

S72 Amendment Planning Assessment - Officer Report

PA2302660-1 – 19-23 Horswood Road, Narre Warren North



Section 72 Amendment Planning Assessment - Officer Report
Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details										
Permit No:	PA2302660										
Permit Allows:	The staged use and development of a primary and secondary school and the removal of native vegetation.										
Land Address:	19-23 Horswood Road, Narre Warren North										
Amendment Received:	2 October 2025										
Applicant:	Pared Victoria Limited c/- KLM Spatial										
Planning Scheme:	Casey										
s72 Proposal Summary:	Condition 36, 37 and 38 of the permit are proposed to be amended to facilitate an increase in students in stage 1, increased operational timeframes and allowable ancillary events.										
Development Value:	<table><thead><tr><th>Approved</th><th>value:</th><th>Amended</th><th>value:</th></tr></thead><tbody><tr><td>\$ 14m</td><td></td><td>\$ 14m</td><td></td></tr></tbody></table>	Approved	value:	Amended	value:	\$ 14m		\$ 14m			
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\$ 14m		\$ 14m									
Why is the Minister responsible?	<p>S. 72 Application for amendment of a permit</p> <p><i>(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.</i></p>										
Planning Controls:	<table><tbody><tr><td>Clause 37.05-1</td><td>Green Wedge A Zone, Schedule 4</td></tr><tr><td>Clause 35.04-5</td><td></td></tr><tr><td>Clause 42.03-2</td><td>Significant Landscape Overlay, Schedule 1</td></tr><tr><td>Clause 44.06-2</td><td>Bushfire Management Overlay</td></tr><tr><td>Clause 52.17-1</td><td>Native Vegetation</td></tr></tbody></table>	Clause 37.05-1	Green Wedge A Zone, Schedule 4	Clause 35.04-5		Clause 42.03-2	Significant Landscape Overlay, Schedule 1	Clause 44.06-2	Bushfire Management Overlay	Clause 52.17-1	Native Vegetation
Clause 37.05-1	Green Wedge A Zone, Schedule 4										
Clause 35.04-5											
Clause 42.03-2	Significant Landscape Overlay, Schedule 1										
Clause 44.06-2	Bushfire Management Overlay										
Clause 52.17-1	Native Vegetation										
Planning History:	<p><u>Current:</u></p> <p>A planning permit was issued on 18 November 2024 for the use and development of a primary and secondary school and for native vegetation removal.</p> <p>Since the permit was issued, plans were endorsed in accordance with conditions 3, 4, 9, 12, 14, 16, 18, 20, 22, 23, 27, 28 and 30 on 27 March 2025.</p> <p>A secondary consent amendment to the 4 July 2026.</p> <p><u>Former:</u></p> <p>Casey City Council refused a planning permit application for the use and development of a primary and secondary school and native vegetation removal on 21 January 2022. The refusal was subsequently appealed, and the Victorian Civil and Administrative Tribunal upheld the council's decision to refuse the planning permit in August 2022.</p>										
Referral Authorities:	Head, Transport for Victoria (S55 Determining) Ausnet (S55 Determining) Country Fire Authority (S55 Determining)										
Public Notice:	<p>Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:</p> <ul style="list-style-type: none">• Notices to adjoining and nearby property owners and occupiers; and• 2 signs along the property frontage. <p>6 submissions were received (2 in support and 4 in objection)</p>										
Recommendation:	The proposed amendments are recommended to be supported in part with variations.										

Background



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

Milestone	Date
Application lodgement	2 October 2025
Further information requested	29 October 2025
Further information received	15 January 2026
Public notice	8 February 2026 till 6 March 2026
Further substituted plans under Section 57a of the Act submitted on 14 May 2026.	The Traffic and Parking Management Plan was amended to incorporate further bus services to ensure the anticipated number of students will be bussed to school on time.
Decision Plans	TPO071B, Site Plan Stage 1B, prepared by Cullen Architects, dated 12 January 2026. Development Summary dated 8 September 2025.
Other Assessment Documents	Traffic and Parking Management Plan, prepared by Traffix Group, dated 14 May 2026. Letter to DTP, prepared by KLM Spatial, dated 22 December 2025. Traffic Letter of Support, prepared by Traffix Group, dated 25 September 2025.

