundaries;
- Remove the previous signage component.

It is noted that there have been many years of background work, reporting and design to arrive at this latest amended design, which we feel responds appropriately to all previous referrals and objections. In 2022 the school obtained Federal Government funding for the project under the Capital Funding Program. Due to the significant delays in obtaining approval, the school are now at risk of losing the funding and as such are seeking assistance to expedite this project as a matter of priority.

The land is contained within the Low Density Residential Zone (LDRZ), which allows for non-residential uses. The education use is clearly well established and the proposed senior learning centre will improve the schools offerings. A permit is required for buildings and works pursuant to the LDRZ.

The site is wholly covered by the Significant Landscape Overlay, Schedule 22 (SLO22) which seeks to protect vegetation and significant landscapes. Tree removal has been limited as far as practicable however numerous trees will be removed from the site to facilitate the proposal. Tree removal has been significantly reduced as a result of the amended design. The majority of the trees to be removed have low or medium retention values with limited useful life expectancies. The built form is consistent with other buildings on site to ensure that it does not detract from the scenic qualities of the area. A permit is triggered under SLO22 for vegetation removal and for buildings and works as the proposed building exceeds 7.5 metres in height.

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The site is also covered by the Bushfire Management Overlay (BMO) and as such a Bushfire Management Statement has been prepared. A permit is triggered under this clause and it is submitted that the proposal ensures that risk to life is prioritised above all other policy considerations. Numerous trees proposed for removal are required to be removed to achieve bushfire protection.

The proposed works are outside the extent of the Land Subject to Inundation Overlay and Erosion Management Overlay (EMO) and as such these overlays have no bearing on this application.

Due to the proximity of Monbulk Creek, parts of the site are considered to be an area of Aboriginal Cultural Heritage Sensitivity. As such, a Cultural Heritage Management Plan was prepared by Australian Cultural Heritage Management (ACHM) and approved in October 2023 CHMP 18704.

This report seeks to demonstrate how the proposal is appropriate in light of relevant planning policies.

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1 SITE & NEIGHBOURHOOD ANALYSIS

The following should be read in conjunction with the attached plans and provides a brief overview of the site.

1.1 Site & Shape

The site is located on the north side of Mt Morton Road and northern and eastern side of Wattle Valley Road. As a whole the land is approximately 5.5ha in area and irregularly shaped.

1.2 Title Particulars

The site comprises of two allotments being:

- Land in PC274040N Vol 11458 Fol 465
- Land in PC368227F Vol 10877 Fol 396

Each allotment contains numerous easements for the purposes of drainage and sewerage infrastructure as shown on the attached Title Diagrams.

1.3 Existing Use & Development

The site is home to Belgrave Christian School. The school caters for Early Learning through to Senior School (ages 3 -year 12). There are approximately 750 students enrolled in the school.

The existing school buildings are contained on lot PC368227F and comprise a mix of educational uses to support the function of the school. The most recent addition to the school is the Junior Learning Centre.

Lot PC274040N is generally unused comprises mostly of scattered trees with gravel carparking at the eastern end.

