

TOWN PLANNING REPORT

Use and Development of a Secondary School, Removal of Vegetation and Display of Signage

186 Bungaree – Wallace Road, Bungaree

23 September 2024



Context.

Planning

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1 Application Summary

Proposal	Use and Development of a Secondary School, Removal of Vegetation and Display of Signage
Location	186 Bungaree-Wallace Road, Bungaree
Owner	Trustees of Edmund Ride Education Australia
Zone	Farming Zone
Overlays	Design and Development Overlay – Schedule 2 (DDO2) Environmental Significance Overlay – Schedule 1 (ESO1)
Existing Use	Vacant former school building
Restrictions and Easements	Nil
Permit Triggers	<ul style="list-style-type: none"> • Clause 35.07-1 – Use of land for a secondary school in the Farming Zone • Clause 35.07-4 – Development of the land for a secondary school in the Farming Zone • Clause 42.01-2 – Development of the land in ESO1 and removal of vegetation in ESO1.

2 Executive Summary

This planning report supports the application for a Planning Permit to establish a secondary school on part of the land. The secondary school is associated with St Joseph's Flexible Learning College and the Planning Permit application is summarised as follows:

- Use of the former St Michael's School building for a secondary school to cater for a maximum of 60 students and 12 staff, though it is likely that the school will operate with 35 students and fewer staff;
- Development of three new portable-type classrooms and ancillary toilet block to the rear of the St Michael's School building;
- Display of signage to identify the school;
- Fencing to delineate lease area;
- Upgrading of the wastewater treatment system;
- Upgraded landscaping and maintenance of existing buildings.

St Joseph's Flexible Learning Centre works with young people who are disengaged from mainstream education with the aim of re-engaging them in creative, meaningful and intentional learning. The school works with young people through a trauma informed approach respectful to the educational needs of each learner and will complement the St Josephs Flexible Learning College which has been established in Ballarat.

2.1 Purpose of this Report

The purpose of the report is to:

- Explain the proposal.
- Provide a written response to the planning permit triggers and explain how the proposal meets the purpose statement and relevant decision guidelines identified in the Moorabool Shire Planning Scheme.
- Identify and consider any relevant general or particular provisions that are relevant.
- Provide an assessment of the proposal against the Municipal Strategic Statement and Planning Policy Framework as relevant to this application.

This report demonstrates that the proposal is an acceptable planning outcome which will result in net community benefit through:

- the sustainable re-use of the existing former St Michael's school building, currently vacant and deteriorating, ensuring that the building will be maintained and will continue to contribute to the Bungaree township and the St Michael's site;
- the provision of education for a sector of the community who may otherwise 'fall through the cracks';
- the development of a modern wastewater system which will ensure that the special water catchment, including drinking water, is not negatively impacted, providing an improved outcome to the current situation on the site.

An assessment of the proposal against the provisions of the Moorabool Planning Scheme demonstrates that the school provides an appropriate outcome for the site and should be supported through the issue of a Planning Permit.

3 Site and Location Description

3.1 Site Context

St Joseph’s Flexible Learning College has obtained a lease of part of the St Michael’s Church Complex (The Complex) at 186 Bungaree-Wallace Road, Bungaree. The Complex contains a group of buildings associated with St Michael’s Catholic Church, which includes four key buildings – Presbytery, Church, former Convent and former School and has been established on the western outskirts of Bungaree since the 1890s.

Currently, the Church is in operation and the Presbytery and former Convent provide for accommodation.

The image below shows the development of the site.



Image 1 St Michael's Church Complex

The school has a lease over the former school building and its grounds.

The location of the site can be seen highlighted in white in the image below.



Image 2 - Location of site

The site and surrounding area is located in the Farming Zone. Despite the zoning, most of the lots adjoining the subject site are developed with dwellings, established along the Bungaree-Wallace Road, as can be seen in the image below. Land in the broader area is used for broadacre farming pursuits.



Image 3 - Site context

The immediate neighbours of the overall site are developed as follows.

The site to the **east**, at 190 Bungaree-Wallace Road, Bungaree is developed with a former hotel building known as the Bridge Hotel. This hotel is no longer in operation. As can be seen from the image below, the former Hotel is of red brick construction with feature decorative gables and a tiled roof.



Image 4 - 190 Bungaree-Wallace Road, Bungaree

The former hotel is substantially separated from the lease area for the school with open space areas located to its west, and a road established along its western boundary.

The site to the **west** at 176 Bungaree-Wallace Road, Bungaree is developed with a single storey red brick dwelling with tiled roof form which appears to date from the 1940s. The site is used for potato packing, and large sheds have been developed on the land. The development of the site can be seen in the image below.



Image 5 - 176 Bungaree-Wallace Road, Bungaree

As the school holds a lease over part of the site only, within the site the adjoining land uses are detailed below. All are accessed via the un-named road to the east, and each has its own car parking arrangements.

East

Former St Michael's Convent building, a red brick, Domestic Gothic styled building which can be seen in the images below. We understand that this building is currently used for accommodation.



Image 6 St Michael's Former Convent building

South-east

St Michael's Catholic Church building, a Federation Romanesque styled building, seen in the image below, which is used as a Church.



Image 7 - Catholic Church building



Image 9 - School building (Looking from the front)

The amenities block located to the rear of the building is of a more simple style with a skillion roof form.



Image 10 Rear of school building showing amenities block



Image 11 - Internal of school building



Image 12 - Rear of site



Image 13 - Rear of site (Location of Proposed School Building)



Image 14 - Road providing for site access

4 The Proposal

The proposal is broken into use and development components.