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



3. This application seeks to amend the planning permit under Section 72 of the Act 1987 in the following manner:

- Deletion of Condition 36 of the planning permit to enable the school to undertake ancillary events on weekends and public holidays. Condition 36 currently states *'The school, including any ancillary sporting events, must not operate on weekends and public holidays.'*
- Deletion of Condition 37 of the planning permit which states *'School related events, including sporting events, must not occur before 8am or after 6pm on weekdays, unless with the written consent of the Responsible Authority'*.

The condition is proposed to be replaced with two new conditions which would enable events to occur outside of the hours specified. Additionally, the conditions are proposed to limit when events can occur on the land based on when Belgrave-Hallam and Horswood Road intersection is upgraded.

The applicant's proposed replacement conditions are as follows:

Proposed Condition 36:

Unless with the written consent of the Responsible Authority, prior to the intersection upgrade, the school must only hold the following events.

- *Parent teacher interviews*
- *Faith formation evenings*
- *School production rehearsals*

These school events must only occur between the hours of 8am-9pm on weekdays, none on weekends or public holidays. These activities must be undertaken indoors.

Proposed Condition 37:

Once the intersection upgrade is complete, school related events, including but not limited to the following, are able to operate on site:

- *School open days*
- *Teacher professional development*
- *Parent functions*
- *Graduation or awards*
- *School music performances*
- *Parent teacher interviews*
- *Faith formation evenings*
- *School production rehearsal*

These school related events must only occur during the following hours: 8am – 9pm on week days, 9am – 3pm weekends, none on public holidays. These activities must be undertaken indoors with the exception of sport training and matches, school open days, parent functions.

- Amendment to Condition 38 of the planning permit to bring forward the maximum allowable number of students in Stage 2 to Stage 1. Condition 38 states *'No more than 153 students are permitted to be enrolled at the school in Stage 1 and no more than 239 students are permitted to be enrolled at the school in Stage 2 (final stage), without the written consent of the responsible authority'*. The applicants proposed replacement condition is as follows:

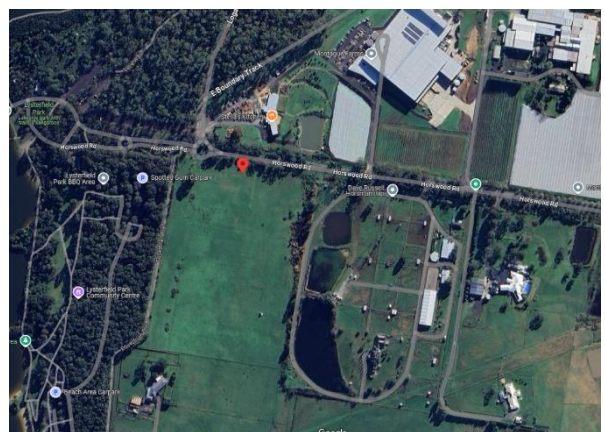
Condition 38 is proposed to altered to state *'No more than 189 students are permitted to be enrolled at the school in Stage 1A (with school bus transport only), 239 in Stage 1B (with school bus transport only) and no more than 239 students are permitted to be enrolled in Stage 2 (final stage with parent drop off allowable when intersection if complete), without the written consent of the responsible authority'*.

4. The endorsed staging schedule, the site plan showing the staging of the wastewater treatment facility and the traffic and parking management plan is proposed to be amended to reflect the changes described above.



Site Description

5. The site is in Narre Warren North, on the south side of Horswood Road and directly east of Lysterfield National Park. Horswood Road is a no through road which terminates at the car park to Lysterfield National Park.
6. The site is 8 hectares in size with a frontage width of 237.47m and site depth of 333.66m.
7. The site slopes from west to east by approximately 25m.
8. The site was previously vacant grazing land and is currently under construction, with approved Stage 1A works have commenced.
9. Scattered vegetation is located on the site and a small wetland is located adjacent to the eastern boundary.
10. Vehicle access is provided via an unmade drive near to the western boundary of the site and an adjacent roundabout.
11. The site is formally described as Lot 1 on Plan of Subdivision 130932.
12. The site is burdened by a 4m wide electrical easement on the western boundary of the site.



