

**ADVERTISED  
PLAN**  
Planning Report

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



Performing Arts & Senior Learning Centre

Buildings and works, vegetation removal & signage

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, vegetation removal & signage

## Responsible Authority:

DELWP

## Document Status:

Version: Date	Description	Prepared by	Checked by
No 1: November 2022	Planning Submission	B Bruns	M Edwards
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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 Performing Arts and Senior Learning Centre on a vacant allotment that has been acquired by the school in recent years. The new building is the final stage of the schools ongoing strategic masterplan and follows on from the construction of the Junior School redevelopment that is nearing completion.

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.

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 as such the auditorium is considered an ancillary component of the school. 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 given the nature of the proposal however numerous trees will be removed from the site. The majority of the trees to be removed have low or medium retention values with limited useful life expectancies. Of the trees assessed a total of 76 will be retained to ensure that the bush setting of the site is maintained. 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.

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.

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 is required and is currently under preparation by Australian Cultural Heritage Management (ACHM). A completed copy of the CHMP will be provided once approved.

Pre application discussions were held with Yarra Ranges Council (Alexia Paterson, April 2022) where the merits of the proposal were discussed and Councils key considerations were outlined as drainage, vegetation removal/retention, traffic, carparking and amenity impacts to neighbouring properties.

A pre-application meeting has also been held with DELWP (May, 2022).

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

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## 1 SITE & NEIGHBOURHOOD ANALYSIS

### 1.1 Site Description

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

#### 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.

#### Title Particulars

The site comprises of two allotments being:

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

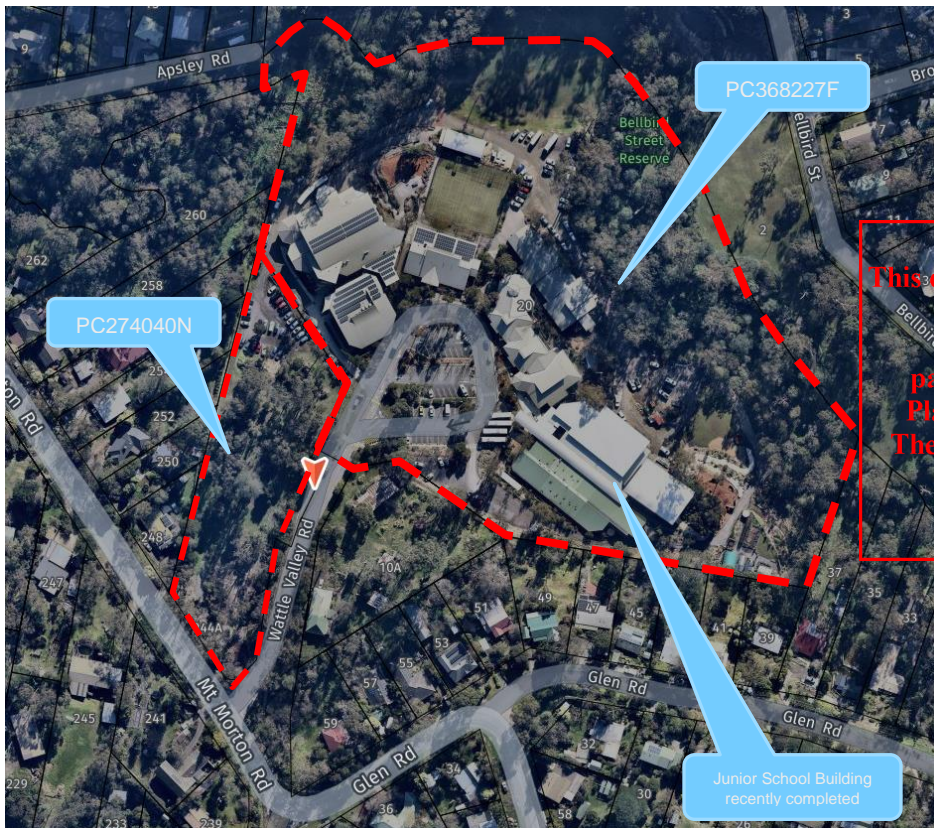
Each allotment contains numerous easements for the purposes of drainage and sewerage infrastructure as shown on the attached Title Diagrams.

