

Ref: 18089 – St Pauls Anglican Grammar School

6 November 2023



Att: Ms Erin Baden-Smith & Georgia Kay

Development Approvals and Design
Department of Transport and Planning

via email

ACN 161 565 902
ABN 68 625 299 632

PO Box 2301
Oakleigh, Vic 3166

Mobile – 0407 511 616

Dear Ms Baden-Smith & Ms Kay

**RE: PA2101304 – Application to Amend & Extend Permit & Plans
Part Lot 2, PS829788F, McGlone Road, Drouin**

INTRODUCTION

Planning Central Pty Ltd continues to act on behalf of St Pauls Anglican Grammar School who is the holder of Planning Permit PA2101304 that was issued by the Minister for Planning on 14 February 2022 for the “*use and development a primary school (including an ancillary early learning centre), associated works and native vegetation removal*”.

Through the detailed design process, the need to amend plans has been identified to further accommodate a nearby APA Gas Transmission Pipeline.

This application also follows pre-application consultation with Melbourne Water and the the Department of Planning and Transport ... on behalf of the Minister for Planning who is the Responsible Authority for the application.

In short, this application seeks to:

- Amend the permit preamble to remove reference to vegetation removal.
- Amend the permit conditions including:
 - Condition 1 – Update development plan references.
 - Condition 6 – Update Landscape Plan reference.
 - Conditions 29-36 (DELWP Native Vegetation Conditions) – Delete these given that native vegetation removal is no longer required.
- Amend and endorse plans pursuant to:
 - Condition 1 – Development Plans.
 - Condition 4 – Waste Management Plan ([Appendix F](#)).
 - Condition 6 – Landscape Plans ([Appendix G](#)).
 - Condition 7 – Stormwater Management Strategy ([Appendix H](#)).
- Extend the commencement and completion timeframe for the planning permit.

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Presented within are the following details:

- Background including:
 - Existing permit and submitted plans.
 - Pipeline Safety Management Study
- Site and Surrounds including:
 - Certificate of Title.
 - Re-Subdivision Update.
- Key Planning Controls.
- Proposed Amendments including:
 - Updated Development Plans.
 - Updated Supporting Reports.
 - Assessment against relevant planning controls and principles.

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BACKGROUND

Presented at [Appendix A](#) is:


- Planning Permit PA2101304 that was issued by the Minister for Planning on 14 February 2022 for the “*use and development a primary school (including an ancillary early learning centre), associated works and native vegetation removal*”.
- Submitted Plans.

Presented at [Appendix B](#) is Pipeline Safety Management Study (SMS) prepared by CNC Project Management.

The key objectives of the SMS are to:

- Inform stakeholders of the requirements of AS2885.
- Review proposed development plans to determine whether they can be optimized to minimize the impact on the Pipeline.
- Managing construction activities in the vicinity of the Pipeline to minimize risk.
- Identify any additional protection measures that might be required so that risk remains ALARP despite changing surroundings.

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The following conclusions are drawn from the SMS:

- APA objections to school development within the Pipeline ML.
- The Pipeline Secondary Location class requires Sensitive land use to be applied.
- The school has proposed to increase its setback for buildings outside of the 4.7 kW/m² contour for the identified worse case mode of failure.
- Play areas and sports ground have been re-positioned away from the Pipeline, as far as practical within the site. The current proposal is for all ground to be located well outside of the 4.7 kW/m² contour for the identified worse case mode of failure.
- APA to complete a residual risk assessment to verify that the Pipeline risk is ALARP or notify the Proponent of any additional layers of protection. [Rev. 0 update - On the basis that populated areas of the school (i.e. ELC and Formalised Sports and Recreational Areas) are setback 70 m outside the leak consequence length for the pipeline, APA is satisfied that the existing risk level at the school site from identified threats is ALARP].
- Signage will likely increase to 50 m spacings through the school boundary, and potentially on the adjacent land assuming up to 68 m from the eastern and western school boundary is applied.
- Several Actions have been raised to enhance Pipeline safety.
- An encroachment SMS is not considered necessary. Any construction works adjacent to the Pipeline Easement boundary shall be managed using BAU processes.