Above: Aerial views of the subject site and broader surrounding area.

Site Surrounds

13. Development surrounding the site can be described as follows:
 - To the **north** of the site across Horswood Road is Montague Orchard. Montague Orchard is significant in size, located across several properties, with several buildings used for processing purposes along with an associated café restaurant.
 - To the **south** of the site is grazing land and residential dwellings at 15 and 17 Reservoir Road, Narre Warren North.
 - To the **east** of the site at 13-17 Horswood Road is an Equestrian Centre 'Dave Russell Horsemanship'. The adjoining site contains several agricultural buildings associated with the use along with a residential dwelling. Closest to the subject site, is an access track and three large dams.
 - To the **west** of the site is Lysterfield National Park. The National Park is approximately 1,398 hectares in size. It contains numerous trails for walking and bike riding and contains an equestrian trail which directly abuts the subject site's western boundary. An entry and car park to the Lysterfield Park is located at the end of Horswood Road, north-west of the site.



Referrals

14. The application was referred to the following groups:

Provision / Clause	Organisation	Date Response Received
Section 55 Referral – Determining	Head, Transport for Victoria	21 November 2025
Section 55 Referral – Determining	Country Fire Authority	15 April 2026
Section 55 Referral – Determining	Ausnet	7 April 2026
Section 52(1)(b) Notice	Casey City Council	5 March 2026

Statutory Referrals

15. The **Head, Transport for Victoria** does not object to the grant of an amended permit, subject to their existing permit conditions being retained.
16. The **Country Fire Authority** does not object to the grant of an amended permit, subject to their existing permit conditions being retained.
17. **Ausnet** does not object to the grant of a permit and did not recommend any new conditions.

Municipal Council Comments

18. Notice of the application was given to Casey City Council (the council) under Section 52(1)(b) of the Act. The council formally responded on 5 March 2026 in objection to the proposal, on the following grounds:
- Extending hours of operation to weekends and public holidays will compound existing traffic pressures in the area, noting traffic volumes are typically highest on these days.
 - The expanded activities on weeknights will also exacerbate traffic issues and the one-hour school bus services are insufficient to make the 12-minute round trips using a 25-seater bus.
 - The expanded weekend and evening activities may will impact on the amenity of the existing rural living areas.
19. For the reasons outlined in the assessment section of this report, the council's concerns are broadly agreed and the proposed amendments are not fully supported by DTP.

Notice

20. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 35.05 (Green Wedge A Zone)
 - Clause 42.03 (Significant Landscape Overlay)
21. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 44.06-7 (Bushfire Management Overlay)
22. The applicant was directed to give notice by way of erecting a sign/s on the site and notice to adjoining owners and occupiers.
23. A total of 6 submissions have been received, 4 in objection and 2 in support.



24. The matters raised in objections relate to noise impacts associated with increased activity on site, impacts on adjacent agricultural and rural living uses, impacts on the amenity of nearby neighbours, traffic, the school is not currently adhering to the permit conditions, safety risks to the community from increased traffic. A detailed assessment of the matters raised in objections is contained at **Appendix A**.
25. It is noted the Section 57a amended application received 14 May 2026, incorporating an amended Traffic and Parking Management Plan, was not re-advertised because it was determined the amendments would not cause material detriment to any person. The changes were made in response to issues raised regarding the capacity for the school to effectively transport students, as required by conditions of the permit. The changes would not cause any increased material detriment compared with the TPMP advertised in February 2026.



