

**0.0 Planning Application PLN18/0212 at 155 Tindals Road, Donvale for the construction of a multipurpose hall and sports hall associated with the existing education centre and including vegetation removal (Donvale Christian College).**

File Number: IN19/363  
Responsible Director: Director City Planning and Community  
Applicant: Donvale Christian College/Ethos Urban  
Planning Controls: Special Use Zone (SUZ3), Environmental Significance Overlay Schedule 3 (ESO3), Bushfire Management Overlay (BMO)  
Ward: Mullum Mullum  
Attachments: 1 Locality Map  
2 Decision Plans  
3 Legislative Requirements

**EXECUTIVE SUMMARY**

**Purpose**

1. This report provides Council with an assessment of Planning Permit Application PLN18/0212 submitted for a multipurpose hall and sports hall building at Donvale Christian College (155 Tindals Road, Donvale). The report recommends approval of the proposal subject to permit conditions.
2. The application is being reported to Council as it is a major application with a development cost of more than \$5 million.

**Proposal**

3. The permit application is for a multi-level and multi-purpose building located centrally within the school grounds. At lower ground level, the building comprises of a multipurpose hall, drama area, foyer/gallery space, storage facilities, kitchen and amenities. The multipurpose hall is able to be converted between a theatre space (via retractable seating) and a sports hall. The school will use this space for school assemblies, performances and various sports. The lower ground mezzanine level will provide for a gymnasium area/sports science room, staff room, storage and amenities. At ground floor level, two indoor courts are proposed along with associated storage, change rooms and amenities.
4. Material provided with the application indicates that the Lower Ground Level multi-purpose hall may be made available for community groups after school hours including weekends and school holidays.
5. To facilitate construction of the hall, some existing and decommissioned school buildings will be demolished and vegetation removed. The proposal also includes minor modifications to the existing car park increasing capacity by 1 car space and the provision of a new car parking area adjacent to the proposed building providing an additional 8 car spaces – total 9 new spaces.
6. There will be no increase to existing staff numbers on the premises which is currently 58 primary school and 89 secondary school staff members. The proposal does not include any increase to student numbers.

**Advertising**

7. Notice of the application was given over a two week period which concluded on 31 October 2018. No objections were received.

**Key issues in considering the application**

8. The site is included in a Special Use Zone 3 which allows for the expansion of Donvale Christian College in accordance with an approved Masterplan dated September 2013. The proposed building is located within the designated 'building envelope' approved in the Masterplan.
9. The proposal is considered to meet the decision guidelines contained in Schedule 3 of the Special Use Zone and is considered to be generally in accordance with the approved Masterplan. It is recommended that the approved be approved subject to conditions.

**RECOMMENDATION****That Council:**

- A. **A PLANNING PERMIT be issued in relation to Planning Application PLN18/0212 at 155 Tindals Road Donvale for the construction of a multi-purpose hall and sports hall, associated with the existing Education Centre and including vegetation removal.**

**Endorsed Plans**

1. The development as shown on the approved plans must not be modified for any reason without the written consent of the Responsible Authority.

**Sustainability Management Plan**

2. Not less than 3 months before the development starts two copies of an updated version of the Sustainability Management Plan (SMP), prepared by Brand Architects., dated August 2018 and revision addendum dated 01/03/2019, must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the permit. The plan must show:

- 2.1 Rainwater tank connection to toilets, laundry, outdoor cleaning and irrigation (as proposed in report) on the application drawings.
- 2.2 Stormwater calculations and additional notes on architectural and landscape plans that indicate the various stormwater treatment (e.g. rainwater tank, rain gardens) locations, size and area of impervious surfaces being directed to them.
- 2.3 The use of low VOC paints, flooring, sealants and adhesives and E1 or E0 grade engineered wood products (e.g. MDF, plywood).
- 2.4 The option of installing solar photovoltaic system in future with the provision of electrical connection points to roof.
- 2.5 The layout and number of bicycle parking.

**Construction Management Plan**

3. Not less than 3 months before the development starts, two copies of a

Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's Construction Management Plan Guidelines. The CMP must address:

- Element A1: Public Safety, Amenity and Site Security
- Element A2: Operating Hours, Noise and Vibration Controls
- Element A3: Air Quality and Dust Management
- Element A4: Stormwater and Sediment Control and Tree Protection
- Element A5: Waste Minimisation and Litter Prevention
- Element A6: Traffic and Parking Management