4.1 Proposed development

The development comprises the development of a portable building to the rear of the school building, and to the west of the Church building, on the bituminised area of the site. The existing amenities block will be demolished to make way for the new building. A Planning Permit is not required to demolish this building.

The siting of the portable building can be seen in the image below.

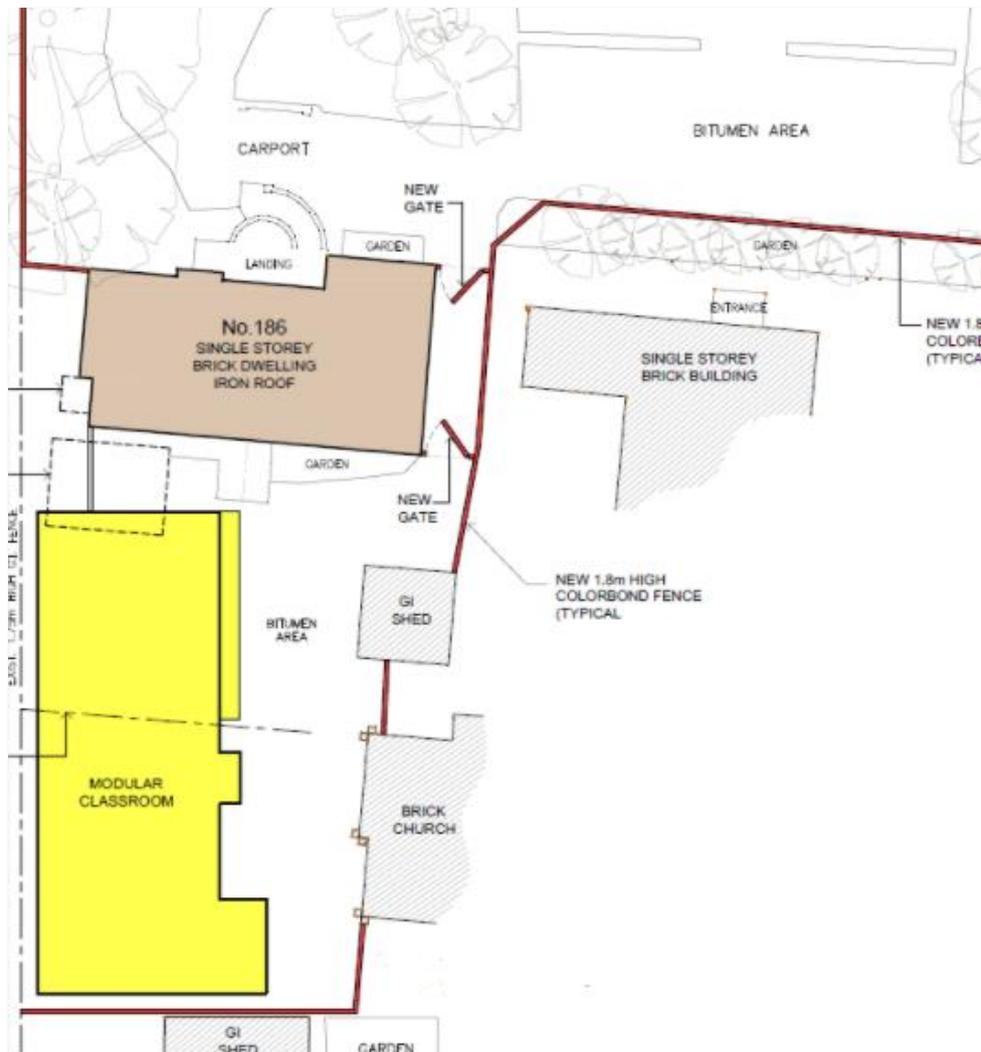


Image 15 - Location of portable building

The portable building contains three classrooms and toilet facilities. It is a single storey building with low pitched roofing of colorbond construction. Elevation images are included below.



Image 16 - Elevations

It is intended that the lease area will be delineated by the construction of colorbond fencing along all but the front and south-eastern lease boundaries.

The former school building will be re-used as a dining and communal area, as seen in the image below.