Planning Policy

26. None of the applicable policies under the Planning Policy Framework or statutory planning controls within the scheme have changed since the decision on the application and given the nature of the amendments these policies do not need to be re-examined.
27. It is noted Amendment C284 case was gazetted on 19 June 2025. This amendment replaced the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Casey Planning Scheme with a Municipal Planning Strategy (MPS) at Clause 02, local policies within the Planning Policy Framework (PPF) at Clauses 11 to 19 and selected local schedules consistent with the new structure of planning schemes introduced by Amendment VC148, using content from existing policies within the planning scheme and new policies derived from adopted Council strategies. Relevant to this application, it should be noted Clause 22.08 (non-agricultural use and Green Wedge areas) was replaced at 11.01-1L.01 (non-agricultural use and Green Wedge areas).

Statutory Planning Controls

28. The zoning and overlay controls remain the same since the decision for the application was made.
29. The proposed amendments are assessed in detail below; while relatively minor, some of the proposed changes to permit conditions that regulate the approved land use are not supported having regard to the objectives of the zone and overlays. For this reason, the changes are not fully supported.

Amended Permit Conditions

30. Changes are proposed to the conditions of the permit as follows:

Change / Comment	
Proposed Change	Deletion of <u>Condition 36</u> to enable the school to undertake ancillary events on weekends and public holidays. Condition 36 states ' <i>The school, including any ancillary sporting events, must not operate on weekends and public holidays.</i> '
Assessment	Condition 36 was imposed on the planning permit to ensure the proposed school use does not unreasonably affect adjacent uses by way of noise or other activities. The site is in a sensitive location in Green Wedge Zone land, directly adjacent to a national park and directly adjacent to agricultural and rural living properties. These site and contextual conditions have not changed since the permit was issued and no new information has come to light that would warrant a change in position on the matter. Therefore, the proposal to delete condition 36 is not supported.

Change / Comment	
Proposed Change	<p>Deletion of <u>Condition 37</u> which states '<i>School related events, including sporting events, must not occur before 8am or after 6pm on weekdays, unless with the written consent of the Responsible Authority.</i>'</p> <p>The condition is proposed to be replaced with two conditions which would enable events to occur outside of the hours specified and the timing of when events can occur on the land to 'before intersection upgrade' and 'after the intersection upgrade'. The applicant's proposed replacement conditions are as follows:</p> <p><u>Proposed Condition 36:</u></p> <p><i>Unless with the written consent of the Responsible Authority, prior to the intersection upgrade, the school must only hold the following events.</i></p> <ul style="list-style-type: none">• Parent teacher interviews• Faith formation evenings

- *School production rehearsals*

These school events must only occur between the hours of 8am-9pm on weekdays, none on weekends or public holidays. These activities must be undertaken indoors.

Proposed Condition 37:

Once the intersection upgrade is complete, school related events, including but not limited to the following, are able to operate on site:

- *Sport training and matches*
- *School open days*
- *Teacher professional development*
- *Parent functions*
- *Graduation or awards*
- *School music performances*
- *Parent teacher interviews*
- *Faith formation evenings*
- *School production rehearsal*

These school related events must only occur during the following hours: 8am – 9pm on week days, 9am – 3pm weekends, none on public holidays. These activities must be undertaken indoors with the exception of sport training and matches, school open days, parent functions.

Assessment

As with Condition 36, Condition 37 was imposed to ensure the proposed school use does not negatively impact on the amenity of adjacent agricultural and rural living properties and the national park. School traffic is managed by other conditions, which require all students to travel to and from the school via bus in stage 1 (which is until the signalisation occurs at Horswood and Belgrave-Hallam Road intersection).

As noted above in this report, the site conditions have not changed since the permit was issued. The conditions were imposed to ensure the school operates with limited impact on the immediate area. Accordingly, it is not considered appropriate to renege on the timing and allowable events which are permitted to occur on site beyond typical operating hours. As with the original approval, this position stems from the purpose of the Green Wedge A Zone and the objectives and strategies of Clause 11.01-1L.01 (non-agricultural use and Green Wedge areas). Notably, the acceptability of any non-agricultural use in a GWZ is dependent on a series of factor unique to a site and its context. The school use was supported subject to the recommended conditions, including condition 37, which was imposed to ensure the amenity and use of rural living properties and agricultural properties is not compromised by the school and to limit impacts to the national park, which could occur because of lighting and noise.