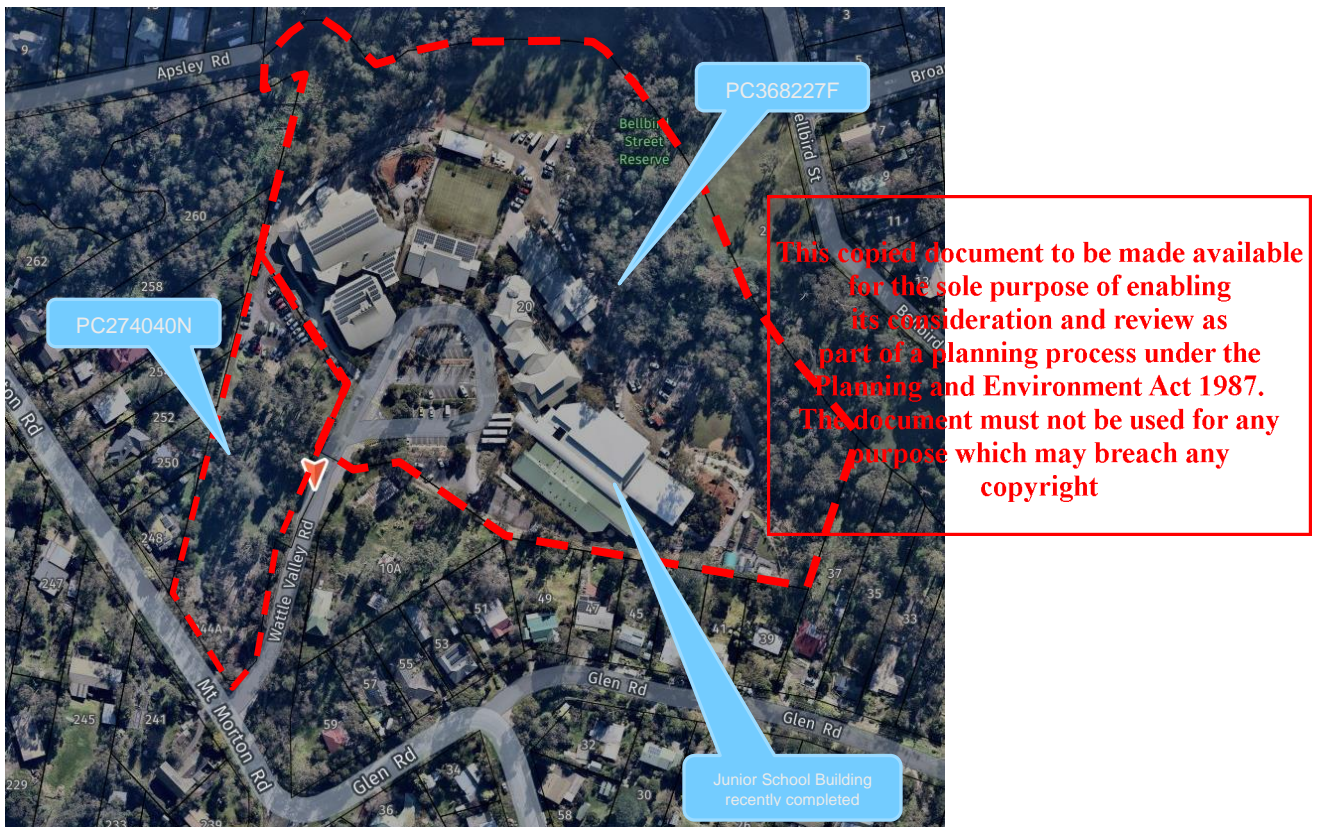


Figure 1: Aerial Photograph of existing conditions

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1.4 Existing Vegetation

The school sits within an attractive landscape setting, with extensive vegetation dominating the area.

The following provides a summary of the vegetated conditions of the site and the expert reports prepared:

Arborist Reports

An Arboricultural Impact Assessment (10 November 2022) identified 246 trees within the subject site, including 147 low retention trees, 57 medium retention trees and 42 high retention trees. The trees are mostly a mix of Acacia, Melaleuca and Eucalypts.

An additional assessment (September 2023) was undertaken as part of the request for further information from DEECA and identified an additional 14 trees located on neighbouring properties, including a large Pine.

A third arboriculture impact assessment was prepared for the amended design as part of this application (July 2024). It did not re assess trees however provides commentary on impacts of the proposed design on existing trees identified in both aforementioned reports.

Ecological Assessment

Through the referral process associated within the 2022 application, DEECA issued a request for further information pertaining to native vegetation on site. As a result, a consultant was engaged to prepare an Ecological Assessment and NVRP. This assessment is currently underway, and a completed copy will be forwarded once available.

Red-tip Greenhood

Through the referral process associated with the 2022 application, it was identified by DEECA that the site contained suitable habitat for Red-tip Greenhood, as such a targeted survey for this species was undertaken and report prepared by Ironbark Environmental Arboriculture in May 2024.

The report found no Red-tip Greenhood or any other orchid species within the assessment area which is consistent with the EVC mapping for the site that also suggests that the site conditions would not be suitable for the Red-tip Greenhood.