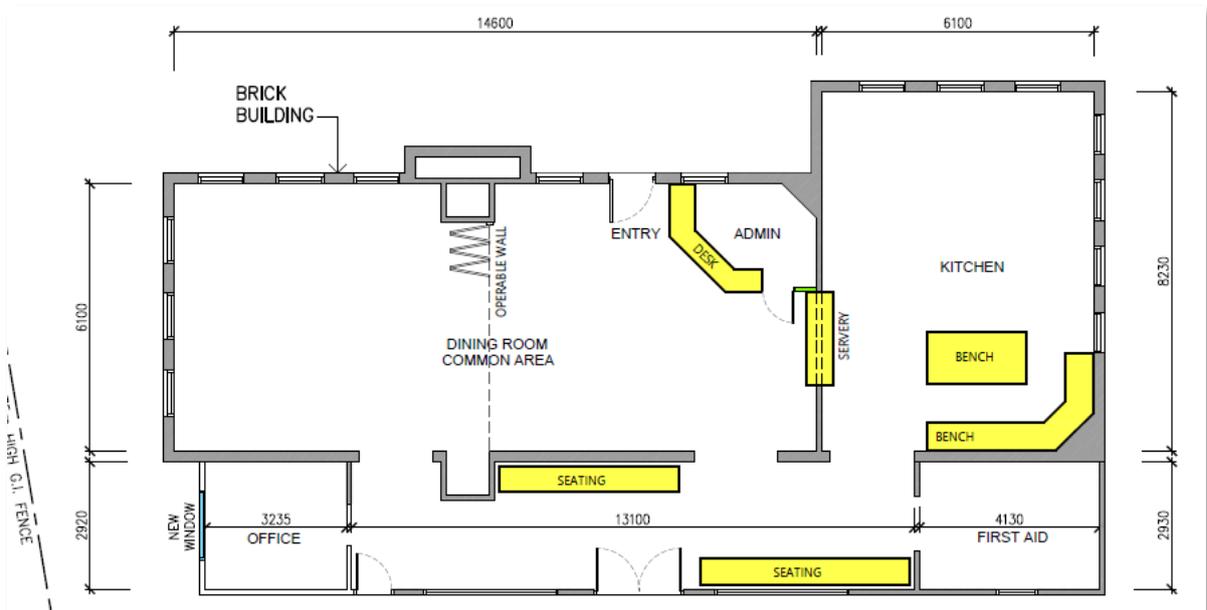


Image 17 - Floor plan of school building

No external buildings and works, apart from necessary maintenance, are proposed to the former school building.

Maintenance works will be undertaken in the areas surrounding the school to tidy up overgrown garden areas and re-establish the formalised areas in the front setback.

It is likely that minor vegetation removal will be required to tidy up the site and allow for the relocation of the building. We note that there is no removal of native vegetation and no Planning Permit required to remove vegetation.

As part of the works required to accommodate the school, a Land Capability Assessment (LCA) was commissioned. The LCA recommends a new wastewater system to be complemented by an irrigated system to provide for the needs of the school. There will be a need to remove some non-native vegetation to accommodate the irrigation field, there is no permit trigger for this to be undertaken, and it is intended that the large trees along the frontage of the site will be retained.

Approval is sought for signage which will identify the school to be provided on the front fence and also on the front wall of the building, as seen below.



Image 18 - Proposed signage

4.2

Proposed Use

The secondary school, St Joseph's Flexible Learning Centre (FLC) is part of the Edmund Rice Education Australia Flexi Schools Network. The EREA Youth+ services initiative includes 20 Flexible Learning Centres located Australia wide which offer full time and multi year secondary education and social inclusion programmes for young people who are disengaged from mainstream education.

St Joseph's FLC offers an inclusive and non-discriminating learning community to young people with enrolled students from a variety of genders, sexualities, language, cultural and religious backgrounds, with particular sensitivity to indigenous culture and from backgrounds of socio-economic disadvantage.

St Joseph's FLC recently opened a school in Humffray Street, Ballarat; this school is at capacity in relation to enrolments, with a waiting list of over 100 young people.

The proposal seeks permission to use the subject site for a secondary school. The establishment of this school is intended to address the waiting list of young people wishing to access St Joseph's FLC, while also providing a campus for a high-energy cohort of young people.

The school seeks approval for a maximum of 60 young people but advises that it is likely that the maximum number of young people on site at any one time will not exceed 35 young people, given typical attendance rates at other schools. However, the school aims at achieving full attendance.

A total of 12 staff would work from the site if the school was operating at its capacity of 60 young people but it is more likely that there will be six staff working with 35 young people.

As noted above, St Joseph's FLC has recently established a school in Humffray Street, Ballarat. It is intended that young people will be bussed to and from the site from Humffray Street, using mini buses, and will not travel by alternate means. Bus drop off and pick up will be undertaken within the school grounds.

The school seeks approval for young people to attend school between 9:00 and 3:00 Monday to Friday, although it is likely that young people will be present only between 10 and 2:30. Staff may be present at the school outside of these hours.

A total of 16 car parking spaces are provided onsite.

The application is supported by the following documents:

- Stormwater Design, Urban Hydro, 27/8/2024;
- Land Capability Assessment, Ballarat Soil Testing, 13/9/2024;
- Bushfire Emergency Management Plan, St Joseph's;
- Traffic Engineering Assessment, WGA, 20/9/2024.

5 Relevant Planning Controls

5.1 Farming Zone

The subject site is located within the Farming Zone.



Image 19 - Zone map

The Purpose of the Farming Zone is to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

5.1.1

Response to the zone

As has been noted, the site is developed with buildings associated with St Michael's Church. The former School Building has historically been used as a school, and in more recent times we understand that it was used as a community centre. The site has not ever had a connection with farming and has not been used for agricultural purposes.

The site abuts land to the west which is used for a use associated with agriculture, being the packing of potatoes.

In addition, we note that the West Moorabool Shire Heritage Study, Stage 2A: 2014-2016 outlines that the land was acquired in 1890, when a timber presbytery and convent were constructed on the land. In the 1900's a Catholic Church was constructed on the land, and buildings within The Complex were all completed by 1924. As such, historically the land has not been used for productive agricultural purposes.

We submit that the land is not suitable for productive agricultural purposes given its size and the buildings which have been developed on it. We understand that the Moorabool Shire Council intends to apply a heritage overlay to the land, and as such it wishes to retain the buildings on the land, notwithstanding that there is no intention by the Church to remove the buildings as all except the school are in use.

The site has operated as a non-agricultural land use for over 100 years and has been a neighbour to agricultural uses during that time. We are not aware of any conflicts between the Church and its neighbours in relation to land use, as both acknowledge and understand the activities undertaken on adjoining land.