4. The Management Plans approved under Conditions 2 and 3 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

#### **Tree Protection and Management**

5. Prior to the works commencing (this includes any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a vegetation protection fence must be erected around all vegetation to be retained on site. This fence must be erected at a minimum distance of two metres from retained vegetation. All individual trees to be retained must have a Tree Protection Zone (TPZ) defined (at a radius of 12 x the diameter of a tree to a maximum of 15 metres but no less than two metres from the base of the trunk of tree) and must comply with AS4970-2009 'Protection of trees on development sites'. The fence must be constructed of orange para-webbing or similar robust material approved by the Responsible Authority and erected to a height of 1.2 metres above ground level. Signage must be installed on the fence clearly stating 'Vegetation Protection Zone – No Entry'. It must be maintained in good condition until the completion of the construction works on the site, to the satisfaction of the Responsible Authority.
6. Except with the written consent of the Responsible Authority, within the area of vegetation to be retained and any Tree Protection Zone (TPZ) associated with the permitted use and/or development, the following is prohibited:
- vehicular or pedestrian access
  - trenching or soil excavation
  - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  - entry and exit pits for underground services
  - any other actions or activities that may result in adverse impacts to retained native vegetation.
7. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the *Catchment and Land Protection Act 1994*.

8. Any damage or disturbance to trees' root zones within the Tree Protection Zone (TPZ) must be reported to Council. A TPZ is 12 x the diameter of the tree taken at breast height. No digging or excavation can be undertaken within the TPZ as this may affect the future viability of the tree. Damaged tree root zones may deem the tree unviable and offsets may be required.

#### **Fauna Protection and Management**

9. A suitably qualified zoologist/wildlife handler with current animal handling permits/licences must inspect trees prior to removal to appropriately manage fauna identification, impact avoidance and relocation/rehousing should it be required.
10. Any qualified zoologist/wildlife handler undertaking supervision must have appropriate permits carried on their person during works on-site.

#### **Offsets for Native Vegetation Removal (Environmental Significance Overlay Schedule 2 and Schedule 3)**

11. Prior to the removal of any vegetation, an Offset and Landscape Plan must be submitted to the satisfaction of the Responsible Authority. The Plan must include details of:
- a) replacement planting consistent with the requirements of the ESO3 to offset the permitted loss of vegetation. This must include the number of trees, shrubs and other plants, species mix, and density included in a Schedule of Works. The Plan must show a minimum of 53 replacement indigenous canopy trees (i.e. *Eucalyptus* naturally occurring in the relevant EVC appropriate to replanting site location). The balance (301 plants) must be indigenous species but can comprise trees, shrubs, grasses, climbers and ground covers.
  - b) where the required number and configuration of replacement plants cannot be achieved on the subject property, the permit holder must provide details of what replacement planting cannot be achieved and develop an appropriate alternative plan in consultation with Council to the satisfaction of the Responsible Authority.
  - c) methods of managing and restoring the existing vegetation to be retained included in a Schedule of Works
  - d) methods of interim protection for newly established vegetation
  - e) methods of protection for established vegetation where relevant
  - f) persons responsible for implementing and monitoring the landscape plan

#### **Landscaping Works**

12. Before the use of the building starts, landscaping works as shown on the approved plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

#### **Drainage**

13. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.
14. The whole of the land including landscaped and paved areas must be

graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.

**Sewer**

15. The building must not be used before it is connected to mains sewer to the satisfaction of the Responsible Authority.

**Driveway and Car Parking Areas**

16. The external driveway system and parking spaces, as shown on the plan approved pursuant to Condition 2 of this Permit, must be formed to the depicted levels and must be constructed, surfaced, drained and line marked to the satisfaction of the Responsible Authority.
17. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.

**General**

18. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.
19. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
20. All roof-top plant must be installed in appropriately screened areas, unless otherwise agreed to in writing with the Responsible Authority.
21. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation so as to minimise noise impacts on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

**Use Conditions**

22. The building approved under this permit must not be used outside the following hours, except with the prior written consent of the Responsible Authority:
- Monday to Friday during school terms: 8.00am to 11.00pm.
  - Monday to Friday outside school terms: 8.00am to 10.00pm
  - Saturday, Sunday and any Public Holidays: 8.00am to 10pm.
23. The building approved under this permit must not be used by more than 200 persons (including spectators/audience) after 6pm, unless the use and/or activities are directly associated with the operations of the Donvale Christian Collage.

**Testing of noise emissions if required**

24. At the request of the Responsible Authority, the owner and/or occupier must, within 30 days, supply an assessment by a qualified acoustic consultant of noise levels emitted from the site with readings taken at times and locations specified by the Responsible Authority.

The cost of the assessment is to be borne by the owner or occupier. If necessary, additional noise control features must be installed in consultation with an acoustic engineer, or activities and noise sources on the premises regulated at the direction of and to the satisfaction of the Responsible Authority.

The frequency of this request will be at the discretion of the Responsible Authority.