1.5 Existing Fauna

Through the referral process associated with the 2022 application, it was identified by DEECA that there was a moderate-high likelihood for three species of Burrowing Crayfish to be located within the site. As a result a Targeted Flora Survey was undertaken and a report prepared by Ironbark Environmental Arboriculture in June 2024. The report noted:

- There were no direct observations of live burrowing crayfish in the assessment area during the site survey;
- There were 15 sites identified where there was evidence of burrowing crayfish in the assessment area. These were in the form of the typical chimney structures constructed by the crayfish.
- Over the 15 sites, sixty chimneys were observed, most of them along the eastern border of the site.

The report includes recommendations in relation to translocation of crayfish within the development footprint and fencing of habitat outside the footprint during construction. Such recommendations can be included as a condition of permit.

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1.6 Access and Car Parking

Access to the school is achieved via Wattle Valley Road which for the most part is a local Council Road. The eastern end of the road does however extend into the school and this leads to a sealed carpark and loop road in front of the existing school buildings.

A network of internal driveways are available throughout the site including a fire access track that is available around the periphery of buildings.

Car parking on site includes the formal parking area forward of the existing school buildings, and some informal gravel parking areas around the school site and within lot PC274040N.

A Traffic Report has been prepared and is attached to this application. It provides additional information in relation to traffic and carparking. In addition, a supplementary letter has been provided by O'Brien Traffic to respond to objections received to the 2022 application in relation to traffic concerns.

In response to feedback from neighbours regarding traffic congestion, the school worked with Shire of Yarra Ranges recently and funded a Council project to install a left turn auxiliary lane from Mt Morton Road into Wattle Valley Road, decreasing the likelihood that through traffic on Mt Morton Road would be impacted by queuing school traffic. This lane has improved traffic congestion within the locality.

1.7 Aboriginal Cultural Heritage

The subject site is situated within an area of Aboriginal Cultural Heritage Significance.

Accordingly, works for an education centre (r.46) in a sensitive area that has not been subject to significant ground disturbance in the past, triggers the requirement for a Cultural Heritage Management Plan (CHMP).

ACHM prepared a CHMP for this activity and it was approved in 2023. A copy of CHMP 18704 is attached.

1.8 Bushfire Considerations

The subject site is located within an area of high Bushfire Risk and is impacted by the Bushfire Management Overlay. As such, on site use and development is required to meet Bushfire Planning Requirements.

A Bushfire Management Statement has been prepared to accompany this application.

With reference to existing on site bushfire considerations, the site contains numerous water tanks and a fire hydrant system to provide for water supply. The site also contains a fire access track around the periphery to CFA standards. It provides for continuous vehicle movements around the site whilst also offering a buffer to thick vegetation along the Monbulk Creek to the north of the site.

The school has a Bushfire Readiness Policy in place, a copy of which is provided in the Bushfire Management Statement.

1.9 Acoustic Considerations

The subject site is located within an existing residential area where dwellings along Glen Road and Mt Morton Road abut the existing school grounds. Amenity impacts to these neighbouring dwellings were raised as key considerations by both Yarra Ranges Council and DEECA and objectors. As such the proposal seeks to respond to these considerations.

An Acoustic Report has been prepared by Hansen Associates and is attached to this application.

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1.10 Site Photographs



Photograph 1: Existing school built form (middle school building), access and carparking



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Photograph 2: Existing Carpark within PC374040



Photograph 3: Existing School buildings, fire access track and adjoining Monbulk Creek vegetated area



Photograph 4: Formal School car parking area

2 PROPOSED DEVELOPMENT

It is proposed to construct a new a Senior Learning Centre on site. The new building is the final stage of the schools ongoing strategic masterplan and follows on from the construction of the Junior School redevelopment.

2.1 Proposed Building

The building design has been scaled back from the previous application, in response to objection submissions and concerns around traffic, built form, environmental impacts and amenity. The extent of works is substantially reduced under the new design as shown on the attached plans.

This new senior learning building will provide a visually complimentary piece of architecture on arriving at the site and contain a mix of general learning areas whilst providing links to the existing middle school.

In particular the space will provide for the following on the lower ground floor:

- Five general learning classrooms;
- A centrally located open plan learning space;
- Staff room and two private offices;
- Amenities;
- Locker storage.