Importantly, the use which is proposed addresses the agricultural issues decision guidelines by:

- reinstating the historic school use to the site;
- operating at a low intensity, with students accommodated between 9am and 3pm weekdays;
- bussing students to and from the site to limit traffic impacts;
- not losing any productive agricultural land;
- operating without impacting on the adjoining land to the west, with the new school buildings designed to turn their back on that land, interfacing with the centre of the site.

The buildings and works which are proposed are located to the rear of the school building addressing the design and siting issues decision guidelines by ensuring that:

- The site retains its appearance when viewed from the public domain;
- Buildings are clustered on the leased area to reduce visual impact and to avoid the loss of garden areas;
- Buildings are located away from any broadacre farming activities undertaken in the wider area; and
- Use can be made of existing services, including power, reticulated water supply, drainage and roads.

The school uses the existing former school building and provides for demountable classrooms and toilet facilities, minimising impact on the environment. The application is consistent with the environmental issues decision guidelines by:

- Limiting the impact of the school on the environment, including waterways and drinking water, by providing for a new, upgraded wastewater management system;
- Draining new buildings to a legal point of discharge;
- Retaining the large trees which add to the character of the site, avoiding the removal of native vegetation and siting new buildings in an area of the site which is already occupied by hard surfaces.

The application is consistent with the general issues decision guidelines by:

- Providing a positive response to the MPS and the PPF, as detailed below;
- Upgrading the wastewater management system on the land, ensuring that the use and its wastewater can be accommodated on the land;
- Re-using the historic school building to provide for a sustainable land management outcome, allowing the historic and valued building to be used and maintained, ensuring it continues to make a contribution to the site long into the future;
- Using existing roads, building and services, already provided to the land.

The application is consistent with the purpose and decision guidelines of the Farming Zone.

5.2 Overlays

The site is subject to two overlays

5.3 Environmental Significance Overlay

The site is subject to Environmental Significance Overlay – Schedule 1 (ESO1).



Image 20 - Environmental Significance Overlay map

Environmental Significance Overlay – Schedule 1 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.

5.3.1

Response to ES01

This application is supported by a Land Capability Assessment, prepared by Ballarat Soil Testing, which considers the particular circumstances of the site and recommends an appropriate wastewater solution acknowledging that the site is located within the Lal Lal Reservoir Declared Special Water Catchment Area.

The report recommends the installation of a new wastewater system which will require a wastewater field of 765 square metres in area. Site investigations reveal that there are limited opportunities within the lease area for an irrigation field, with the most appropriate location being the front setback area.

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.

The irrigation field is sited to achieve the required setbacks from waterways, dams and other water bodies, and a groundwater bore on the neighbouring site to the west and is suitably located above the 1 percent annual exceedance probability flood event.

Importantly, the LCA demonstrates that the site can accommodate and treat its wastewater.

There is a need to remove some minor trees and shrubs from the land to provide for onsite car parking and irrigation fields. This removal of vegetation is limited and is non-native, and is not expected to result in erosion which would impact on water quality.

The application is consistent with the environmental objective and decision guidelines of ES01.

5.4 Design and Development Overlay

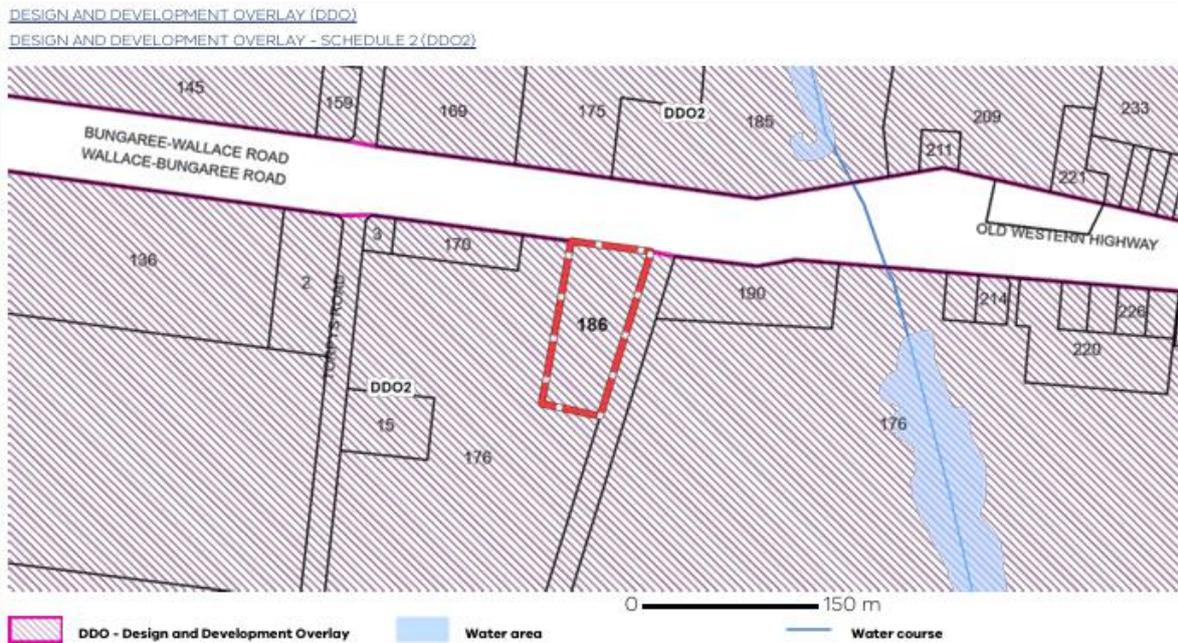


Image 21- Design and Development Overlay map

As there is no intention to use reflective materials in the development of the new buildings, there is no permit trigger under the DDO.

