

186 Bungaree-Wallace Road, Bungaree

Planning Permit No: PA2403243
Application for Planning Permit



Planning Permit Officer Assessment Report
Development Approvals & Design

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Executive Summary



Key Information	Details		
Application No:	PA2403243		
Received:	30 September 2024		
Statutory Days:	55 days		
Applicant:	St Joseph's Flexible Learning College (Catholic Diocese of Ballarat) c/- Context Planning		
Planning Scheme:	Moorabool Planning Scheme		
Land Address:	186 Bungaree-Wallace Road, Bungaree (Lot 1 on Title Plan 910718N)		
Proposal:	Use and Development of a Secondary School, Removal of Vegetation and Display of Signage.		
Development Value:	\$1,000,000		
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because:</p> <ul style="list-style-type: none"> • <i>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:</i> <ul style="list-style-type: none"> ○ <i>There is no existing primary school or secondary school on the land.</i> 		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 35.07	Farming Zone – Schedule (FZ)	<p><i>Use of land for a Secondary school in the Farming Zone.</i></p> <p><i>Construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1 (Secondary School).</i></p>
Overlays:	Clause 42.01	Environmental Significance Overlay – Schedule 1 (ESO1)	<p><i>Construct a building or construct or carry out works.</i></p> <p><i>Remove, destroy or lop any vegetation, including dead vegetation.</i></p>
	Clause 43.02	Design and Development Overlay – Schedule 2 (DDO2)	<i>N/A. Reflective materials are not proposed.</i>
Particular Provisions:	Clause 52.05	Signs	<i>Permit required to display a Business Identification Sign under Category 4.</i>
	Clause 52.06	Car Parking	<i>No reduction to the car parking requirements sought.</i>
	Clause 52.34	Bicycle Parking	<i>Waiver of requirement of Clause 52.34-5</i>
	Clause 52.29	Land Adjacent to the Principal Road Network	<i>No changes required in terms of creation or alteration to access and no subdivision proposed.</i>
	Clause 53.19	Non-Government Schools	<i>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'.</i>
Cultural Heritage:	A portion of the site on the north is in an Area of Aboriginal Cultural Heritage Sensitivity.		
Total Site Area:	8738.76	m ²	
Height:	1	Storey	



Parking:	Cars	Motorcycles	Bicycles
	16	0	0
Referral Authorities:	Moorabool Shire Council (s52 – Notice) Head, Transport for Victoria (s55 – Determining Referral) Central Highlands Water (s55 – Determining Referral)		
Public Notice:	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none">• Notifying adjoining properties A letter of support from Michaela Settle MP (Member from Eureka) has been received. No objections have been received.		
Delegates List:	N/A		



Application Process

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

Milestone	Date
Pre-application meeting (DTP, & applicant)	16 September 2024
Application lodgement	30 September 2024
Further information requested	14 October 2024
Further information received	30 October 2024
Decision Plans	Plans prepared by Plenty Valley Drafting and dated 16/09/2024
Other Assessment Documents	Functional drainage layout plan prepared by Urban Hydro and dated 27/08/2024. Town Planning Report prepared by Context and dated 23 September 2024. Traffic Engineering Assessment prepared by WGA and dated 23 September 2024. Bushfire Management Policy and Procedures prepared by St Josephs and dated 17 July 2024. Land Capability Assessment prepared by Ballarat Soil Testing and dated 13/09/2024.

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

Proposal Summary

3. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Use and development of an education centre (secondary school), removal of vegetation and display of signage
Total Site Area:	8,736.9m ²
Gross Floor Area:	Additional 244.8sqm (new modular classroom)
Height:	2.7m (new modular classroom)
Setbacks:	3m to the southern boundary (new modular classroom)
Land Uses:	Use of the land as an education centre (secondary school)
Car Parking:	16 spaces
Bicycle Parking:	0 spaces



4. Specific details of the application include:

- Demolition of an existing shed and amenities area constructed to the rear of an existing former school building.
- Buildings and works to construct a single storey portable modular school building containing 3 classrooms, utility spaces and student toilets constructed of Colourbond.
- Buildings and works to construct a sealed car park and access area (within existing car parking area in the street setback).
- Use of the former school building for a dining and communal area.
- Maintenance works to clean up school grounds and removal of non-native vegetation. Mature trees in the street are to be retained.
- Buildings and works to install a new wastewater system.
- Construction of new internal fencing.
- Display of signage to existing buildings and cyclone mesh fence to Bungaree-Wallace Road.
- Use of the land for an Education Centre (Secondary School) up to 60 students and 12 staff with hours between 9:00am and 3:00pm.