Together with the following on the ground floor:

- An additional five general learning classrooms;
- Centrally located open learning space;
- Two separate offices;
- Amenities.

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The new building will allow the school to enhance their existing Senior Learning programs with new purpose built spaces to better cater to students needs. There is no intention at this point to increase staff or student numbers as a result of the proposal, the new building will simply better cater for existing students and enhance offerings.

The building is to be constructed primarily on lot PC374040, being the allotment comprising of vegetation and gravel carparking areas. It is partly constructed over the internal title boundary as demonstrated on the plans, allowing it to integrate with existing courtyard areas providing cohesion between the school buildings.

The architectural style of the proposed building complements the existing school setting with a mix of materials utilised including lightweight cladding, feature brickwork, Colourbond cladding, rendered and concrete finishes. The building is provided with a skillion style roof and chosen colours are muted earthy tones that respect the surrounding landscape.

The scaled back design of the building results in a smaller building footprint and greater boundary setbacks.

2.2 Vehicle Access and Carparking

As shown on the attached plans the existing driveway that wraps around the north of the existing school buildings will be continued along the west of the proposed school building. It travels along the western boundary to car parking areas either side of the accessway before exiting at Wattle Valley Road to the south east corner of the allotment.

The new carpark area caters for 43 formal carspaces which replace the existing 43 informal spaces available on site that provide for staff parking. In total, the site will provide for 43 spaces

in the new parking area, 55 in the main central parking area and 37 informal spaces in the top car park area.

The Traffic engineers have recommended that no exit movements from the new parking area be permitted in the afternoon until 15 minutes after the school bell rings to avoid conflicts with parent traffic. Given the parking area is to service teachers, this seems to be reasonable and an appropriate condition could be added to the planning permit.

The attached Traffic Report and section 3.5 below discuss statutory carparking requirements and concludes that the site as a whole will be adequately serviced by carparking.

There are no changes proposed to the vehicle access to the remainder of the school

2.3 Waste Management

A waste management plan has been prepared and discusses adaptations to the existing system to cater for the new buildings. The new accessway network can accommodate emergency and service vehicles appropriately.

2.4 Earthworks

As shown on the attached plans, earthworks are required across the site to facilitate building, access and carpark construction given the topography of the land.

Where possible the building, courtyard and accessways have been designed to step with the topography of the land however earthworks exceeding 1m are required as per the attached plans.

2.5 Vegetation Removal

The proposal has been revised is design to reduce the impacts on vegetation as discussed above. The impacts of the proposal are now summarised in the attached arborist report, being:

- Thirty (30) trees within the footprint of the proposed new school building will be removed. These are identified as trees 7-26, 30-35, 45 and 50-52.
- Twenty three (23) trees within the proposed accessway and carpark will be removed. These are identified as Trees 27-29, 60, 101, 102, 132, 133, 171, 173-175, 177-180, 226, 231-235 and 244.
- Eighty six trees are to be removed within the proposed defensible space for bushfire consideration. These include Trees 36-44, 46-49, 53, 55-59, 67-67, 69-72, 74, 77-92, 94-96, 97-100, 103-109, 111, 112, 116, 117, 125, 126, 129, 130, 134-139, 143-156, 176, 181 and 230.
- Encroachment into the TPZs of twelve trees will occur. These are identified as T3, T38, T42, T43 T110, T182, T183, T189, T227, T228, T229 and T237. It is considered that these trees can be retained and appropriate conditions added to the subject permit, such as sensitive construction or root exploration to provide for the ongoing retention.

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In summary, the proposal will see the removal of 104 trees from the site and the retention of 142 trees. This is considered an appropriate balance between maintaining the environmental values, achieving bushfire safety and providing for development that maintains the character of the neighbourhood.

No trees on neighbouring properties will be detrimentally impacted.

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2.6 Proposed Landscaping

A Landscape Design has been prepared to accompany the application and includes provision of lawn, garden bed areas, rockeries, canopy trees, shrubs and understory plantings.

The landscape themes will continue those in the existing school grounds to provide cohesion across the school whilst adhering to bushfire requirements. Canopy trees frame the proposed building where possible to aid in nestling it within the landscape and landscaping areas are provided along the proposed driveway and carpark areas to soften hard surfaces. New canopy trees are proposed along the western boundary of the site to provide for screening to the adjoining residential properties.