6 General and Particular Provisions

6.1 Clause 52.05 – Advertising Signage

This application seeks approval for some minor signage to identify the site including a sign on the front fence and a sign applied to the front fence. The signage is considered to fall under the definition of business identification signage and under the zone Category 4 sign controls apply to the land.

The category 4 sign controls restrict the amount of business identification signage to 3 square metres, and this requirement is met.

The signage which is proposed is limited to allow the school to be identified, without resulting in visual clutter and without negatively impacting on the amenity and visual appearance of the area. The signage is not obtrusive and does not impact on road safety or the natural and built environment, consistent with the purpose of Clause 52.05.

The signage solution is also consistent with the decision guidelines of Clause 52.05 as:

- The signage outcome is for a small sign on the fence, complemented by an additional sign on the building, ensuring that the unique environment of the St Michael’s Church Complex is not negatively impacted, allowing the buildings and landscape setting of the site to continue to be a feature;
- There are no impacts on views and vistas; and
- Signage is not illuminated.

6.2 Clause 52.06 – Car Parking

Car Parking requirements are set out at Clause 52.06 of The Planning Scheme. In accordance with 52.06-1, a new use must not commence, or the floor area of an existing use must not be increased until the required car spaces have been provided on the land or a permit granted to reduce the parking requirement is granted.

Table 1: Car parking requirement

Use	Rate Column A	Rate Column B	Car Parking Measure Column C
Secondary school	1.2	1.2	To each employee that is part of the maximum number of employees on the site at any time

The purpose of the clause is to, among other things, ensure the provision of an appropriate number of car spaces, to ensure that the design and location of car parking areas does not affect the amenity of the locality, in particular the amenity of pedestrians and other road users and to protect the role and function of nearby roads.

6.2.1 Response to Clause 52.06

The application is supported by a Traffic Engineering Assessment, completed by WGA. The assessment advises:

- 14 car spaces are required in Table 4.1 and 14 car spaces have been provided onsite;
- Bus drop off and pick up will occur in the road reserve area;
- Accessway widths and car parking spaces have been designed to comply with the requirements of Table 4.2 and 4.3.

The report notes that traffic generation to the subject site will be primarily associated with bus movements, as all young people and some staff will use a bus service to travel to and from the school. As such, there are no expected impacts on the Bungaree-Wallace Road.

The report concludes stating we are therefore in support of the proposal and do not believe there to be any traffic engineering grounds that would prohibit the issue of town planning approval for the proposed development.

6.3 Native vegetation

Clause 52.17 applies to land but is not triggered by this application, as there is no intention to remove native vegetation.

6.4 Land Adjacent to the Principal Road Network

Clause 52.29 applies to land adjacent to a road in the Transport Zone 2 or land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority, and the purpose of the acquisition is for a road.

The purpose of this provision is:

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Response to Clause 52.29

The subject site has existing access from the road to the east which has access to the Bungaree-Wallace Road. There are no changes required to provide vehicle access to the school.

6.5 Bicycle Facilities

Bicycle facilities are set out in Clause 52.34 of the Planning Scheme.

Clause 52.34-5 sets out the following rate for bicycle facilities to be provided is determined by the sum generated by columns 2 and 3 of table 1:

Table 1 to Clause 52.34-5 Bicycle spaces

Use	Employee/Resident	Visitor/Shopper/Student
Secondary school	1 to each 20 employees	1 to each 5 pupils

The purpose of this clause, is to amongst other things encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated amenities facilities across the site.

Response to Clause 52.34

Given the nature of this particular school, where pupils will be bussed to and from school, no bicycle spaces have been provided for students.

We note that if the school was to operate at its maximum capacity with 12 staff, there is a requirement for one onsite car parking space. There are ample areas available on site to meet this requirement.

The Traffic Engineering Assessment supports this outcome.

6.6 Clause 53.18 – Stormwater Management in Urban Development

The purpose of this Particular Provision is 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.

6.6.1 Response to Clause 53.18

The new demountable building is to be constructed on an existing hardstand area.

A stormwater plan has been prepared, demonstrating that the new building can drain to the existing system.

6.7 Clause 53.19 – Non-Government Schools

The purpose of this Particular Provision is to facilitate new non-government schools and to facilitate upgrades and extensions to existing non-government schools.

This clause 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.

6.7.1

Response to Clause 53.19

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.

In accordance with Clause 72.01-1, the Minister for Planning is the responsible authority for the purposes of this application.

6.8

Clause 65 – Decision Guidelines

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. To assist Clause 65 details a number of decision guidelines for guidance, some of these include:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.*

Response to Clause 65

This application results in an acceptable planning outcome, consistent with the decision guidelines of Clause 65.

The re-use of the unoccupied former school building, which has historically been used as a school and community centre, reinstating a former land use. **As**

the site is occupied by a Church and associated buildings, it is not a typical neighbour in the Farming Zone. It is expected that the school, with its limited hours of operation, can operate from the land without causing a negative impact on adjoining land.

The reuse of the school building, which will result in a well-maintained building, provides for an orderly planning outcome, allowing the existing building to continue to make a contribution to the Bungaree township.