5. The proposed site layout is provided below:

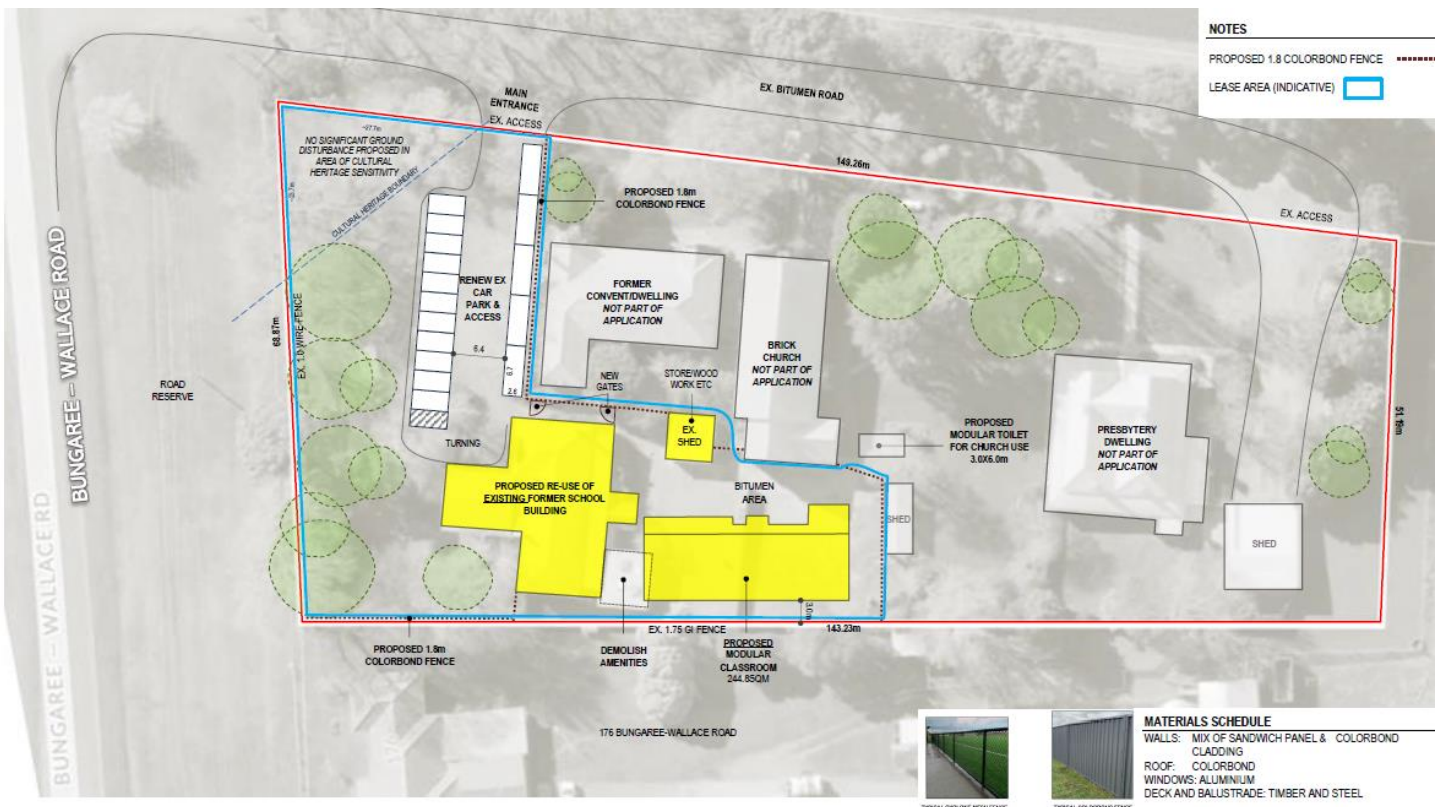


Figure 1: Proposed site layout

Subject Site and Surrounds



Site Description

6. The site is located on a portion of the land at 186 Bungaree-Wallace Road, Bungaree which is associated with St Michael Catholic Church and has a history on the site dating to the 1890s. The proponent (St Joseph's Flexible Learning College) has leased a portion of the land which is indicated by the blue line in Figure 1.
7. The portion of the land subject to the proposal is currently occupied by the former St Michael's School and is a single storey, asymmetrical red brick, interwar Domestic Gothic style building which dates from 1926. There is a rear brick amenities extension to this building.
8. The remainder of the site which is outside of the planning application is associated with St Michael's and includes an operational church, presbytery and a former convent.
9. Vehicle access to the site is from an existing sealed road reserve on the east side of the site with a driveway currently provided to the portion of the site subject to the current proposal. Separate vehicle access is also available to the balance of site which can operate independent from the school.
10. The overall site area is 8,736.9sqm and fronts Bungaree-Wallace Road. The overall site area within the proposal is approximately 3,266sqm. Mature vegetation is located within the street setback
11. The site is formally described as comprising the following land parcels:
 - Lot 1 on Title Plan 910718N
12. There are no easements, restrictions or reserves on the Title. A section of the north-eastern corner of the land is identified as an area of potential cultural heritage sensitivity and the land is mapped as being within Designated Bushfire Prone Area.



Figure 2: Aerial of site and surrounds (supplied by applicant)



Figure 3: Existing school building and access/proposed parking areas (supplied by applicant)



Figure 4: Proposed location of portable modular school building (supplied by applicant)

Site Surrounds

13. The immediate surrounds are predominately farming land with ancillary residential dwellings. Bungaree township is approximately 400m to the east of site and access to the Western Freeway is from Bungaree-Wallace Road.