Landscaping will be provided in accordance with Vegetation Management conditions of the Bushfire Management Plan.

2.7 Bushfire Considerations

A Bushfire Management Statement has been prepared as part of this application. It concludes that the building should be constructed to BAL-29 requirements in response to site and landscape risk.

In addition, a new static water supply of 40,000L is proposed to cater for water supply requirements. The proposed internal driveways and carpark areas have been designed to accommodate a fire truck as per Bushfire Requirements.

See the attached Bushfire Management Statement for further information.

2.8 Acoustic Considerations

An acoustic report has been prepared to accompany this application. It concludes that the use of standard construction methods for the proposed building are sufficient to control noise egress from the school to nearby residents. The report notes that the Senior Learning Centre is acoustically acceptable and will not cause negative impact on the amenity of the surrounding land.

2.9 Stormwater Considerations

A Stormwater Management Report has been prepared for the development to demonstrate compliance with WSUD principles and guidelines.

The report notes that the legal point of discharge is the existing swale within the easement in the north west of 244 Mt Morton Road. There is an existing council drain through this section of the site to the west and north of the proposed building. Internal drainage will be via traditional below ground pipes discharging to a swale in the north west corner of the site.

The Report recommends on site detention of approximately 71m³ which could be achieved via a combination of above ground tanks, underground tanks and underground pipes.

Detailed drainage design can be prepared as a condition of permit, however the proposal demonstrates compliance with Stormwater management and quality requirements.

2.10 Cultural Heritage

A cultural heritage management plan has been prepared and is attached.

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2.11 Signage

There is no signage proposed as part of this application.

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3 PLANNING ASSESSMENT

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

Zoning

- Clause 32.03 Low Density Residential Zone
- Clause 36.03 Public Conservation & Resource Zone

Overlays

- Clause 42.03 Significant Landscape Overlay – Schedule 22
- Clause 44.06 Bushfire Management Overlay
- Clause 44.01 Erosion Management Overlay
- Clause 44.04 Land Subject to Inundation Overlay

Planning policy framework (PPF)

SPPF

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 14 Natural Resource Management
- Clause 15 Built Environment and Heritage
- Clause 19 Infrastructure

Particular planning provisions

- Clause 51.03 Upper Yarra Valley & Dandenong Ranges
- Clause 52.06 Car Parking
- Clause 52.17 Native Vegetation
- Clause 65 Decision Guidelines

3.1 Permit Triggers

The following table outlines the permit triggers that apply to the proposal:

Planning control	Permit trigger
Clause 32.03 – Low Density Residential Zone	Buildings & Works
Clause 42.03 – SLO	Vegetation Removal
Clause 44.06 – BMO	Buildings & Works

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3.2 Zoning

Pursuant to the Yarra Ranges Planning Scheme, the property is contained within the **Low Density Residential Zone (32.03) (LDRZ)** which seeks:

- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

Pursuant to **Clause 32.03-1** a permit is not required to use land for Education as the building is considered an ancillary component to the current use.

Pursuant to **Clause 32.02-4** a permit is required to construct or carry out works associated with a use in Section 2 of **Clause 32.03-1**.

Response – Low Density Residential Zone

The proposed works occupy two parcels being 244 Mt Morton Road and 20 Wattle Valley Road, Belgrave.

The existing school is established with use and development rights on 20 Wattle Valley Road with 244 Mt Morton Road offering a bush block with some gravel carparking utilised as part of the school operations.

As such, this application seeks permission for development at 244 Mt Morton Road for education purposes, to provide for expansion of the existing school. The building is considered to be an ancillary component of the school and as such, in line with the current existing use of the school.

The proposed building enhances current school facilities and will not prejudice the intent of the zone given the established development.

It is noted that a small portion of land at the north-western corner of the site is within the **Public Conservation and Resource Zone (36.03)**. There are no works in this location and as such the zone provisions are not relevant.