As noted, the development of a new wastewater treatment facility will improve the environmental outcomes of the site and reduce the impact of the site on the environment, including potable water supply.

At this stage a waste management plan has not been developed. If there is a requirement for a waste management plan, we request that this requirement is deferred to a permit condition as:

- The site is large and easily able to accommodate bins for waste and recycling;
- There are no adjoining sensitive land uses to consider.

In addition to the above, the school will provide an important service to the local and broader community, providing education to a sector of the community which may otherwise not complete their secondary education, providing for broader societal benefits.

In summary it is submitted that the proposal will result in an acceptable planning outcome and accords with the decision guidelines of Clause 65.

7 Planning Policy Framework

Relevant policies include:

- Clause 02.01 – Context
- Clause 02.02 – Vision
- Clause 02.03-1 – Settlement
- Clause 02.03-2 – Environmental and landscape values
- Clause 02.03-3 – Environmental risks and amenity
- Clause 02.03-4 – Natural resource management

- Clause 02.03-5 – Built environment and heritage
- Clause 11.01-1R – Settlement Central Highlands
- Clause 11.01-1L-01 – Settlement in Moorabool
- Clause 11.01-1L-04 – Small towns and settlements
- Clause 13.02-1S – Bushfire planning
- Clause 13.02-1L – Bushfire planning
- Clause 13.07-1S – Land use computability
- Clause 14.01 – Agriculture
- Clause 14.02-1S – Catchment planning and management
- Clause 14.02-1L – Declared water supply catchments
- Clause 14.02-2S – Water quality
- Clause 15.01-1S – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-2L-01 – Building design
- Clause 15.03-1S – Heritage conservation
- Clause 15.03-1L – Heritage
- Clause 15.03-2S – Aboriginal cultural heritage
- 15.01-5S – Neighbourhood character
- Clause 15.01-5L – Landscape and neighbourhood character
- Clause 19.02-2S – Education Facilities

Clause 02.02 – Vision

Council's vision is to embrace our natural environment and lifestyle options to create an inspiring place for everyone to live, work and play.

Council will achieve this by:

- *Providing good governance and leadership.*
- *Minimising environmental impact.*
- *Stimulating economic development.*
- *Improving social outcomes.*

Clause 02.03-1 – Settlement

An increase in community and physical infrastructure will be required to support the significant population growth projected.

Approximately two-thirds of the Shire is located in Declared Special Water Supply Catchments, including privately owned land, mainly used for agricultural purposes, or National or State Park or State Forest. Steep land, areas subject to flooding or bushfire, isolation, lack of services, and resources capable of economic extraction are also significant development constraints. In the absence of reticulated sewer, the development of the Shire's small towns and settlements is limited.

Council's strategic directions for settlement are to:

- *Direct the majority of growth to Bacchus Marsh and Ballan.*
- *Support the sustainable development of small towns and settlements.*

There are limited development opportunities in small towns and settlement within Declared Special Water Supply Catchments while other key issues include missed opportunities for tourism and protecting the environmental value of surrounding land.

Council seeks to promote distinctive and sustainable small towns and settlements by:

- *Providing for growth in Bungaree, Wallace, Dunnstown and Myrning.*
- *Creating clusters of linked small towns and settlements.*
- *Providing adequate community and physical infrastructure to service communities.*

Clause 02.03-4 – Declared Special Water Supply Catchments

Inappropriate land use and development within Declared Special Water Supply Catchment areas will compromise the ability to supply water of appropriate quality. In particular, it is critical that appropriate effluent disposal systems are used.

Council seeks to:

Protect the quality and quantity of water produced within Declared Special Water Supply Catchments.

Clause 11.01-1R – Settlement Central Highlands

Strategies

- *Provide adequate land and infrastructure in appropriate locations to support anticipated population growth.*

Clause 11.01-1L-04 – Small towns and settlements

Plan for population growth, service delivery and investment on a cluster basis, rather than a town specific basis, having regard to the social and economic linkages between towns.

Direct growth to Gordon, Bungaree, Wallace, Dunnstown and Myrning.

Clause 13.02-1S – Bushfire

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.07-1S – Land use compatibility

Objective

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 14.01-1S – Protection of agricultural land

Objective

To protect the state's agricultural base by preserving productive farmland.

Strategies

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*

Clause 14.02-1L – Declared special water supply catchments

Strategies

Discourage land use and development that has the potential to reduce the quality or quantity of water produced.

Locate septic tanks and effluent lines away from waterways, wetlands or dams.

Clause 14.02-2S – Water quality

Objective

To protect water quality

Clause 15 – Built Environment and Heritage supports well designed, site responsive development that contributes positively to local urban character, whilst minimising impacts on neighbouring properties.

Clause 15.01-2S – Building Design

Objective

- *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

Clause 15.01-1L – Urban design

Strategies

Design development, landscapes, streetscapes, signs and open spaces to reflect the identity of the individual townships.

Clause 15.01-2S – Building design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Clause 15.01-2L-01 – Building design

Strategies

Design, site and construct buildings and works to:

- *Minimise the removal and disturbance of native vegetation.*
- *Avoid protruding above ridgelines, hill tops and tree canopies.*
- *Avoid construction on steep slopes.*
- *Minimise soil disturbance and levels of excavation and fill.*
- *Avoid the use of reflective building materials such as zincalume.*

- *Use external colours, materials and finishes of subdued tones that blend with the surrounding landscape and vegetation.*

Avoid buildings that create visually prominent bulk, scale and size in significant landscape areas.