14. Development surrounding the site can be described as follows:
 - To the **north** of the site is large parcel of farm land within the FZ with ancillary residential dwellings fronting Bungaree-Wallace Road. Farming land extends to the Western Freeway to the north.
 - To the **south** of the site is remaining land associated with St Michael's which adjoins a large parcel of farming land at 176 Bungaree-Wallace Road.
 - To the **east** of the site is a road reserve (approximately 21m wide) which extends beyond the boundary of the subject site. A disused Hotel (Bridge Hotel) is located east of the road reserve and fronting Bungaree-Wallace Road.
 - To the **west** of the site is a large parcel of farming land (same lot referenced to the south). An ancillary residential use to this parcel fronts Bungaree-Wallace Road and is setback approximately 6m from the boundary to the subject site.
15. The applicant has provided the following images of the surrounds.



Figure 5: 190 Bungaree-Wallace Road, Bungaree (Former Bridge Hotel)



Figure 6: 176 Bungaree-Wallace Road, Bungaree (Adjoining lot to the east)



Municipal Planning Strategy

16. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-4	Natural resource management
02.03-5	Built environment and heritage

Planning Policy Framework

17. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1R	Settlement in Central Highlands
11.01-1L-01	Settlement in Moorabool
11.01-1L-04	Small towns and settlements
Clause 13	Environmental Risks and Amenity
13.02-1S	Bushfire planning
13.02-1L	Bushfire planning
13.07-1S	Land use computability
Clause 14	Natural Resource Management
14.01	Agriculture
14.02-1S	Catchment planning and management
14.02-2S	Water quality
Clause 15	Built Environment and Heritage
15.01-1S	Urban design
15.01-2L-01	Building design
15.03-1S	Heritage conservation
15.03-1L	Heritage
15.03-2S	Aboriginal cultural heritage
Clause 19	Infrastructure
19.02-2S	Education facilities



Referrals

18. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral: Determining	Head, Transport for Victoria	27 November 2024 (No objection)
Section 55 Referral: Determining	Central Highlands Water	19 December 2024 (No objection)
Section 52(1)(b) (Notice)	Moorabool Shire Council	14 November 2024 (Objection)