3.3 Overlays

The subject site is covered by the **Significant Landscape Overlay, Schedule 22 (42.03) (SLO22)**. Alongside implementing the Municipal Planning Strategy and Planning Policy Framework, the purpose of the **SLO** is:

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

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A permit is required to construct a building or carry out works, to construct a fence or to remove vegetation unless a schedule states otherwise.

Schedule 22 identifies Foothills and Rural Townships, identifying the following key landscape elements 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

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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.

The landscape character objectives to be achieved for SLO22 are:

- *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*

Pursuant to the Schedule a permit is required for the removal of indigenous vegetation or a substantial tree. A substantial tree is defined as having a diameter at breast height (DBH) greater than 0.26 metres at 1.3 metres above the ground (Equivalent to 0.8 metres circumference).

Pursuant to the Schedule to the Clause a permit is not required for buildings and works where the following requirements are met:

- *The height of any part of a building is no more than 7.5 metres above the natural surface of the ground directly below it*
- *The total building footprint does not occupy more than 30% of the site and the total hard surface area (impervious surfaces) does not exceed 50% of the site*
- *The buildings and works are at least 4 metres from the base of any Substantial Tree. Works may occur closer than 4 metres provided they do not alter the existing ground level or topography of the land*
- *The buildings and works are at least 10 metres from a designated street*
- *The buildings and works are at least 10 metres from a designated open Melbourne Water drain.*

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Response – Significant Landscape Overlay – SLO22

As discussed above, numerous trees are required to be removed from the site to make way for the proposed development, access and bushfire safety. The trees are generally a mix of Acacia, Melaleuca and Eucalyptus and are mostly low to moderate significance.

A permit is also triggered for buildings and works under this clause given that they exceed 7.5m in height.

- The proposal meets the landscape character objectives of the SLO as follows:
- The proposed works will not compromise the environmental sensitivity of the residential area given the majority of the land is already used for a school.
 - Majority of the site comprises of regrown vegetation and as such many of the trees to be removed are not significant canopy trees but rather smaller trees with limited DBH's. The removal of this vegetation will not have a substantial impact on the landscape character of the neighbourhood.
 - The proposal provides for retention of 142 trees on site adjacent to the proposed building, and further vegetation in the wider school grounds.
 - The building and works respond to existing topography, making use of level changes to limit earthworks where possible;
 - The proposed building is well setback from external property boundaries to avoid conflict with adjacent land uses. In particular vegetation is proposed along the western boundary of the site to provide a buffer to the neighbouring residential uses;
 - Significant vegetation along Monbulk Creek is not impacted and will frame the development ensuring it blends with the landscape character;
 - The proposed materials and colours are appropriate for the character of the neighbourhood and will complement the existing school buildings;
 - New landscaping is proposed around the new building to ensure that it blends into the treed setting.
 - The extent of built for has been substantially reduced to limit the scale of the building and its impacts on the local area.

The subject site is wholly impacted by the Bushfire Management Overlay (44.06).

- *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.*

A permit is required to construct a building associated with 'education' and an application must meet the requirements of Clause 53.02.

Response – BMO

A detailed Bushfire Management Statement has been prepared to address the requirements of the BMO, a copy of which is attached. The proposal meets the requirements of this clause.

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The School site is also impacted by the Land Subject to Inundation Overlay (44.04) in the northern reaches and the Erosion Management Overlay (44.01) to the east. No works are proposed within the extent of these overlays and as such they have no bearing on this application.

3.4 Planning Policy Framework

The PPF seeks to ensure that:

The objectives of Planning in Victoria are fostered through appropriate land use and development planning policies and practices which investigate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Integrated decision making in part states that:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The Planning Policy Framework is structured around the following themes; those relevant to this application are discussed below:

Settlement (Clause 11) aims to ensure that sustainable development is located within areas that are well serviced, and easily accessible. The policy aims to ensure that planning is to anticipate and respond to the needs of existing and future populations, guided by Metropolitan strategies within Melbourne. The policy also aims to ensure a sufficient supply of land for many different uses within the Metropolitan areas of Melbourne.

Environmental and Landscape Values (Clause 12) aims to protect the health and viability of ecological systems, and to conserve areas that are identified with environmental and landscape values. The policy aims to ensure that environmentally sensitive areas are protected and conserved.