The Proposed Development Plans ([Appendix E](#)) have been updated to reflect the requirements of the Pipeline Safety Management Study.

SITE AND SURROUNDS

Subject Site

The subject site is on the north-west extent of the Drouin Township.

Presented at [Appendix C](#), is a current Certificate of Title.

In short:

- The land is part of Lot 2 PS 829788F, McGlone Road, Drouin.
- A review of the Certificate of Title reveals that Lot 2:
 - is irregular in shape.
 - has an area in the order of 60.73 ha.
 - has a E1 pipeline easement to the benefit of "Victorian Pipeline Commission" affects a northern portion of the site.

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- A range of other easements apply to the east portion of Lot 2 that do not impact or compromise the proposal.
- Caveat AR678226U (Purchasers Contract) to the benefit of Bettermould Pty Ltd.
- No other restrictions or covenants apply.

The land :

- is not occupied by any dwellings or significant outbuildings.
- is used grazing / pastured land.
- has scattered native vegetation.

There has been no significant change to the site since the issue of Planning Permit PA2101304

Presented at Appendix D is Planning Permit PLA0028/23 and Endorsed Plans issued by Baw Baw Shire Council on 14 September 2023 for a three (3) lot re-subdivision.

This re-subdivision provides, amongst other things, St Paul's Anglican Grammar School with their own lot to accommodate the approved proposed facility.

Surrounding Area

The surrounds are typical of an urban fringe area.

A description of the surrounds follows:

North	<p>Immediately north is Farming Zone land that is devoid of any significant buildings.</p> <p>Beyond is the Princes Freeway that a Road 1 Zone - controlled and managed by VicRoads (Department of Transport).</p> <p>Beyond Princes Freeway is farming land and associated dwellings.</p>
East	<p>Immediately east is the balance of the Lot 2 and Lot 3, PS PS829788F which is zoned Urban Growth Zone (Schedule 2 – Drouin PSP) and is now to Planning Permit PLA0114/21 to subdivide the land pursuant to the designations of the Drouin Precinct Structure Plan that includes:</p> <ul style="list-style-type: none"> - standard residential. - low density residential. - sporting reserves. - neighborhood parks. - utility sites & easements. - native vegetation reserves (encumbered). - waterway corridors. <p>Beyond is McGlone Road which provides vehicle access to the south and to east where there is a full diamond interchange with Princes Freeway.</p>

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	Beyond McGlone Road is residential land in the Drouin PSP (which is in varying stages of approval and construction) and the Drouin Golf and Country Club
South	Immediately south is the continuation of the Farming Zone beyond the limits of the Drouin Town Boundary.
West	Immediately west is the continuation of the Farming Zone which is also characterised by an unnamed creek / waterway.

It is understood that site works for the subdivision to the east have commenced. These works will assist in providing timely access between McGlone Road the proposed school site for construction work that are planned to commenced in early 2024.

KEY PLANNING CONTROLS

Following is an acknowledgement of key planning controls that apply to the land.

Farming Zone

The subject site is zoned Farming - as depicted below.

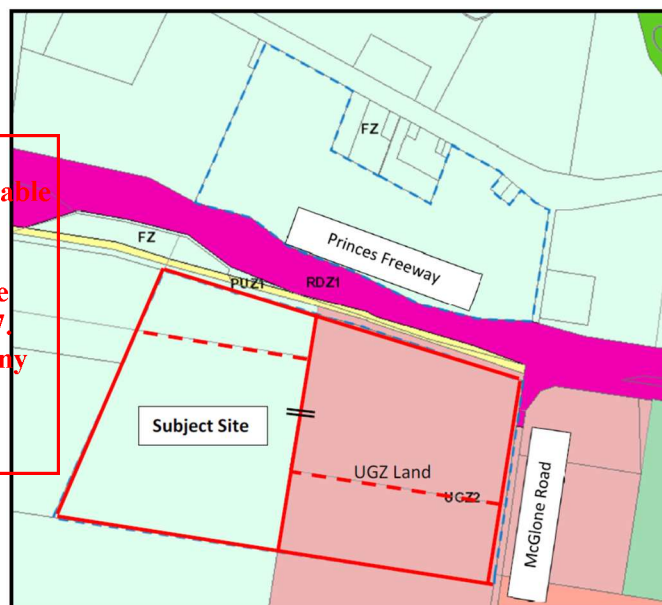


Figure 1 – Zoning Plan
Source: VicPlan
Not to Scale

The purpose of the Farming Zone is:

- 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 retention of employment and population to support rural communities.
- To encourage use in development of land based on comprehensive and sustainable Land Management practises and infrastructure provision.
- To provide for the use of development land for the specific purpose of identifying the scheduled this zone.