#### **DELWP Conditions**

25. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
26. The total area of native vegetation permitted to be removed is 0.312 hectares, comprised of:
  - (a) 4 patches of native vegetation with a total area of 0.063 hectares containing no large trees,
  - (b) 1 scattered tree,
  - (c) 9 small scattered trees.
27. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure an offset of:
  - (a) 0.061 general habitat units,
  - (b) Located within the Port Phillip and Westernport Catchment Management Authority boundary or Manningham City Council municipal area,
  - (c) With a minimum strategic score of at least 0.176, and
  - (d) Protection of 1 large tree.
28. Before any native vegetation is removed, evidence that the offset required by this permit has been secured must be provided to the satisfaction of the responsible Authority. This evidence must be:
  - (a) And established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site, and/or
  - (b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
29. A copy of the offset evidence will be endorsed by the Responsible Authority and form part of the permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be Port Phillip Region office.
30. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the Responsible Authority, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
31. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the Responsible; Authority and the Department of Environment, Land, Water and Planning

#### **Country Fire Authority**

32. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply, and access, must be maintained to the

satisfaction of the responsible authority and the relevant fire authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

33. The south and east elevations of the building must be designed and constructed to a minimum of Bushfire Attack Level of 19 (BAL-19). All other portions of the building must be constructed to a minimum of Bushfire Attack Level of 29 (BAL-29).
34. The Landscape Concept Stage 2: Sports Hall plan prepared by Land design Partnership, drawing No.17-2292 TP01 rev.D must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and Responsible Authority.
35. The Defendable Space Requirements shown on the plan must be implemented and maintained as specified, to the satisfaction of the Responsible Authority.
36. Management of the existing gully shown on the plan must be implemented and maintained as specified, to the satisfaction of the Responsible Authority.

**AusNet**

37. No part of any buildings associated with the development including eaves, awnings, canopies, shelters and the like as well as outbuildings is permitted on AusNet Transmission Group's easement.
38. Vehicles and equipment exceeding 3 metres maximum operating height are not permitted on the easement without prior written approval from AusNet Transmission Group.
39. Any lighting poles erected on the easement must not exceed 3 meters in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.
40. Any trees and shrubs planted on the AusNet transmission's Group easement must not exceed 3 metres maximum mature growth height. A 20 metre tree clear area is required around towers.
41. The storage of combustible or flammable materials, including that within waste bins is not permitted on the easement.
42. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
43. Any services traversing the easement must be installed underground and no services are permitted within 20 meters of towers.
44. Scaffolding is not permitted on the easement.
45. The use of construction equipment including cranes that have the ability to extend into the easement are not permitted.



46. Details of all future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

**Time Limit**

47. This permit will expire if one of the following circumstances apply:
- 47.1. The development is not started within two (2) years of the date of the issue of this permit; and
- 47.2 The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend these periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning and Environment Act 1987.