Shire of Yarra Ranges policy for Biodiversity (12.01-1L) is of relevance and includes strategies to support sustainable development and protection of biodiversity through avoiding vegetation removal an appropriate offsetting.

Clause 12.05 Significant Landscapes and Environments discusses environmentally sensitive areas and landscapes and seeks to protect these areas that contribute to character and identity.

Environmental Risks and Amenity (Clause 13) aims to strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach. The policy also aims to avoid or minimize natural and human made environmental hazards, environmental degradation and amenity conflicts and ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Clause 13.02 refers to Bushfire Protection which has adequately been addressed in the attached Bushfire Management Statement.

Clause 13.05 refers to Noise and sensitive land uses, which has been considered in preparation of the attached Acoustic Report.

Clause 13.07 discusses Land Use Compatibility and protection of community amenity as a result of potential off site amenity impacts. It seeks to avoid locating incompatible land uses in areas that may be impacted by other uses. Yarra Ranges policy 13.07-1L Non residential uses in residential areas builds upon this policy, however applies only to non residential uses in the NRZ, GRZ and RGZ.

Built Environment and Heritage (Clause 15) aims to ensure that new development is appropriately integrated into its surrounding area. It should factor in the surrounding character,

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built form and cultural context of an area. Additionally, the policy aims to protect heritage areas, and also to foster healthy lifestyles for communities.

Yarra Ranges policy 15.01-2L Environmentally Sustainable Development seeks to achieve best practice in environmentally sustainable design and as such the proposal is accompanied by an ESD report.

Clause 15.03-2S Aboriginal Cultural Heritage is relevant given the site is located within a sensitive area, as such a Cultural Heritage Management Plan has been prepared and approved.

Infrastructure (Clause 19) aims to guide development of social and physical infrastructure to enable it to be provided in a way that is efficient, equitable, accessible and timely. Whilst recognizing social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support facilities.

Yarra Ranges Policy 19.03-3L Water management seeks to ensure development achieves best practice and incorporates WSUD where appropriate.

Response – Planning Policy Framework:

- The proposed development is compatible with the planning policy framework as the use is existing and to be expanded to an unused area that forms part of the school grounds.
- The proposed expansion will enhance the school's facilities which will better serve the needs of the local community.
- The proposed development layout responds accordingly to the existing site and neighbourhood conditions.
- Environmental and landscape values have been duly considered in the revised design and siting of the building. Whilst vegetation is to be removed, much of it is low and medium retention value with high retention value trees retained where possible. Space for new landscaping is available in accordance with bushfire requirements.
- Environmental risks have been appropriately addressed through preparation of a Bushfire Management Statement.
- Amenity risks have been appropriately addressed through design and siting and preparation of a Acoustic Report.
- The use of the school grounds is existing, and the proposed new building is well setback from surrounding parties with new landscaping provisions to ensure there are no land use conflicts as a result of the proposal.
- The proposal seeks to achieve the avoid, minimise and offset provisions of the planning scheme, as detailed in the Ecological Assessment under preparation.
- The proposed building incorporates environmentally sustainable design elements as encouraged by the planning scheme and detailed in the attached ESD report.
- The proposed built form responds to the style and character available within the existing school grounds with the new building making a positive architectural contribution.
- The land is fully serviced and infrastructure will be extended to service the proposed building. A Stormwater Management Plan and Report have been prepared to demonstrate how stormwater can be appropriately managed.

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3.5 Particular Provisions

3.5.1 Clause 51.03 Upper Yarra Valley & Dandenong Ranges Strategic Plan

A planning permit is not triggered for buildings or works, vegetation removal or earthworks under the provisions of this clause. However, all other provisions of the planning scheme must be met, these provisions are as discussed throughout this report.

3.5.2 Car Parking (Clause 52.06)

This Clause seeks:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and Planning Policy Framework;*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;*
- *To support sustainable transport alternatives to the motor car;*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities;*
- *To ensure that car parking does not adversely affect the amenity of the locality; and*
- *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.*

Before the floor area of an existing use is increased, the number of car parking spaces required in this clause must be provided to the satisfaction of the responsible authority.