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Floodway Overlay

The site is partially affected by the Floodway Overlay - as depicted below.

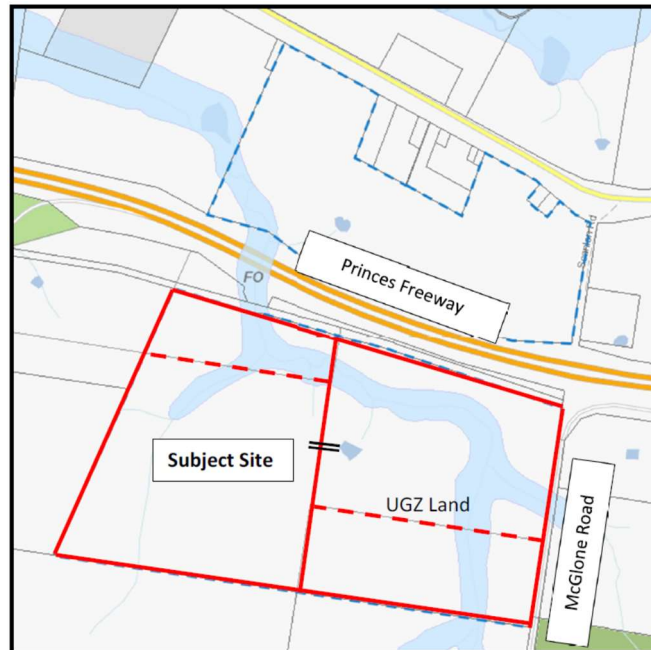


Figure 2 – FO Plan
Source: Vicplan
Not to Scale

The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

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Development Contributions Plan Overlay (Schedule 1)

The site is affected by the Development Contributions Plan Overlay (Schedules 1) - as depicted below.

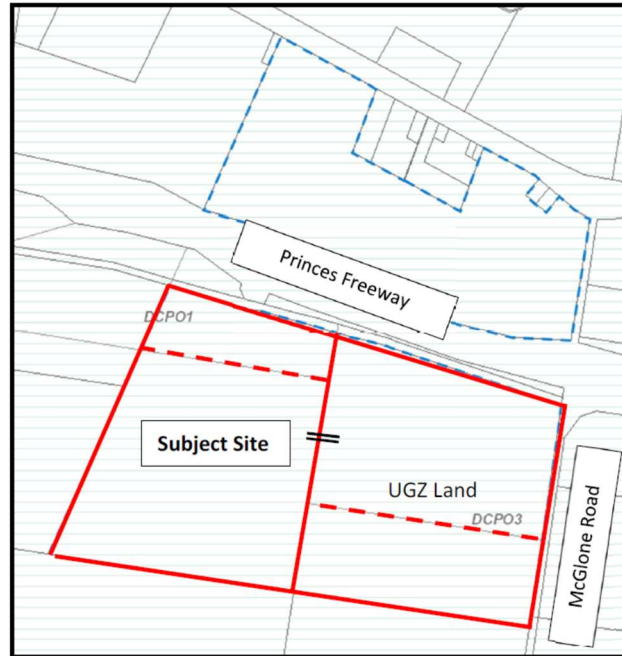


Figure 3 – DPCO1 Plan
Source: Baw Baw Planning Scheme
Not to Scale

The purpose of this overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Schedule 1– Baw Baw Shire Development Contributions Plan designates the subject site as being Area 28 for the purposes of levying contributions.

Response

There has been no significant change to planning controls that apply to the land since the issue of Planning Permit PA2101304 on 14 February 2022.

It is submitted that the proposed amendments to not compromise the controls that apply to the land.