Encourage a type and scale of development that is sensitive to the character and heritage of small towns and settlements.

Clause 15.03-1S – Heritage conservation

Objective

To ensure the conservation of places of heritage significance.

Clause 15.03-1L – Heritage

Strategies

Ensure that new development is sympathetic to and makes a positive contribution to heritage places and their heritage value.

Clause 15.03-2S – Aboriginal cultural heritage

Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 19.02-2S - Education facilities

To assist the integration of education and early childhood facilities with local and regional communities.

7.1

Response to Planning Policy

The proposed use and development is consistent with the Planning Policy Framework and the Municipal Planning Strategy, as detailed below.

We note that Moorabool Shire Council does not have a sustainability policy requiring the submission of a Sustainable Design Assessment, or similar. We advise that the development will, through the Building Permit phase, include sustainable design features including low water use toilets and low energy lighting, as is deemed appropriate.

Relevant planning policies are responded to based on the following themes:

- Settlement and infrastructure;
- Agriculture;
- Land use compatibility;
- Building design, character and heritage;

- Water quality; and
- Bushfire.

Settlement and infrastructure

This application is consistent with settlement policy, particularly Clause 11.01-L-04 which relates to small towns and settlements and which seeks to plan for population growth on a settlement basis, directing growth to Gordon, Bungaree, Wallace, Dunnstown and Myrning.

The development of a school allows for an important educational facility to be integrated into the community, addressing existing and future demand for the St Joseph's FLC school model, assisting in meeting the community's existing and future education needs.

Agriculture

As outlined earlier in this report, the site is not used for productive agriculture and therefore is consistent with the objective of Clause 14.01-1S, as it will not result in the loss of productive farmland. While a Planning Permit is required to establish a secondary school on the land, we note that the approval of this application will re-instate a historic land use, rather than approve a new use on the land.

The school land use has operated successfully from the land for many years and has been a good neighbour to adjoining agricultural land uses, such that there are no land use compatibility issues associated with the proposed land use.

Land use compatibility

As has been noted, the use will not impact on any agricultural activities being undertaken on nearby land, and the new building has been designed to 'turn its back' on the potato packing site located to the west. We expect the two uses will operate effectively on adjoining land, and note that the site has historically been a school and a community centre, which has operated in this context.

As this site is far removed from sensitive land uses, particularly dwellings in a residential zone, and given that the site has historically supported a school, we do not consider that an Acoustic Report is required. We note that the school has been in conversations with its direct neighbour to the west and the neighbour is supportive of the school, which we note has limited hours of operation.

Building design, character and heritage

The application re-uses the existing St Michael's School building for its intended purpose.

We are aware that Council is in the process of exploring the need for additional heritage overlays within the municipality. To this end, Council's website advises In December 2023 Council adopted the West Moorabool Heritage Study Stage 2A Review. This amendment will introduce the heritage overlay to 106 individual properties and 7 heritage precincts in Ballan, Blackwood, Bungaree, Gordon, Lal Lal, Millbrook, Mount Egerton, and Wallace. Once authorisation from the Department of Transport and Planning is received, Council will exhibit the amendment.

Within the West Moorabool Heritage Study 2A Other Citations (Volume 5, D Rowe and W Jacobs, October 2016 Council has identified an intention to apply a heritage overlay to the land, with the recommended level of significance being local significance.

The Heritage Study recognises the heritage value of the Church, the Presbytery, the former Convent and the School. It also notes that the grotto and cypress trees adjacent to the church contribute to its heritage significance, however other landscaping within the site is not considered to contribute to its significance.

We note that the status of the proposed amendment is considered embryonic and this amendment is not considered to be a seriously entertained planning document when considered against VCAT case history. We have included heritage policy in our report in acknowledgment of Council's intentions for the land, but reiterate that Amendment C85 should not be relied on to make a decision on this application.

In any event, we consider that the application is consistent with heritage policy and the statement of significance which has been developed for the land, but which does not currently apply to the land, as:

- The application re-uses the dilapidated former school building, bringing new life to the building, re-instating the use it was constructed for, and providing for a sustainable use of the building which will ensure that it is maintained in good condition into the future;
- The application has no impact on the school building externally, or the Church, the Presbytery, the Convent, the grotto or the cypress trees;

- The demolition of the amenities block, which does not require a Planning Permit, will result in the loss of a minor outbuilding which does not appear to be of significance to the site and which has limited visibility from within and outside the site;
- The new building which is proposed are located on an existing hardstand area to the rear of the school and Church buildings, and will have limited visibility when viewed from the public realm, or within the site;
- The new building is a portable building which can be easily removed from the land when it is no longer required, without damaging any of the significant fabric of buildings located on the land;
- The new portable building can be clearly discerned as a non-heritage building, consistent with heritage philosophy which seeks to have new fabric readily identifiable from heritage buildings.

The proposed building has minimal visual impact on the public realm, and is consistent with Council's aims to preserve the low scale character of the area.

While there is a need to remove some minor trees and shrubs from the land to provide for the irrigation fields and car parking, we expect that the landscape setting of the site will be improved by the school locating on the land and overgrown gardens will be restored and made more attractive.

Part of the land, in the north eastern corner, is located in an area of Aboriginal cultural heritage sensitivity, however it is not intended to use this part of the site.

Water quality

As has been noted, the site is located within the Lal Lal Declared Special Water Catchment Area and the application is supported by a LCA. The LCA recommends the installation of a new wastewater system which will require a wastewater field of 765 square metres in area.