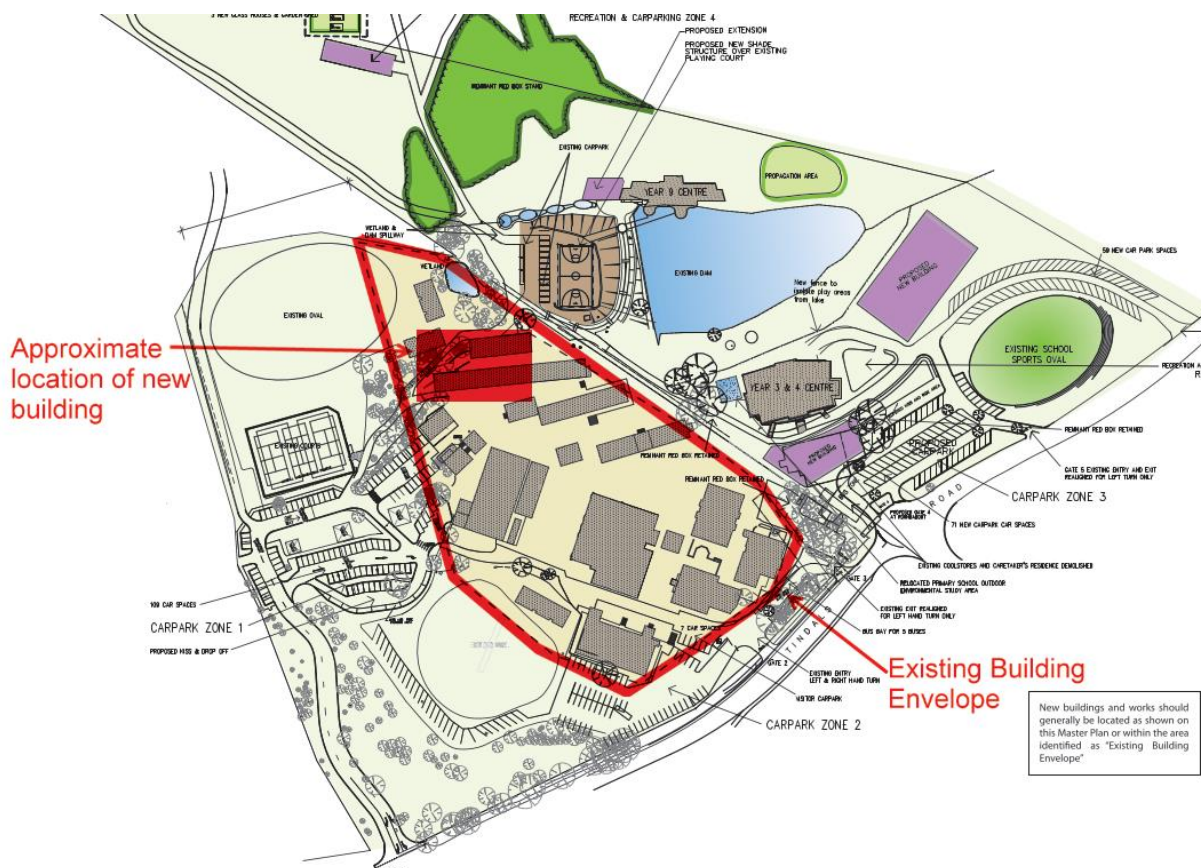
## 2. THE SITE AND SURROUNDS

- 2.1 Donvale Christian College provides primary and secondary school facilities to around 1300 students from their Tindals Road campus. The campus has an area of approximately 12 hectares, with a frontage of approximately 470 metres to Tindals Road.
- 2.2 The land is developed with various school buildings, sporting ovals and car parking areas located in the southern portion of the site.





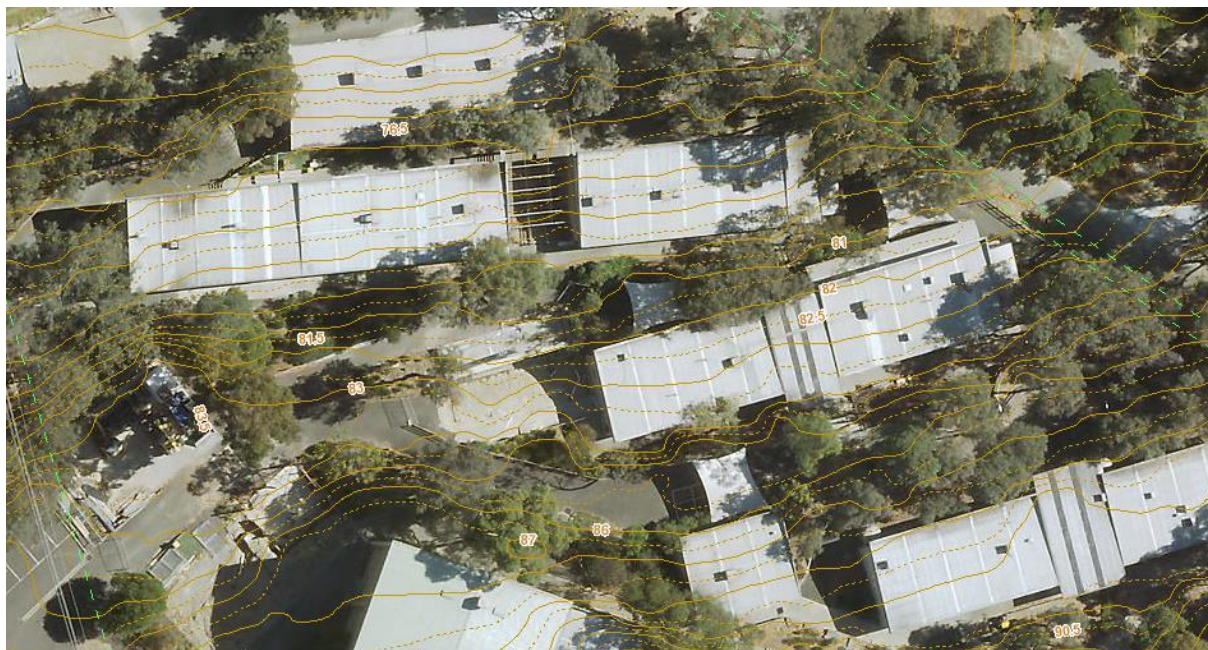
- 2.3 The land is zoned Special Use Zone (Schedule 3 - Donvale Christian College). The zone references an approved Masterplan (September 2013) that oversees the future development of the land. The Masterplan is an incorporated document in the Manningham Planning Scheme.
- 2.4 The Masterplan identifies the location of new buildings and works either within the cluster of the existing school building envelope or in set locations outside between the power line easement on the western side of the site and a drainage easement that traverses the site south of the dam.



Donvale Christian College - Proposed Masterplan 2013

- 2.5 The Masterplan sets maximum student numbers (enrolments) at future dates, and minimum car parking requirements. In 2020, the maximum number of students on site is 1300, with a minimum of 250 car parking spaces. This increases to 1500 students, with a minimum of 315 car parking space by 2030. The proposal is consistent with these requirements with 317 spaces currently being provided and no increase in student numbers.
- 2.6 A Property Management Plan has also been prepared for the land to ensure that environmental values are protected and improved. This plan is not incorporated into the planning scheme, and may be amended at any time with the consent of Council.
- 2.7 There have been various previous planning permits issued for development on the land, including a new administration building and refurbishment of existing buildings in recent times. A new application (PLN19/0086) has also been received for a Year 9 campus off-site on land at 58-64 Hall Road Warrandyte South.