#### 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.



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Figure 1: Aerial Photograph of existing conditions

## Existing Vegetation

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

An Arborist report has been prepared for vegetation in proximity to the proposed works. Trees on site are a mix of species including Blackwood, Swamp Gum, Messmate, Peppermint, Pittosporum.

In total, there are 147 Low Retention Trees, 57 Medium Retention Trees and 42 High Retention Trees.

Further details are available in the attached report.

## 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 site 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.

## 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 has been engaged to prepare a CHMP for this application, which is currently underway. The completed CHMP will be forwarded upon completion.

## 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.

## 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 DELWP and as such the proposal seeks to respond to these considerations.

The development plans indicate that dwellings are typically well setback from the proposed school building and new landscaping is proposed along the northern boundary to provide screening. An acoustic report can be prepared if required.

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## Site Photographs



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



Photograph 2: Existing Carpark within PC374040



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



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Photograph 4: Formal School car parking area



## 2 PROPOSED DEVELOPMENT

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

This new PAC will provide a visually complimentary piece of architecture on arriving at the site and contain a mix of general learning areas and specialist learning areas which will include the following spaces:

- Entry and Foyer and kitchen with servery
- Gallery spaces and voids
- Drama/dance studio
- Music GLA
- Visual media GLA and 5 tutorial rooms
- Band Room GLA
- Music and instrument store, and 5 shared music tutorial rooms
- Black Box theatrette with retractable mobile seating and store
- Auditorium and Stage with associated storage and plant rooms
- Amenities areas, costume & prop storage, office and green room
- 4 x new General Learning Area Classrooms years 5/6
- 8 x New General Learning Area Classrooms for Seniors
- Wellbeing
- Flexible education area/corridor
- Staff offices and work rooms, and tutorial rooms
- Student amenities and cleaners store rooms
- Under-croft covered play and roof terrace.

The new building will allow the school to considerably enhance their offerings for Years 5 / 6 and Senior Learning with a specialist offering of digital media/arts/drama/music/performance curriculum. The building will cater for 12 General Learning Areas to assist with providing specialist facilities to existing students and enhanced curriculum offerings.

The building comprises of two levels being a ground floor and first floor together with a lower ground floor in response to the topography of the land. The use of each floor is as defined on the attached architectural plans.

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, 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.

### 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 a carpark area south of the proposed building before exiting at Wattle Valley Road to the south east corner of the allotment. The plans demonstrate how the new access and carpark can be accessed by an 8.8m truck for loading purposes.

The new carpark area caters for 49 carspaces. Some of these spaces will replace existing staff parking that will be removed to facilitate the development, while the remainder will be additional spaces for staff use. In total, the site will provide for 49 spaces in the new parking area, 55 in the main central parking area and 37 informal spaces in the top car park area.

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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 new parking area is to services teachers, this seems to be reasonable and an appropriate condition could be added to the planning permit.

The attached Traffic Report and section 3.7 below discuss statutory carparking requirements and concludes that the site as a whole will be adequately serviced by carparking both during normal school operations and when the auditorium is used as a space for productions and events.

### Earthworks

As shown on the attached plans, earthworks are required across the site to facilitate building, access and carpark construction. Where possible these features have been designed to step with the topography of the land however earthworks exceeding 1m are required.

### Vegetation Removal

As shown on the attached plans and Arborist report a total of 170 trees are required to be removed from the site. The following provides a summary of trees to be removed, with further details available on the attached plan and report:

- 24 High retention Value trees impacted within the SRZ
- 42 Medium retention value trees impacted within the SRZ
- 103 Low retention value trees impacted within the SRZ
- 1 High retention value tree with major TPZ encroachment (T3 Pinus Radiata – noting that this is a listed weed species in Yarra Ranges)

There are 72 trees to be retained with no TPZ encroachment. These trees will be provided with tree protection measures during constructions.

There are 3 trees to be retained with minor TPZ encroachment. The arborist has concluded these trees will tolerate encroachment.

There is a single tree with major encroachment into TPZ (12.5%, T237). The arborist has concluded this tree will tolerate this encroachment and recommended tree protection measures.

### 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 to aid in nestling it within the landscape and landscaping areas are provided along the proposed driveway and carpark areas to soften hard surfaces. Particular attention has been given to landscaping along the western boundary of the site to provide for screening to the adjoining residential properties.