Importantly, the LCA demonstrates that the site can accommodate and treat its wastewater to the required standard and can appropriately site its irrigation fields. The installation of a new wastewater system improves the environmental impacts of the site on drinking water catchments and will ensure that the land use will not reduce the quality or quantity of water produced.

Bushfire

The site is located in a bushfire prone area and St Joseph's FLC have closely considered potential bushfire risk on the land. This application is supported by a Bushfire Emergency Management Plan, developed in consultation with the

Country Fire Authority, which anticipates the closing of the campus on catastrophic fire danger days, while providing for preparations and actions to take on non-Catastrophic days in the event of bushfire or elevated risk, and which allows an appropriate response to instructions from emergency services.

The Bushfire Emergency Management Plan appropriately prioritises the protection of human life, staff and young people, consistent with the objective of Clause 13.02-1S.

In addition, the school has commissioned a BAL assessment to ensure that the new building adopts the necessary construction standard.

8 Net Community Benefit

Clause 71.02-3 - Integrated Decision Making requires the integration of the range of policies relevant to the issues to be determined and to *balance conflicting objectives in favour of net community benefit for the benefit of present and future generations.*

This application results in net community benefit by:

- Providing the sustainable re-use of a dilapidated historic school building, allowing it to make a positive contribution to the site and the Bungaree Township into the future;
- Allowing the school building to be used for the purpose it was constructed for;
- Providing for an important educational opportunity for young people disengaged from the mainstream education system, benefitting those young people and the broader community;
- Addressing a waiting list of young people wishing to be educated at St Joseph's FLC;
- Improving the school grounds by better managing vegetation and weeds;
- Respecting the heritage values of the school, by not proposing external alterations to the school building;
- Respecting the heritage values of the site by not impacting on the Church, the presbytery or the former convent, and by not impacting on the grotto and cypress trees, by proposing a modest portable building to the rear of the school and church which has minimal visual impact from within and outside the site;
- Upgrading the site's wastewater management system to ensure that there is no negative impact on drinking water;

- Minimising impacts on the surrounding area by bussing young people to the school and providing for on site parking needs to meet the low level demand of the site;
- Not reducing Victoria's productive agricultural land;
- Having plans in place to ensure that young people and staff are not put at risk of bushfire; and
- Avoiding using the area of the site which is of Aboriginal cultural heritage significance.

9 Aboriginal Heritage

The *Aboriginal Heritage Regulations, 2007* which specify the circumstances in which a Cultural Heritage Management Plan is required for an activity or class of activity. Part 2 - Division 2 of the *Aboriginal Heritage Regulations, 2018* specifies exempt activities which do not require a Cultural Heritage Management Plan.

Areas of cultural heritage sensitivity are defined within Division 3 of the *Aboriginal Heritage Regulations, 2018*. Division 3 identifies part of the site as within an area of cultural heritage sensitivity.

High impact activities are defined within Division 5 of the *Aboriginal Heritage Regulations, 2018*. Division 5 lists the proposal as a high impact activity.

We are instructed that there are no buildings and works proposed in the area of Aboriginal cultural heritage significance and there is no intention to use this area of the site as a Secondary School, with the school relying on buildings and parking areas and access which are outside the sensitive area. In addition, we note that the irrigation field is also located outside the area of sensitivity. Therefore, a Cultural Heritage Management Plan **is not** required in this instance.

In support of this position, we note VCAT case history which considers the activity area of a proposal in relation to the Aboriginal Heritage Regulations such as *Big Hill Vineyard Pty Ltd v Greater Bendigo CC3* where the definition of activity area was considered and it was found that the activity area need not encompass the entire lot for which the activity was proposed. Senior Member Byard said:

A purposive approach draws me to the conclusion that, with respect to the two arms of r6, even though he proposed construction is a high impact activity, none of the activity area for the activity is within an area of cultural sensitivity. I therefore find no cultural heritage management plan is required.

The above decision was followed in the VCAT decision of Clifftop at Hepburn Pty Ltd v Hepburn SC5 that concluded:

I am satisfied that the amendment of the plans to exclude the CHS area and provide a physical barrier through a post and wire fence, together with the amendment to the description of the subject land to refer to part of property as shown on the plans, is sufficient to exclude the CHS from the 'activity area' of the use and development as defined by the Regulations.

The additional information provided by the applicant has allayed the concerns that the location of Yurts 3 and 4 and any landscaping or development around them may encroach into the CHS area. I also find that the use of post and wire fencing in this situation is an acceptable treatment to delineate a physical separation from the part of the property that is not the subject of this application.

For the avoidance of doubt, the area of cultural sensitivity will be excluded from the site by a post and wire fence.

10 Conclusion

This report has demonstrated that the use and development of the site for a secondary school provides net community benefit and an acceptable planning outcome, responding to the requirements of the Moorabool Scheme and its Municipal Planning Strategies, the Planning Policy Framework, and relevant general and Particular Provisions.

In summary:

- The proposal is consistent with the Municipal Planning Strategy and Planning Policy Frameworks of the Moorabool Planning Scheme.
- The proposal has regard to the purpose and decision guidelines of the Farming Zone when considering the sites location and land use history.
- The proposal complies with the specific decision guidelines contained at Clause 65.01 of the Greater Geelong Planning Scheme.
- The proposal results in net community benefit.

We look forward to the issue of a Planning Permit which will allow the school to commence use in January 2025 and provide a valued educational opportunity to an important sector of the community.