- 2.8 The site of the new school building (multipurpose hall and sports hall) occupies land approximately 160m from Tindals Road and approximately 120m from the western boundary. Currently on the land are several school buildings that have been decommissioned and will be demolished.
- 2.9 The land in this area falls approximately 12m (from RL86 near the existing car parking south-west of the building, to RL74 on the northern side of the building along and internal driveway).



- 2.10 There are native trees scattered throughout the area of the new building, including groupings of native trees between existing buildings on site and around the periphery of buildings.
- 2.11 The school has the following direct abutments:

Direction	Address	Description
West		Mullum Mullum Creek Linear Park is approximately 120m west of the proposed building. The park is zoned Public Park and Recreation Zone and contains significant areas of native vegetation. The creek itself is a further 180m away.
North - East	171 Tindals Road Donvale	This 1.89 hectare parcel of land is cleared and vacant.
	177-179 Tindals road Donvale	This 2.4 hectares parcel of land is developed with the On Luck Chinese aged care facility. It is positioned on a ridgeline setback approximately 200m from the proposed development. Both parcels are within a Rural Conservation Zone.
North	No. 5 and No. 6 Pambara	These lots each have an area of approximately 2 hectares and are

	Court Donvale Court	developed with dwellings and outbuildings. The dwellings are approximately 300m from the proposed development. The land is in a Rural Conservation Zone.
South - East (Opposite side of Tindals Road)	No's. 128, 136, 142, 146, 150 and 158 Tindals Road Donvale (LDRZ)	These lots each have an area of approximately 4000m <sup>2</sup> and are developed with dwellings and outbuildings. The land is in a Low Density Residential Zone.  Each lot has scattered stands of vegetation across their properties, including across their Tindals Road frontages.

### 3. BACKGROUND

- 3.1 The application was received on 10 April 2018. It included additional sports courts on the rooftop which were illuminated and partly covered by shade sails.
- 3.2 As part of the assessment of the application, further information was requested from the applicant. The correspondence expressed concerns with the rooftop facilities (due to amenity issues, increased height, external lighting and intensity of use), and requested more information in relation to the use of the building by external parties outside school hours.
- 3.3 Further information was provided in August 2018, including information regarding the use of the building by external parties outside of school hours by Best Hooper Lawyers. The application was advertised (pursuant to the Environmental Significance Overlay 3) in October 2018. No objections were received.
- 3.4 The application was amended (under Section 57A of the Planning and Environment Act 1987) on 8 January 2019 after Officers again raised concerns with the rooftop playing courts. The courts were removed from the proposal and one additional tree was added for removal.

### 4. THE PROPOSAL

- 4.1 The application proposes a multi-level and multi-purpose building located centrally within the school grounds.
- 4.2 At lower ground level, the building comprises of a multipurpose hall, drama area, foyer/gallery space, storage facilities, kitchen and amenities. The multipurpose hall is able to be converted between a theatre space (via retractable seating) and a sports hall. The school will use this space for school assemblies, performances and various sports.
- 4.3 The multipurpose hall at Lower Ground Level provides for fully retractable style seating (404 seats) over a line marked court sports area. When set up in a theatre style, the plans suggest that the hall can accommodate up to 764 chairs.
- 4.4 The lower ground mezzanine level will provide for a gymnasium area/sports science room, staff room, storage and amenities.
- 4.5 At ground floor level, two indoor courts are proposed along with associated storage, change rooms and amenities.



- 4.6 The building is located 160m from Tindals Road, over sloping land. The slope means the building is benched into the site and is around 9.45m high when viewed from the south (Tindals Road) and 19.5m high when viewed from the north. The slope provides for independent entries to the multipurpose hall, sports hall and gym via new paths and stairs at each level.
- 4.7 The existing car park is being extended and 9 additional car spaces are proposed adjacent to the new building. A lift is also incorporated into the design for accessibility.
- 4.8 The building has been designed with a contemporary façade treatment, featuring a muted colour scheme in keeping with other buildings within the campus. Building materials include insulated metal cladding, alucabond, blockwork and concrete. The roof is Colorbond and contains a variety of solar panels. The colour scheme of the development is predominantly grey and beige, with red and blue highlighting.