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### 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.

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## 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 106.48m<sup>3</sup> 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.

## Cultural Heritage

A cultural heritage management plan is under preparation for the proposed development and will be forwarded upon completion.

## Signage

Signage is proposed on the side of the building as depicted on the architectural plans.

## Waste Management

A Waste Management Plan (WMP) has been prepared to outline details of waste treatment on site, refer to attached.



Figure 2: 3D Representations of proposed building

## 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 14	Natural Resource Management
Clause 15	Built Environment and Heritage
Clause 19	Infrastructure

#### MSS

Clause 21.06	Built Form
Clause 21.07	Landscape
Clause 21.09	Environment

#### LPP

Clause 22.01	Discretionary Uses
Clause 22.05	Vegetation Management

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### Particular planning provisions

Clause 51.03	Upper Yarra Valley & Dandenong Ranges
Clause 52.06	Car Parking
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
Clause 52.05	Signage

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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.*

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 stream*
- *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. The trees are a mix of Acacia 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 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 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.

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The School site is also impacted by the Land Subject to Inundation Overlay (44.04) to the north, the reaches and the Erosion Management Overlay (44.01) to the east. No works are proposed in 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.*

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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.

**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.

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

**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.

### Response – Planning Policy Framework:

- The proposed development is compatible with the PPF 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 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.
- 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.

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- The land is fully serviced and infrastructure will be extended to service the proposed building.

### 3.5 Municipal Strategic Statement

The MSS contained in Clause 21 of the Yarra Ranges Planning Scheme, sets out Council's future land use and development policies for the Municipality. The relevant Clauses for this application are as follows:

#### **Built Form (21.06)**

##### Objective 1 - Siting and Design:

*To promote proper siting and good design in the construction of all buildings and in the carrying out of works.*

Strategies to achieve this objective include:

- *Encourage the siting and design of development to respond to the characteristics of the site and surrounding area;*
- *Implement performance based controls which promote good design in all types of building construction to ensure that each proposal takes account of the site and its surrounds; and*
- *Promote the construction of buildings that incorporate energy conservation principals.*

##### Objective 6 - Buildings in Residential, Rural Living and rural Areas:

*Ensure that any development reflects the environmental and physical forms of the surrounding neighbourhood.*

Strategies to achieve this objective include:

- *Protect and enhance the residential character and neighbourhood amenity of residential, rural living and rural residential areas to ensure that new development is compatible with the scale and bulk of nearby buildings;*
- *Ensure that all development is sensitively designed and sited, having regard to the natural physical features of the land, including slope, the presence of existing vegetation and view lines; and*
- *Building setbacks, height, site coverage and design enable the efficient use of the site, whilst also recognising the amenity of the surrounding residents, and the residential and environmental character of the area.*

##### Objective 7- Neighbourhood Character – Residential Areas:

*To recognise and protect the distinctive characteristics and environmental features of the residential areas throughout the Shire.*

Strategies to achieve this objective include:

- *Retain extensive tree canopy cover and native vegetation and ensure that opportunities are available to establish and preserve substantial trees within residential areas; and*
- *Protect and enhance the rural residential areas to ensure new development is compatible with the scale and bulk of nearby buildings.*

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#### **Landscape (21.07)**

##### Objective 1 – Scenic Landscapes:

*To retain and protect the scenic landscapes, rural and green wedge character and special environmental features of the Shire.*

Strategies to achieve this objective include (relevant points only):

- *Prevent more intensive development in areas of low density rural residential use as these areas act as buffers or areas of transition between urban areas and other areas of high agricultural and environmental significance.*

- *Protect and enhance environmental and landscape values, particularly those derived from remnant vegetation.*
- *Ensure, where appropriate, that external surfaces, including roofs, are treated with non-reflective materials and subdued colours to reduce the visual impact of the development on the surrounding area.*

## **Environment (21.09)**

### Biodiversity (21.09-1)

#### **Objective 2 – Vegetation:**

*Permission for the removal of vegetation is required under the provisions of Clause 51.03 and 52.17 of this planning scheme as well as under the ESO and SLO.*