DTP acknowledges that certain school events are low impact and typical to a school's function and therefore should be allowed to occur beyond 6pm. Therefore, it is considered appropriate to instead allow parent teacher interviews, faith formation evenings and graduation and award ceremonies to occur outside of the prescribed hours. Accordingly, Condition 37 is therefore recommended to be altered to the following:

School related events, including sporting events, must not occur before 8am or after 6pm on weekdays, unless with the written consent of the Responsible Authority. This is except for parent teacher interviews, faith formation evenings and graduation and award ceremonies which may occur outside of the prescribed hours.

It is noted that the condition specifically restricts 'school related events'. Typical school functions, including overtime by staff, staff meetings, regular classes, after school care etc is not considered to be an 'event'. Therefore, such activities do not need to be specifically described in the exclusions.

Change / Comment

Proposed Change

To bring forward the maximum allowable number of students in Stage 2 to Stage 1 by amended Condition 38. Condition states '*No more than 153 students are permitted to be enrolled at the school in Stage 1 and no more than 239 students are permitted to be enrolled at the school in Stage 2 (final stage), without the written consent of the responsible authority*'.

Condition 38 is proposed to altered to state '*No more than 189 students are permitted to be enrolled at the school in Stage 1A (with school bus transport only), 239 in Stage 1B (with school bus transport only) and no more than 239 students are permitted to be enrolled in Stage 2 (final stage with parent drop off allowable when intersection is complete), without the written consent of the responsible authority*'.

Assessment

The proposal to increase the number of students in Stage 1 is acceptable because students must continue to be transported to and from the school via bus until the signalisation of the intersection occurs. This will continue to limit traffic impacts on the local area until the intersection is appropriately upgraded. It is noted in this regard the Head, Transport for Victoria does not object to the grant of an amended permit, subject to the retention of their existing conditions (31 to 35).

While DTP can support bringing forward the total number of students to stage 1, concerns have been raised with the applicant throughout the application process regarding the potential inadequacy of the bus services provided by the school. In response, the Traffic and Parking Management Plan was amended under Section 57A of the Act on 14 May 2026 to incorporate revised bus service details, including the use of a 55 seater bus and an increase to the frequency of bus services, ensuring sufficient services are provided and students are able to arrive to school on time.

The amended TPMP can be endorsed and altered wording proposed for Condition 38 is recommended to be supported.

Amended Plans

31. Changes are proposed to the plans and assessed as follows:

Change / Comment

Proposed Change

The schedule on the staging plan is proposed to be updated to reflect the proposed change in students' number in Stage 1A and 1B.

Assessment

For the reasons outlined above, the proposed change to student numbers in Stage 1A and 1B is acceptable. The proposal to update the schedule on the relevant staging plan, to reflect the changes is therefore supported.

Change / Comment

Proposed Change

The Stage 1B ground level plan updated to show the additional wastewater treatment plant system that would have otherwise been delivered in stage 2.



Assessment

The proposed change is required to ensure that the wastewater treatment plant capacity is sufficient for the number of students in Stage 1b. The location and size of the plant has already been approved and would have been required to be delivered in Stage 2. The change is therefore largely administrative and does not introduce any new off-site or environmental impacts.

Change / Comment

Proposed Change

Traffic and Parking Management Plan updated to reflect the proposed student number changes and to increase the bus transport service details.

Assessment

The TPMP is proposed to be updated to include the provision of a 55-seater bus and for student drop off to the campus to run from 7:30am to 8:30am. This is altered from the previous 25-seater bus which ran from 8am and 9am. The approved bus service details would not effectively transport students to the school on time, given classes start at 8:30am. The increase in student numbers in stage 1 is appropriate because of these updated bus service details, which will assist in ensuring the school traffic does not negatively impact on the road network and amenity of the area.

32. The amended plans and documentation remain otherwise compliant with the conditions of the planning permit not proposed to be altered.