The Planning Scheme parking requirements for schools relate to the number of staff on site at any given time. The rates are 1 space to each employee for primary schools and 1.2 spaces to each employee for secondary schools.

Response – Car Parking:

As discussed in the traffic report, the requirements of this standard are easily met: In this case, as there are no additional students or staff generated by the proposed new facility, it is considered that no additional parking spaces are required by the proposed facility.

The proposed development will remove approximately 43 informal parking spaces and replace these parking spaces with 43 formal parking spaces. As such, the Planning Scheme requirement for parking spaces has been achieved.

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3.5.3 Clause 52.17 Native Vegetation

This clause seeks to:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
 - *Avoid the removal, destruction or lopping of native vegetation.*
 - *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*

- Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

A planning permit is required to remove, destroy or lop native vegetation (some exemptions apply).

Response – Native Vegetation

As discussed above, vegetation is required to be removed from the site to facilitate the proposed development. An Ecological Assessment is currently being prepared to demonstrate the native vegetation losses as a result of the proposal.

The proposal is considered to meet the avoid, minimise and offset principals of this clause with the design being substantially altered to reduce the extent of vegetation removal (avoid/minimise), a 146 canopy trees to be retained on site (avoid/minimise), and the minimum extent of native vegetation to be removed and appropriately offset.

The Ecological Assessment including NVRR will be provided as soon as possible.

3.5.4 Clause 53.02 Bushfire Planning

This clause seeks:

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

Clause 53.02 applies to an application where the requirements of a Bushfire Management Overlay are triggered.

Response – Bushfire Planning

As discussed above, a Bushfire Management Statement has been prepared to demonstrate how the proposal accords with the requirements of the BMO and this also covers off on the requirements of this clause.

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3.5.1 Stormwater Management in Urban Development (Clause 53.18)

This Clause seeks:

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

It does not apply to an application within the LDRZ however stormwater management has been considered as outlined in the attached SMR.

3.5.2 Non-Government Schools (Clause 53.19)

This Clause seeks:

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

It applies to:

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

An application is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act, meaning that there are no third party appeal rights.

3.5.3 Decision Guidelines (Clause 65)

Before deciding on an application or approval of a plan, the responsible authority must consider a series of matters and these seek to ensure good decision making. In addition to consideration of applicable policies and strategies as outlined in this report, the responsible authority must make a judgement on whether a proposal presents an appropriate outcome with respect to amenity, land use conflicts, environmental aspects and the orderly planning of the wider area.

It is submitted that this proposal responds to policy requirements and specific opportunities and constraints to offer an outcome that will make a positive contribution to the municipality. There are no fundamental shortfalls in the matters to be considered and as such we consider approval of this application to be an example of good decision making.

3.5.1 Responsible Authority (Clause 72.01)

The Minister for Planning is the responsible authority for:

- *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 any of the following apply:*
 - *There is no existing primary school or secondary school on the land.*
 - *The estimated cost of development is \$3 million or greater.*

The application satisfies these requirements.

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4 CONCLUSION

We submit that the proposed new performing arts and senior school building is appropriate for the following reasons:

- The Low Density Residential Zone allows for non-residential uses and the school is an established use. The proposal is in accordance with the current use of the site.
- The Planning Policy Framework supports the development of education facilities and the proposed works will ensure that the school continues to meet community expectations;
- The proposal accords with the purposes and decision guidelines of the Significant Landscape Overlay, Schedule 22. Whilst some vegetation is to be removed, trees are mostly low or moderate retention value and ample space is available for new landscaping. The proposed works have been designed to ensure that the landscape qualities of the site are maintained;
- The proposal provides for the retention of 146 canopy trees around the proposed building an accessway, to maintain the vegetated character of the site and surrounds.
- The proposal is consistent with the objectives of the Bushfire Management Overlay and Clause 53.02 Bushfire Planning, ensuring that the protection of human life and property from bushfire can be managed to an acceptable level;
- The proposal meets the requirement of Clause 52.06 Car Parking;
- The proposal has been revised in design as a result of objections and commentary received on the original plans, with the building size and scale substantially reduced and the previous performing arts component removed.
- The proposal is consistent and complies with the decision guidelines stated within Clause 65.

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