- *To protect and enhance the Shire's rich biodiversity.*

### Environmental Hazards (21.09-2)

#### **Objective 1 –**

*To ensure that the use of land and development takes account of physical development constraints such as flood, fire and landslip and to control development in these areas.*

### Sustainability (21.09-3)

#### **Objective 1 – Sustainable Building Design:**

*To ensure that the use of land, the construction of buildings and the carrying out of works are of a type, scale and design which do not adversely impact on the natural environment and take account of physical development constraints.*

Strategies to achieve this objective include:

- *Ensure that new and upgraded infrastructure is of an appropriate design and standard to prevent environmental degradation.*
- *Require land capability assessments where there are identified physical constraints for land use and development, such as flooding, erosion, wildfire risks and landslip.*
- *Encourage energy efficient design in new development and in the provision of infrastructure; and*
- *Facilitate suitable land use and development.*

## **Response – Municipal Strategic Statement:**

The proposal is consistent with the MSS for built form in that it provides an attractive modern building that is sited and designed to respond to the characteristics of the site. The building has been orientated to allow appropriate solar access to maximise the level of natural light. The overall outlook from neighbouring properties will remain relatively unchanged given that generous setbacks are maintained and vegetation provides for screening.

There will be no adverse amenity impacts to neighbouring properties as a result of overshadowing or overlooking concerns. The scale and height of the proposed building responds to the fall of the land and whilst multi storey in nature it sits below the canopy line of existing vegetation and ensures that view lines are not detrimentally impacted.

The proposal is consistent with the MSS for landscape with generous setbacks and large permeable areas retained. Whilst numerous trees will be removed, tree removal is kept to the minimum extent necessary and many are smaller trees with low retention values. Where possible vegetation around the boundaries of the site is retained and space for new landscaping is provided.

It is submitted that the development meets the objectives of the MSS for Environment in that it will not cause any detriment to nearby Monbulk Creek. The building design

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considers sustainable features, with excellent northern orientation. A Bushfire Management Plan has been prepared to respond to the bushfire risk.

### 3.6 Local Planning Policies

The following clauses and policies are of relevance to this planning application;

Clause 22.01 Discretionary Uses Residential and Industrial Zones seeks to:

- Provide limited and controlled opportunities for non-residential uses that meet the needs of the local residential community, protect the residential amenity of the area and are compatible with the visual, environmental and landscape qualities of the neighbourhood.
- Ensure that non residential uses are of a scale and intensity that will not detract from the environmental features and amenity of the residential neighbourhood.
- Prevent the establishment of commercial uses which would be more suitably located in a commercial centre or industrial area.

#### Response – Clause 22.01

The use of the land for education is well established and the school services the needs of the local community. The expansion of the school will ensure that community expectations are continued to be met in terms of student offerings. The extension of the school is considered in line with the current use and an ancillary component of the school and as such will not cause detrimental amenity impacts to the surrounding neighbourhood given the use of the school is existing and is unlikely to intensify as a result of the proposal. The building has been designed to be setback from boundaries and avoid impacts to neighbouring dwellings.

Clause 22.05 Vegetation Protection applies to all proposals if a permit is required to remove vegetation. Permission for the removal of vegetation is required under the provisions of Clause 51.03 as well as the Significant Landscape Overlay.

A permit is required to removed vegetation impacted by proposed works and as such this clause is of relevance.

The associated objectives are detailed under Clause 22.05-2 and include:

- Recognise the importance of remnant vegetation in providing wildlife habitat and corridors for wildlife movement, as a source of genetic diversity, as a place for recreation and as an important feature of the special landscape character of the Shire.
- Ensure that consideration is given to the effect of the removal of vegetation when assessing proposals to use and develop land.
- Protect and enhance the long term viability of all remnant vegetation, whether in a bushland, rural, green wedge or urban environment, especially if the vegetation is generally undisturbed.
- Ensure the conservation of remnant vegetation to sustain and enhance natural ecosystems for both plants and animals.
- Ensure that agricultural and land management practices protect and provide for the long term maintenance of remnant vegetation.
- Ensure that the clearing of remnant vegetation will not have any adverse effect on landscape values, wildlife habitat and wildlife corridors or lead to land degradation through soil erosion or loss of water quality;
- Protect and maintain vegetation communities and species of botanical significance, ensuring none are unnecessarily removed, threatened or destroyed.
- Conserve and protect the habitat of native fauna, especially species which are threatened or endangered; Recognise the importance of riparian vegetation to the protection of water quality within streams and wetlands and to the wildlife habitat values of these areas;