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PROPOSAL

Following is a succinct account of each part of this application.

Part 1 - Amend the permit preamble to remove reference to vegetation removal.

The preamble for Planning Permit includes the words “and native vegetation removal”.

Through the redesign process informing this application, the school facility has been designed to avoid all native vegetation removal. This is reflected in the:

- Updated Development Plans ([Appendix E](#)).
- Updated Arborist Report ([Appendix I](#)).

Part 2 - Amend the permit conditions including:

- **Condition 1 – Update development plan references**
- **Condition 6 – Update Landscape Plan reference.**
- **Conditions 29-36 – Delete these given that native vegetation removal is no longer required.**

Condition 1 and Condition 6 will need to be updated to reflect the submitted / endorsed development / landscape plans.

Given that native vegetation is no longer proposed / required, it is proposed to remove Condition 29-36 (DELWP Native Vegetation Conditions) which are no longer required.

Part 3 - Amend and endorse plans pursuant to:

- **Condition 1 – Development Plans.**
- **Condition 4 – Waste Management Plan.**
- **Condition 6 – Landscape Plans.**
- **Condition 7 – Stormwater Management Strategy.**

Presented at [Appendix E](#) are Proposed Amended Development Plans prepared by Smith & Tracey Architects.

Proposed amendments have taken into account Planning Permit Condition 1 requirements as follows.

Condition	Response
1a. Detailed plans of the car parking area to confirm that the dimensions of all car parking bays (including accessible bays), access way widths, access point widths and bus parking bays comply with the requirements of Clause 52.06-9, unless otherwise agreed in writing by the Responsible Authority.	Satisfied Provided on Plan DA0501.
1b.	

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Condition	Response
A minimum of 32 car parking spaces to be allocated for the exclusive use of staff of the primary school on the site / car parking plan.	Satisfied Provided on Plan DA0501.
1c. Any reference to car parking for the exclusive use of the ELC to be removed.	Satisfied ELC reference removed from all Plans.
1d. Site plan and elevations to show the location of the proposed business identification sign including all dimensions, heights above ground, support structures and materials, confirming no illumination.	Satisfied Provided on Plan DA0500.
1e. All proposed fencing, including heights above ground and materials.	Satisfied Extent of fencing and images and descriptions of typical boundary fencing provided on Plan DA0500
1f. Staging plan to confirm the student and staff numbers for each stage of development and to confirm the corresponding delivery of the statutory rate of car parking and bicycle parking requirements for each stage as per Clause 52.06-5 and Clause 52.34 of the Baw Baw Planning Scheme, to the satisfaction of the Responsible Authority.	Satisfied Provided on DA0500.
Bicycle parking and facilities in accordance with Clause 52.34 of the Baw Baw Planning Scheme.	Satisfied Bicycle parking notation provided on Plan DA0500. Bike storage locker for staff to lower carpark is as shown on DA501.
1h. Location and operating hours of all external lighting.	Satisfied Provided on Plan DA0502.
Details of the waste collection area, including how the waste area will be screened on views from the street and surrounding properties.	Satisfied Provided in Drawing 1 on Plan DA0501. The area is screened through landscape planting. This is also detailed on Landscape Plan L102.

Response

It is submitted that Condition 1 requirements have been addressed.

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As detailed within, the Proposed Amended Development Plans have also been amended in response to matters raised through the SMS.

Following is a succinct account of these changes.

- Buildings have shifted to:
 - accommodate SMS requirements.
 - avoid native vegetation removal.
- Staging details on DA0500/A have been updated. Staff / student numbers have been updated based on anticipated numbers from the school. It is noted that:
 - Original application anticipated 502 students between the primary school and ELC.
 - The updated schedule indicates 416 students and 32 staff ... which equates to 448 people.
- Designs for the ELC and P-2 buildings have been rationalised and developed in further detail for construction in Stages 1 and 2. Note the ELC has reduced in size (from 6 classes to 4)
- New design for waste collection point to allow for garbage truck turning circles – as informed by the Waste Management Plan ([Appendix F](#)).
- Amend design for lower and upper carparks to allow for site gradient and considered by the Traffic Impact Addendum ([Appendix J](#)).
- Updated signage as depicted on Plan DA0500/A. This accommodates a 3sqm business identification sign consistent with the intent and provisions of Clause 52.02 (Signs) as it relates to land in a Farming Zone. It is noted that signs advising of the pending construction and use of the facility have been retained in the package of plans to be endorsed.
- The RLs to the Admin, Discovery Centre, ELC, Sports Hall, P-2 and Y5-6 buildings have altered slightly as reflected in the plans and elevations for these buildings as well as the overall site elevations and sections (as presented in Plan DA2000 and Plan DA3000).
- Some additional materials have been added to Plan DA001 and renders of the ELC and P-2 on drawings DA004-DA005.