EAST ELEVATION AERIAL



EAST ELEVATION



FROM SOUTH-EAST





WEST ELEVATION AERIAL

### Vegetation Removal

- 4.9 The proposed development requires the removal of 13 trees within the proposed building envelope. There are also 5 trees that may be lost for access and construction. It is intended to retain these trees (at least for as long as possible), but because construction will encroach significantly into the tree protection zone, they will be considered 'lost' under the planning controls.
- 4.10 Of the 13 trees located within the building envelope, the Applicant's arborist has indicated:
- 4 trees are of high protection value (trees numbered 73, 137, 138 and 183). Tree 183 is located immediately adjacent to a high construction traffic zone, at the north-west corner of the site where construction vehicles will be approaching from the west.
  - 6 trees are of moderate protection value (trees numbered 134, 194, 195, 208, 209 and 210).
  - 3 trees are of no protection value (trees numbered 77, 135 and 136).
- 4.11 Of the five trees considered 'lost' due to access and construction limitations, the Applicant's arborist has indicated:
- 3 trees are of high protection value (trees numbered 130, 132 and 185)
  - 2 trees are of moderate protection value (trees numbered 131 and 184).
- 4.12 The trees to be removed are all native and indigenous species, with the predominant species being *Eucalyptus polyanthemos* (Red Box). Many of the indigenous species are considered by the arborist to be planted species based on their location within garden beds surrounding the existing portable buildings.

There are however some large trees (such as Tree 144) considered to be remnant to the local area due to their size.

- 4.13 The location of the proposed building has been selected based on the least amount of impact on the existing vegetation. The Biodiversity Assessment prepared by Brett Lane and Associates dated August 2018, has concluded that the vegetation removal comprises 0.063 hectares of patch native vegetation (including one large scattered tree).
- 4.14 If appropriate, offsets will be required as a permit condition, and as these are unlikely to be achieved within the site, suitable offsets will need to be secured from a third party through an accredited offset broker. The conditions required by Department of Environment, Land, Water and Planning reflect these offsets.
- 4.15 The proposed development will include a number of new landscaped areas immediately surrounding the building. This includes a deck and synthetic turf area to the east of the development, and landscaped gardens along the northern, western and southern boundaries of the development.
- 4.16 The landscape plan has been prepared in consultation with the CFA to address vegetation management requirements.

#### **Functions of the building**

- 4.17 The applicant has indicated that the primary function of the building will be to provide new facilities for existing students. The development will not increase student or staff numbers at the campus.
- 4.18 There will be some specific 'out of school hours' use of the facility by both students and third parties. These parties already use the school's facilities after hours, and will simply be transferring their activities to the new sports centre. These include:
  - Dunkers Basketball Team after hours on weekdays and on weekends for matches. It has been suggested that the team comprises 95% students of Donvale Christian College. It is estimated that approximately 30 persons at any one time would be involved.
  - Ignite Netball Team after hours on weekdays, and on weekends for matches. It has been suggested that the team comprises approximately 95% students from Donvale Christian College. It is estimated that approximately 30 persons would be involved at any one time.
  - Dance classes after hours on weekdays. These classes comprise 100% students from Donvale Christian College. It is estimated that a maximum of 50 persons at any one time would be involved. They may also utilise the facility between 3:30pm and 11pm Monday to Friday.
- 4.19 The application contemplates that the multipurpose hall at Lower Ground Level could be offered to community groups (and other schools) for hire between 8am and 10pm on weekends, and between 8am and 11pm outside of school terms. Patron numbers would be limited to 200 people.
- 4.20 To support this aspect of the proposal, the school has provided advice from Best Hooper Lawyers indicating that such uses are consistent with the existing use of the college as an Education Centre ie: the use of the facilities by a third party are not a separate use that would require further planning permission.



### Submission of Documents

4.21 The following reports were provided in support of the application:

- Town Planning report prepared by Ethos Urban, dated 12 October 2018;
- Parking and traffic review prepared by MD Cubed P/L dated March 2018 with addendum dated August 2018.
- Sustainable Management Plan prepared by Brand Architects., dated August 2018 and revision addendum dated 01/03/2019;
- Arboricultural Development Impact Report prepared by Arbor Survey (revised) dated 26 February 2019;
- Biodiversity Assessment prepared by Brett Lane and Associates dated August 2018

## 5. LEGISLATIVE REQUIREMENTS

5.1 Refer to Attachment (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy).

5.2 A planning permit is required for the following:

- Clause 37.01 Special Use Zone (Schedule 3) -all buildings and works associated with the Education Centre.
- Clause 42.01 Environmental Significance Overlay Schedule 3 – all buildings and works including vegetation removal.
- Clause 44.06 Bushfire Management Overlay – a permit is required for buildings and works associated with an Education centre.
- Clause 52.17 Native Vegetation - the removal of native vegetation.
- Clause 52.06 – Car Parking.

## 6. REFERRALS

### External

6.1 The CFA provided correspondence dated 30 May 2019, outlining no objection to the proposal subject to conditions. These include that the south and east elevations of the building are designed and constructed to Bushfire Attack Level of 19 (BAL-19), with all other portions of the building constructed to minimum Bushfire Attack Level of 29 (BAL-29). Conditions also relate to the implementation of defensible space around the building and landscaping.