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- *Recognise the importance of vegetation in assisting soil stability in areas of high landslip risk and ensure that the effects of vegetation removal in these areas are kept to a minimum; and*
- *Promote re-vegetation with native species, that are indigenous to the area within which they are to be used, as a means to increase and enhance areas of remnant bushland in the Shire and to assist in the sound management of land.*

Policies for achieving these objectives are detailed under *Clause 22.05-3* and include:

- *Applications to remove mature trees or remnant vegetation demonstrate the need to remove such vegetation.*
- *If it is proposed to remove vegetation to allow an approved use or development, and in order to conserve vegetation, consideration be given to whether there is any alternative location for the proposed buildings or works to avoid or minimise disturbance to the vegetation.*
- *Preference be given to proposals which demonstrate that a net environmental gain will be achieved by allowing limited vegetation removal whilst providing for the long term protection and enhancement of other remnant vegetation on the site or within the immediate area.*

### Response – Clause 22.05

It is acknowledged that the proposal requires the removal of a number of trees as discussed previously in this report. This is considered an appropriate design response for a site that forms part of an existing school, where expansion is required to serve the local community. A high number of trees are retained across the site to ensure the bush setting of the neighbourhood is maintained and new landscaping is proposed to complement the new building.

## 3.7 Particular Provisions

### 3.7.1 Clause 51.03 Upper Yarra Valley & Dandenong Ranges Strategic Plan

A planning permit is not triggered for buildings or works, earthworks or vegetation removal under this clause given the site is located within a Low Density Residential Zone.

It is noted that if there is inconsistency between any provision in this clause and any other clause of the Yarra Ranges Planning Scheme, the requirements of this clause prevail unless specified. This clause specifies it does not override the permit triggers contained in the SLO.

On this basis, the subject Clause does not trigger a planning permit for vegetation removal from the subject site and overrides the requirements of Clause 52.17. There is no requirement for this application to address Clause 52.17 or provide offsetting for vegetation to be removed. The permit triggers contained in the SLO stand.

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### 3.7.2 Clause 52.05 Signage

A planning permit is required for the erection of signage on this site, which is nominated as a Category 3 – High Amenity Area. Proposed signage is as shown on the attached Building Elevations and includes lettering identifying ‘Belgrave Heights Christian School’ which will span 8m wide and 1.3m tall. The signage is appropriate for the scale of the building and will not be illuminated.

### 3.7.3 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:**

***In this case it is considered that there is only a small Planning Scheme parking requirement associated with the Senior Learning Centre, as it is estimated that no more than 5 additional staff will be on site at any given time (i.e.  $5 \times 1.2 = 6$  spaces). No additional students will be generated by the proposed new facility.***

***It is assumed that there will be no additional staff generated by the Performing Arts Centre. The Performing Arts Centre will also not generate any additional students. However, if the facility is used for activities where parents come to watch, then there will be a parking demand associated with the new use. Assuming that the auditorium is best covered by the Place of Assembly category in the Planning Scheme, there is a Planning Scheme requirement for 0.3 spaces to each patron permitted.***

***Assuming a maximum of 312 seats, this equates to a Planning Scheme requirement for 93 spaces. It is assumed that the Performing Arts Centre will only be accessed by an audience outside of school hours. The provision of 49 new parking spaces as part of the proposal, and the existing 55 parking spaces in the main, central, parking area, as well as a further 37 informal spaces in the top car park area (south of the formal car park), is well in excess of this requirement.***

***It is considered that the additional 6 car parking spaces required by the Planning Scheme for the Senior Learning Centre will be provided as part of the new 49 parking spaces to be constructed as part of the development. When the auditorium is used at capacity, the site will provide all 93 parking spaces required by the Planning Scheme.***

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**3.7.4 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.**

**3.7.1 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.

**3.7.2 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 a plan to be 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.

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**3.7.3 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.

### 3.7.1 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.

## 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 Municipal Planning Strategy and 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 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 is consistent and complies with the decision guidelines stated within Clause 65.

Millar I Merrigan

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