Municipal Council Comments

19. Moorabool Shire Council (Council) objected to the proposed and provided the following comments on the proposal

- Insufficient time for a response.
- The applicant refers to the application as an education centre which is a Section 3 (Prohibited) land use in the Farming Zone - Clause 35.07-1. Secondary school is not defined under Clause 73.03. There is no mention of the age group of the students.
- Non-native tree removal requires a permit under Clause 42.01-3. The applicant does not provide a plan showing the number of trees and the location of trees to be removed and does not provide a vegetation assessment report.
- The applicant refers to this proposed heritage listing of the site under Planning Scheme Amendment C85moor (H0271) but does not provide a Heritage Report. There is a lack of detail of the heritage impacts.
- According to the swept paths, buses need to perform a three point turn at the end of the carriageway easement but there are no details of safety measures for reversing buses.
- There is a cattle pit at the driveway entrance but there are no details of where new fencing is required to prevent livestock entry.

Advice sought from other agencies

20. Head, Transport for Victoria (HTfV) did not object or recommend any permit conditions. HTfV is a determining referral authority pursuant to Clause 66.02-11 (Land Use and Transport Integration).

21. Central Highlands Water (CHW) did not object to the proposal subject to a series conditions relating to installation of an additional wastewater management system and for the owner to enter a Section 173 agreement with CHW and Council to require annual inspections of the wastewater system and maintenance requirements.

Notice

22. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d).

23. The applicant was directed to give notice by way of notifying adjoining owners and occupiers.

24. No objections have been received to date.

25. An application to which Clause 53.19 applies is exempt from the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.



Strategic Direction and Land Use

27. The *Planning Policy Framework* (PPF) encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
28. The relevant PPF policies have been considered in assessing the application. The proposal achieves the objectives of the PPF to support increased community infrastructure to cater for expected population as encouraged by Clause 02.03-1, Clause 11.01-1R and Clause 11.01-1L-04 which encourages directing growth to Bungaree.
29. Similarly, Vision of the scheme seeks to improve social outcomes which will occur in the application with the school providing education opportunities for at risk youths.
30. Objectives at Clause 02.03-4 to 'Protect the quality and quantity of water produced within Declared Special Water Supply Catchments' and Clause 14.02-1L (Declared special water supply catchments) have been considered.
31. The application was referred to CHW who did not object to the application. Conditions recommended by CHW are included on the permit and will ensure that the declared special water supply catchment area is appropriately protected.
32. Bushfire risk requirement of Clause 13.02-1S and Clause 13.02-1L are separately discussed.
33. The primacy of agricultural land is maintained as encouraged by Clause 14.01-1S. The site is a small land parcel which has historically operated as a school. Appropriate buffering from adjoining farming land to avoid potential conflict between uses is provided.
34. The new school building is sited behind the retained historic school building and is consistent with urban design, building design and heritage objectives of Clause 15. The new building is setback from the street and will have minimal impacts on the surrounding public realm.
35. The proposal is highly consistent with Clause 19.02-2S - Education facilities which supports integration of education and early childhood facilities with local and regional communities. The proposal creates new opportunities for education in regional areas and will also provide programs for at risk youths.

Zone and Overlays

Zone

36. The zoning and overlay provisions have been considered in the application.
37. A planning permit is required to for use of the land as Secondary School and to construct a building or construct or carry out works in association with a Section 2 use in accordance with Clause 35.07-4. The purpose of the Farming Zone (FZ) is:
 - To implement the *State Planning Policy Framework* and the *Local Planning Policy Framework*, including the *Municipal Strategic Statement* and local planning policies.
 - To provide for the use of land for agriculture.
 - To encourage the retention of productive agricultural land.
 - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
 - To encourage the retention of employment and population to support rural communities.
 - To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
 - To provide for the use and development of land for the specific purposes identified in a schedule to this zone



38. The proposed use and development are consistent with the purpose of the FZ. The land has a longstanding non-agricultural function dating to the 1890s and has historically been used as a school.
39. The proposal will not adversely affect the primacy of agricultural land because the land holding is relatively small within the FZ context, is currently used for non-agricultural purposes and is not a use that incompatible with farming.
40. Furthermore, the proposal contributes to the retention of employment and population to support rural communities. The school will provide educational opportunities for vulnerable young Victorians who face significant barriers to education, including mental health issues, disabilities, and involvement with youth justice or child protection services.
41. The buildings and works are consistent with the design and siting objectives of the FZ. The proposed modular building is single storey sited adjacent to and setback 3 metres from the adjoining residential component of neighbouring property.
42. Similarly, works to renew the car parking area fronting the existing school building and remove outbuildings and non-original building additions are of no consequence to the FZ.