6.2 The Department of Environment, Land, Water and Environment provided correspondence dated 20 December 2018, outlining no objection to the vegetation removal subject to conditions requiring State vegetation offsets.

6.3 AusNet Services provided correspondence dated 22 October 2018, outlining no objection subject to conditions including no buildings or works (including vegetation) on the easement and that any services traversing the easement be installed underground and not within 20m of the transmission towers.

**Internal**

6.4 The application was referred to a number of Service Units within Council. The following table summarises the responses:

<b>Service Unit</b>	<b>Comments</b>
Infrastructure Services Unit	<p>No objections were raised in relation to the proposed construction subject to conditions requiring all drainage to be connected to the point of discharge. It was suggested batter slopes should not be steeper than 1:3 without rocks or low retaining walls to provide additional stability.</p> <p>It was noted the building was located outside areas impacted by overland flows.</p> <p>It was noted the additional nine car parking spaces were designed in manner that met Clause 52.06.</p>
Integrated Planning Unit, Sustainability	<p>The application can achieve best practice ESD standards subject to some modest changes and the submission of additional information. These alterations relate to:</p> <ul style="list-style-type: none"> <li>• water tank connection,</li> <li>• stormwater calculations,</li> <li>• materials used in internal fit out,</li> <li>• solar energy</li> <li>• bicycle facilities.</li> </ul>
Environment	<p>Council's Environmental team has identified that the vegetation removal has been minimised and no objection is given to its removal subject to conditions requiring offsets, site management and vegetation protection.</p>
Heath	<p>The building must be connected to sewer. A Certificate of Registration must be obtained before any sale of food from the building is permitted.</p>

**7. CONSULTATION / NOTIFICATION**

- 7.1 The application was advertised pursuant to the Environmental Significance Overlay 3 applying to the site. A sign was placed on the frontage of the site and letters sent to surrounding properties. No objections were received.
- 7.2 Following receipt of the Section 57A amendment, the application was not readvertised as the illuminated rooftop playing courts and associated access ramp were removed and there were only minor changes to the building footprint and removal of an additional tree.

**8. ASSESSMENT**

- 8.1 The site is within a unique semi-rural setting and considering the overall size of the school campus, any development on this site is constrained by topography, waterways, vegetation and easements. The area designated for development is also constrained by the locational requirements of the Donvale Christian College Masterplan.
- 8.2 The assessment criteria for this application is limited to the construction aspects of the building in relation to decision criteria in the Special Use Zone, including environmental issues, and design and siting. Consideration also needs to be given to the Environmental Significance Overlay, bushfire protection under the Bushfire Management Overlay and Clause 52.06 – Car Parking.
- 8.3 From a macro perspective, the use and location of the building is consistent with the Masterplan for the Donvale Christian College. The building provides improved facilities for students of the School within the identified and approved building envelope plan. The new building replaces existing decommissioned classrooms.
- 8.4 The legal advice provided by the applicant provides comfort that the proposed building is consistent with the present land use occurring on the site (an Education Centre), irrespective of whether it will be occasionally used by community groups outside of school hours.
- 8.5 As part of its consideration, Council, as responsible authority, must consider amenity impacts from activities within the building and apply relevant conditions to limit its use if it determines it will cause unreasonable detriment. This is irrespective of who is using the building, or at what times. This consideration is discussed under the heading Design and Siting.

**Environmental issues (including vegetation removal)**

- 8.6 The relevant decision guidelines of the Special Use Zone Schedule 3 require an assessment of the environmental impacts of the building and works on the biodiversity of the land, and the protection and enhancement of the natural environment within the school grounds (including riparian buffers within the gully and along the waterways, and windrows and vegetation through the site and along ridgelines).
- 8.7 The decision criteria in Environmental Significance Overlay Schedule 3 build on this further. They include objectives to avoid the removal of Victorian native vegetation, provide appropriate offsets, protect nearby and adjacent Biosites and avoid fragmentation of flora and fauna habitat.
- 8.8 The chosen location for the proposed building is within already disturbed land within the cluster of buildings identified as the preferred building envelope under the Masterplan. The location is setback more than 120m from the western boundary which adjoins the Mullum Mullum Creek Linear Park. At this setback, no interference with the environmental qualities of the linear park is expected.
- 8.9 The disturbed land, which is neither located on a ridge or within a gully, has somewhat degraded environmental value. Although there are eighteen trees

to be removed, these are generally located between the decommissioned buildings were planted by the School. Appropriate offsets will be required by condition of approval.

- 8.10 Significant vegetation to the west and north of the proposed building, including within the gully, is of higher environmental quality and is being retained. This vegetation will continue to be maintained in accordance with the approved Property Management Plan, a land management plan that is being implemented by the school.
- 8.11 The proposal includes the landscaping around the building with native species which offers positive environmental outcomes. The proposed landscaping has been approved by the CFA.
- 8.12 Overall, the siting of the proposal protects the Mullum Mullum Creek biosite and avoids fragmentation of habitat corridors in the riparian buffer system along the waterways and gully north of the building.