33. It is recommended that the amended Planning Permit No. **PA2302660** for the land at 19-23 Horswood Road, Narre Warren North, subject to conditions.
34. It is recommended that the following plans be endorsed:
- TPO071B, Site Plan Stage 1B, prepared by Cullen Architects, dated 12 January 2026.
 - Development Summary dated 8 September 2025.
 - Traffic and Parking Management Plan, prepared by Traffix Group, dated 14 May 2026.
35. 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:
Title:

Signed:

Phone:

Dated: 10 June 2026

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:
Title:

Signed:

Phone:

Dated: 11 June 2026

Appendix A: Public Submissions



Matters raised in public submissions	Assessment
<p><i>The school and parents are not currently adhering to the requirements of the planning permit conditions for transportation of students to school via bus. This is currently causing delays of up to 25 minutes at the intersection to Horswood Road. This situation is only going to get worse with the proposed changes.</i></p>	<p>This is an enforcement matter and should be raised with Casey City Council if the issues continue. Importantly, as part of this process, the Traffic and Parking Management Plan has been updated to increase the hours of the bus service and to upgrade the bus from a 25 to a 55-seater. Based on the anticipated number of students attending each day, the arrangements will better ensure compliance with the requirements of the existing conditions, which restrict students to being transported to and from the school via bus before the intersection is signalised.</p>
<p><i>Due to the site and adjoining site topography, the dip/valley formation, results in noise travelling to the adjoining residence. The noise impacts will worsen with extra students and additional operating hours.</i></p>	<p>The proposed increase in students will not exceed the total allowable number of students but instead bring forward the total allowable number to stage 1. Therefore, the proposed change will not cause additional impact to what has already been permitted, subject to the existing conditions of the permit.</p> <p>As detailed in the assessment section of this report, the proposal to increase the hours where school related events are allowed, is not supported. This is except for a select number of standard school events, including parent teacher interviews, faith formation evenings and graduation ceremonies.</p>
<p><i>Lighting is kept on overnight and this may impact on the adjoining horse agistment business.</i></p>	<p>Lighting management conditions exist currently on the permit (conditions 43-45). If these are not being adhered to, then an enforcement matter should be lodged with the council.</p>
<p><i>There will be a cumulative impact on the surrounding residential amenity and agricultural / rural living uses</i></p>	<p>This is noted and agreed in part which is why the proposal to amend conditions 36 and 37 is not supported in full. Further details are set out in the assessment section of this report.</p>
<p><i>The proposal to operate till 9pm and on weekends will clearly affect the amenity of adjacent uses.</i></p>	<p>This is noted and agreed in part which is why the proposal to amend conditions 36 and 37 is not supported in full. Further details are set out in the assessment section of this report.</p>
<p><i>The current operating hours were imposed to respect the environmental sensitivity of the school's location adjacent to a national park, in a rural area, surrounded by agricultural uses.</i></p>	<p>This is noted and agreed in part which is why the proposal to amend conditions 36 and 37 is not supported in full. Further details are set out in the assessment section of this report.</p>
<p><i>The school should be allowed to have school events on weekends because the children currently can't participate in school related sporting events that would enrich their education experience.</i></p>	<p>This school was permitted subject to a series of conditions which ensure the impacts of the school are limited. Such conditions were imposed due to the zoning of the land and the unique site and contextual conditions. The school was fully aware of the issues throughout the original planning permit process. Therefore, the proposal to alter/delete condition 36 which does not allow school related events on weekends, is not supported.</p>
<p><i>The school should be allowed to operate beyond 6pm because this restriction hinders critical activities to how the school runs. For example parent teacher interviews, and mentoring sessions, are very difficult for working parents to attend before 6pm.</i></p>	<p>As detailed in the assessment section of this report, condition 37 is recommended to be altered to enable parent teacher interviews, faith formation evenings and graduation ceremonies which are considered to be low impact, quiet and indoor activities. Other school related events remain restricted to before 6pm to ensure impacts on adjoining uses and the national park are limited.</p>
<p><i>The school should be able to increase their student numbers so that siblings of current students can attend next year.</i></p>	<p>The proposal to increase students in stage 1 is supported, as detailed in the assessment section of this report.</p>