Overlays

43. A permit is required for the development of land and removal of vegetation in ESO1. ESO1 relates to special water supply catchment areas and seeks to protect water catchments for the health of all communities. The environmental objectives of the overlay are:
 - *To protect the quality and quantity of water produced within special water supply catchment areas.*
 - *To provide for appropriate development of land within special water supply catchment areas.*
44. A Land Capability Assessment (LCA) prepared by Ballarat Soil Testing has been provided with the application which outlines proposed onsite wastewater management system for the school (based on a maximum load rate of 60 student and 10 staff).
45. The application was referred to Central Highlands Water (CWA) pursuant to Clause 62.05-5 (Special Water Catchment Areas). CWA did not object to the proposal subject to conditions which are included on the permit.
46. A permit is also required to remove, destroy or lop any vegetation, including dead vegetation. The applicant confirms that vegetation removal is proposed as follows:

There will be a need to remove some shrubs and small trees to provide for the irrigation field, but there is no need to remove the large trees which have been established along the frontage of the site and these will be retained.
47. Removal of vegetation is for the purpose of irrigation and wastewater to the school and is of low significance/retention value with mature vegetation in the street setback retained. Removal of vegetation is acceptable.
48. The applicant also confirms that no native vegetation is proposed to be removed, and the requirements of Clause 52.17 are not triggered.
49. DDO2 applies to the site and relates to design objectives for 'Visual amenity and building design'. The objectives of the DDO are:
 - *To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.*
 - *To encourage the use of external cladding, such as non-reflective materials for building construction.*
 - *To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity*
50. New buildings are proposed behind existing buildings on the site and well setback from the street. Materials of the school building and new internal fencing is Colour Bond and is non-reflective.



51. The building and works will be of no consequence to the rural township and vegetated areas of the Moorabool Shire and are consistent with the objectives of DDO2.

Heritage

52. Council's submissions comments that the site is proposed to be included in a Heritage Overlay (HO) under Draft Planning Scheme Amendment C85moor and that a heritage report has not been submitted with the application.
53. The former school building was constructed in 1926 and represents a building of potential heritage significance. This building is retained in the application. A rear later addition (not of heritage significance) to school building is proposed to be demolished. Additionally, the new school building is sited behind the original school building and prioritise views to the heritage building.
54. Although, the HO currently does not apply to the land, the proposed works and extent of demolition largely aligns with heritage objectives to retain contributory heritage fabric and for additions to read secondary to heritage buildings.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

55. A *Traffic Engineering Assessment* (TEA) prepared by WGA has been submitted with the application which assesses car parking rates, parking access and design, traffic, bicycle parking and bus drop off/pick up. Car and bus swept path diagrams are included in the TEA.
56. As demonstrated below onsite car parking will exceed the requirements of Clause 52.06 (Car Parking).

Use	Rate	Amount Required	Amount Provided
Secondary School	1.2 to each employee that is part of the maximum number of employees on the site at any time	14 spaces	16 Space

Design Standards for Car Parking

57. The TEA confirms that formalisation of the car parking area will include a turnaround area at the end of aisle to accommodate vehicle egress movements. The layout and design requirements of Clause 52.06-9 are assessed and deemed to comply with the required design provisions.

Access, Traffic Movement and Circulation

58. Swept path diagrams demonstrate the functionality of car parking spaces which includes a turnaround area at the end of the car park. A bus drop off/pickup area is provided within the eastern carriageway and sufficient space is available for a turnaround/three point turn at the end of this accessway.

Bicycle Facilities

59. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Secondary School	Student	1 to each 5 pupils	12	0
	Employee	1 to each 20 employees	0	0

Total	12	0
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60. No formal bicycle parking spaces are proposed. The TEA comments *“It is noted that all students will arrive by bus and therefore will not require bicycle parking. Shall staff choose to cycle to the site, noting there is ample space within the subject site to accommodate bicycle parking if required”*.
61. This is acceptable given the site relative isolation which would result in fewer trips by bike. Additionally there us sufficient onsite opportunities for informal bike parking should staff decide to arrive by bicycle.