### **Design and Siting Issues**

- 8.13 The relevant decision guidelines of the Special Use Zone Schedule 3 requires consideration of the need to minimise any adverse impacts of siting, design, height, bulk, colours and materials to be seen from vantage points including landscape features, major roads and vistas. The Zone also requires consideration of amenity impacts, which also require consideration under Clause 65 of the Manningham Planning Scheme.
- 8.14 The ESO3 requires building design and siting to be in keeping with the bushland character of the area, and an assessment of whether the external building finishes and colours are non-reflective and blend with the natural environment.
- 8.15 Firstly, the proposed building is within the approved area delineated on the Masterplan for the school to redevelop within. This is a positive aspect, however, sports and halls are sizable buildings, and the proposed building will be the largest building on the campus by a significant margin.
- 8.16 Overall, the siting of the site, and its construction on a hillside, serves to reduce its visual prominence. It is well setback from any boundary, including Tindals Road, and it will not be observed without other buildings and landscaping around it. This will provide framing and a built form transition which wouldn't occur if it were surrounded by open paddocks.
- 8.17 The siting, using disturbed areas containing decommissioned classrooms minimises vegetation removal, but also reduces the spread of earthworks across the site.
- 8.18 Although it is constructed on reasonably steep topography, the building is benched into the slope, which not only reduces its scale, but provides for multiple pedestrian access points.
- 8.19 The building will not be visible from the south and east along Tindals Road, where it is viewed around 9.45m in height. The building will not be seen as other buildings and vegetation will block sightlines. The building will not be viewed from the west, as native vegetation along the Mullum Mullum Creek

will obscure it. The building may be marginally visible from the east, but this is from within the school grounds and in the context of other buildings present (see image below). The building is not visible from the north (Pambara Court properties) due to a higher ridgeline extending across the school ground between the rear of the properties and the proposed building.



View of the development from within the school groups to the east, from Block F (above)

- 8.20 The only vantage point from which the building may be observed is from a north-easterly direction, by the On-Luck Chinese aged care facility. The year 9 building in the foreground is expected to obscure much of this view, and the building will sit in the context surrounded by other buildings and vegetation. Over a distance of 200m, the scale of the building will diminish. The view to the building is modest and not unreasonable and sits comfortably in its context.



View of the development from On-Luck Chinese Aged Care Facility (above)

- 8.21 The proposed building materials, finishes and colour scheme are non-reflective and comprise predominantly grey and beige tones which are consistent with and will blend with the bushland character of the area.
- 8.22 In terms of amenity impacts, the setbacks to the building ensure no unreasonable detriment will occur to the surrounding neighbourhood through activities within the building. This would be particularly true through school hours when around 1300 students are already on site.
- 8.23 During hours when the school is not operating, it would be prudent to restrict the activities in the building in the manner indicated by the applicant (hours and patron numbers) 'to the satisfaction of the Responsible Authority'. Given the setbacks of the building from any sensitive residential uses (over 190m away), the limitations on patrons and hours offered by the applicant are considered acceptable.

### Car parking

- 8.24 Clause 52.06 (Car Parking) outlines a statutory parking requirement of 1 space per employee for a Primary School, and 1.2 space per employee for a Secondary School. The application outlines that there is no increase in employee or student numbers at the school following the construction of the facility and therefore the proposal does not generate additional car parking needs.
- 8.25 Furthermore, the existing number of car parks (317) far exceeds the statutory requirements in the Manningham Planning Scheme, that being 58.34 car spaces for primary school staff and 107 car spaces for secondary school staff (total 165 spaces). The parking provision also exceeds the required

number of car spaces under the approved Masterplan being 315 spaces by 2030.

- 8.26 The proposal includes the construction of nine additional car parking spaces that are an extension to an existing car parking area south-west of the proposed building. There is no in principle objection to this aspect of the proposal. The nine additional spaces are designed in accordance with the design requirements outlined in Clause 52.06-9. Council's Traffic Engineers have assessed the layout and have raised no concerns. The additional car parking is appropriately sited and designed with paths leading to the entry of the new building.
- 8.27 The application proposes no change to the access arrangements onto Tindals Road.

#### **Bushfire Protection**

- 8.28 In relation to bushfire protection measures to be implemented as part of this development, the CFA has reviewed the Bushfire Management Statement submitted as part of the application.
- 8.29 The CFA has is no objection subject to the mandatory condition and conditions requiring minimum construction standards and the endorsement of a Landscape Concept Plan, partially to manage weed removal within the gully to the north of the proposed building.
- 8.30 The CFA is satisfied that the existing water supply and access arrangements satisfy their requirements.

#### **9. DECLARATION OF CONFLICT OF INTEREST**

- 9.1 No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.