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Response

It is submitted that Proposed Amended Development Plans have been informed by Supporting Reports and respond appropriately to the original permit and planning controls and will not have an increased adverse amenity impact on the area.

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Part 4 - Extend the commencement and completion timeframe for the planning permit.

Condition 42 on Planning Permit PA2101304 states that the permit will expire if:

- *The use and development is not started within two years of the date of this permit.*
- *The development is not completed within two years from the date of this permit; or*
- *The use is discontinued for a period of two years.*

It is proposed to extend the commencement of use and development & completion aspects by two (2) years.

VCAT Decision Kantor v Murrindindi Shire (18AATR 285) presents principles to assist in assessing a permit extension.

An assessment against these principles follows and supports the request.

Factor	Response
There has not been a change in Planning Policy or Legislation	There has been no significant change in planning policy or legislation that would compromise the extension of the permit.
It does not appear that the Permit Holder is Warehousing the Permit	The Applicant is not warehousing the permit and significant work has been undertaken as part of the SMS process, the secure approval for the re-subdivision (which has been recently approved) and prepared updated amended development plans and reports – as detailed within.
There are Intervening Circumstances of Relevance	Delays have been experienced as a result of COVID19 restrictions and time in associated with under the work details above since the issue of the original planning permit.
The Original Time Limit for the Development was Inadequate	It can be viewed that the original timeframe to commence the use and development was inadequate, particularly in the light of the above circumstances.
The Economic Burden on the Applicant	The Applicant has invested significantly in securing the above planning permit and addressing permit requirements. Refusal of this extension request would have a significant and unnecessarily economic burden on the Applicant.
The Probability that if a Fresh Application for a Permit was made, that it would be Granted	There are no relevant planning grounds that would prevent the issue of a planning permit - if a fresh application was made.

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SUPPORTING REPORTS

To inform and the support the Development Amended Plans and as required under permit conditions (in some instances) the following Supporting Reports have been prepared.

A succinct summary of each follows.

Waste Management Plan

Presented at [Appendix F](#) is a Waste Management Plan prepared by SALT³

This has been prepared:

- as required under Condition 4 on Planning Permit PA2101304
- to respond to and inform the Proposed Amended Plans.

Having regard to the nature of the approved land use and industry best practice / guidelines, it is indicated that:

- Waste would be stored within the bin storage areas located onsite.
- All waste generated would be collected by private contractor, the with following requirements:
 - 2x 1100L garbage bin collected twice per week.
 - 2 x 1100L commingled recycling bin collected twice per week.
 - 5 x 240L organics bins collected once per week; and
 - 2m2 hard waste area collected on an as-required basis.
- Waste vehicles would enter the subject site from the northern vehicle entrance and travel and prop safely at the waste storage area.
- Vehicle operators would perform a rear-lift transfer of the required waste stream ad return bins upon emptying, before emptying the subject site.
- As details within, it is the opinion of the consultant that the Waste Management Plan would provide efficient waste management for the proposed development.

Landscape Plans

Presented at [Appendix G](#) are Updated Landscape Plans prepared by Henry Landscape Design.

These have been prepared:

- as required under Condition 6 on Planning Permit PA2101304
- to respond to and inform the Development Amended Plans.

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Stormwater Management Strategy

Presented at [Appendix H](#) is a Stormwater Management Strategy prepared by Creo Consultants.

This has been prepared:

- as required under Condition 7 on Planning Permit PA2101304
- to respond to and inform the Development Amended Plans.