Environmental Risks

Bushfire Risk

62. The site is identified as a Designated Bushfire Prone Area (BPA). A Bushfire Management Overlay (BMO) does not apply to the land and a there are no planning permit triggers for bushfire management in this application.
63. Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.
64. A Bushfire Management Policy and Procedures response prepared by St Josphe’s has been submitted with the application. This response outlines a series policies and procedures and nominates a policy administrator. Relevant building requirements are captured in the building regulations.

Sustainability

Stormwater Management

65. Although the requirements of Clause 53.18 (Stormwater in urban developments) do not apply to this application (provision does not apply in the Farming Zone), a functional drainage layout plan has been supplied showing that the new school portable will be connected to the existing drainage system on site. This is accepted.

Cultural Heritage

66. A section of the north-east corner of the site is mapped as an area of potential cultural heritage sensitivity. A mandatory cultural heritage management plan is not required because there are no works required within the mapped area. Figure 7 (purple hatched area) indicates the extent of potential cultural heritage significance.

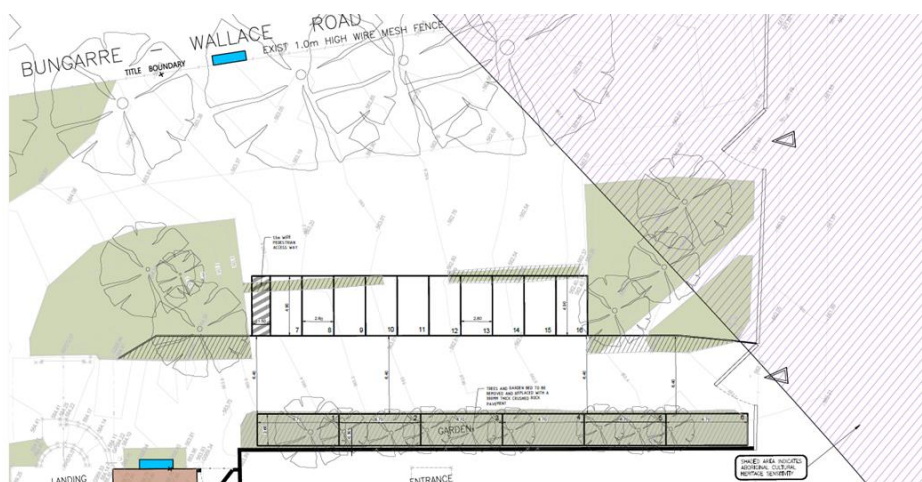


Figure 7: Extent of potential cultural heritage significance



Display of Signage

- 67. The proposal includes the display of two signs and which are proposed at 0.8m x 1.5m sign on the front chain link fence and a 1.8m x 1m sign on the front of the existing school fence (see Figure 8).
- 68. A permit is required under Clause 52.05 to display signage. This zone is in Category 4 of Sign provisions and set a maximum display area of 3sqm. The proposed overall display area is 3sqm.
- 69. The signs will have a minimal impact to the public realm and nearby farmland and are consistent with 'Sensitive areas' categorisation of the land which supports unobtrusive signs and are acceptable.



SIGNAGE TO FENCE

SIZE = 1.2 Sqm.



SIGNAGE TO BUILDING

SIZE = 1.8 Sqm.

Figure 8: Proposed signage

Recommendation



70. The proposal is generally consistent with the relevant planning policies of the Moorabool Planning Scheme and will contribute to the provision of educational opportunities in a regional area.
71. It is recommended that Planning Permit No. PA2403243 at 186 Bungaree-Wallace Road, Bungaree be issued subject to conditions.
72. It is recommended that the applicant, referral authorities and the council be notified of the above in writing.



Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
- Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: Timothy Hector

Title: Planner, Development Approvals and Design

Signed:

Phone: 03 9861 7395

Dated: 24 December 2024

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
- Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: Bart Gane

Title: Manager, Priority Projects

Signed:

Phone: 0448 048 704

Dated: 24/12/24