This strategy outlines the proposed drainage strategy to ensure that “best practice guidelines for qualitative and quantitative treatments are met, in accordance with relevant authorities.

We understand that preparation of this strategy has involved considerable consultation with Melbourne Water and conditional consent is anticipated through any referral process.

Arborist Addendum

Presented at [Appendix I](#) is an Arborist Addendum prepared by Drouin Tree Services.

This has been prepared to respond to and inform the Proposed Amended Plans.

This follows the original Arborist Report prepared by Drouin Tree Services.

This updates the assessment of tree health since that time and concludes that:

- The proposed layout of the future school has utilised the previously cleared area to the south-east of the assessed tree population and as such will avoid directly impacting any of the assessed trees. No trees are proposed to be removed to facilitate the construction of the current design and therefore all trees (ID 1 – 5, 9 – 47G) are proposed to be retained.
- Presents recommendations for the protection of all trees to be retained on site to mitigating damage from construction activities and / or associated use & development of the land.

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Traffic Impact Addendum

Presented at [Appendix J](#) is a Traffic Impact Addendum prepared by Traffic and Transport Services.


This has been prepared to respond to and inform the Proposed Amended Plans.

This follows the original Traffic Report prepared by Traffic and Transport Services.

The aim of this report is to assess what impact the amended Masterplan will have on the proposed vehicle, pedestrian, and cyclist access points and if the car parking and bicycle facilities provision meets the requirements of the Baw Baw Planning Scheme.

Based on this, is summarising / concludes that:

- the proposal to amend planning permit No. PA2101304 to allow changes to the car park, waste collection area, bicycle parking, and vehicle and pedestrian access points is adequate from a traffic engineering perspective due to it meeting the requirements of the Baw Baw Planning



Scheme. Further, the amended site plan address's "Condition 1 a, b, c, f, and g Amended Plans" of the permit.

- Therefore, if the subject site is delivered in accordance with the "Proposed Site Plan" as illustrated in Appendix A and the recommendations as detailed in this TIAR addendum, then it is of our opinion that there are no transport and traffic engineering reasons as to why the proposed permit amendment should not be approved by the responsible authority.

Bushfire Risk Report

Presented at [Appendix K](#) is a Bushfire Risk prepared by BAL Assessments.

This has been prepared to respond to and inform the Proposed Amended Plans.

This follows the original Bushfire Risk Report prepared by BAL Assessments.

Whilst the land is not within a Bushfire Management Overlay, this report presents an assessment of the amended plans against Clause 13.02 of the Baw Baw Planning Scheme and the associated Building Regulations that otherwise apply.

Conclusion

Based on the information presented within, it is submitted amongst other things, that:

- It is appropriate to amend the planning permit preamble as proposed.
- The Amended Development Plans responds appropriately to Condition 1
- The Updated Landscape Plan responds appropriately to Condition 6.
- Deletion of Condition 29-36 (DELWP Native Vegetation Conditions) is appropriate.
- The Waste Management Plan responds appropriately to Condition 4.
- The Stormwater Management Strategy responds appropriately to Condition 7.
- The amended plans / proposal, have been form informed by updated reports including:
 - The Pipeline Safety Management Study.
 - Updated Arborist Report.
 - Traffic Impact Addendum.
 - Updated Bushfire Risk Report.
- The extension of the planning permit as sought is appropriate in line with the Kantor Principles.

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Furthermore:

- Since the issue of the original planning permit, there have been no significant changes in zone, overlay or policy that compromise the amendment request / approval of amended plans.
- The amended plans will no longer result in native vegetation removal which represents a positive environmental outcome.
- The amendment has involved considerable consultation with APA and Melbourne Water and as a result conditional consent for the proposal is anticipated through any further referral process.
- The proposal will provide greater certainty and improve / reduce the potential off-site impacts - as detailed within.

Based on information presented within, we commend this application to the Department of Planning and Transport & the Minister for Planning for approval.

Should you wish to discuss any aspect, do not hesitate to contact me directly on 0407 511 616 or glenn@planningcentral.com.au.

Yours faithfully,



**Glenn Kell - Director
Planning Central Pty Ltd**

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