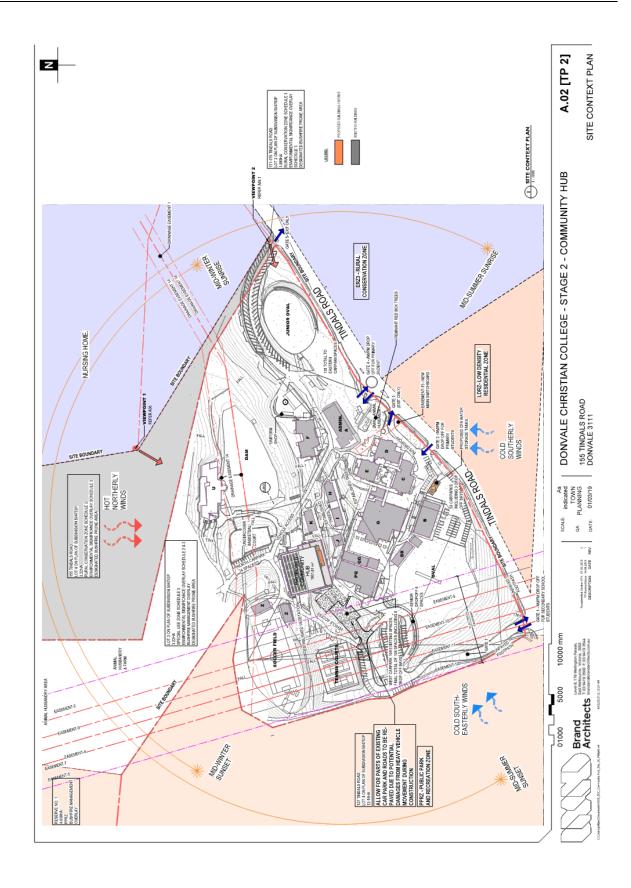


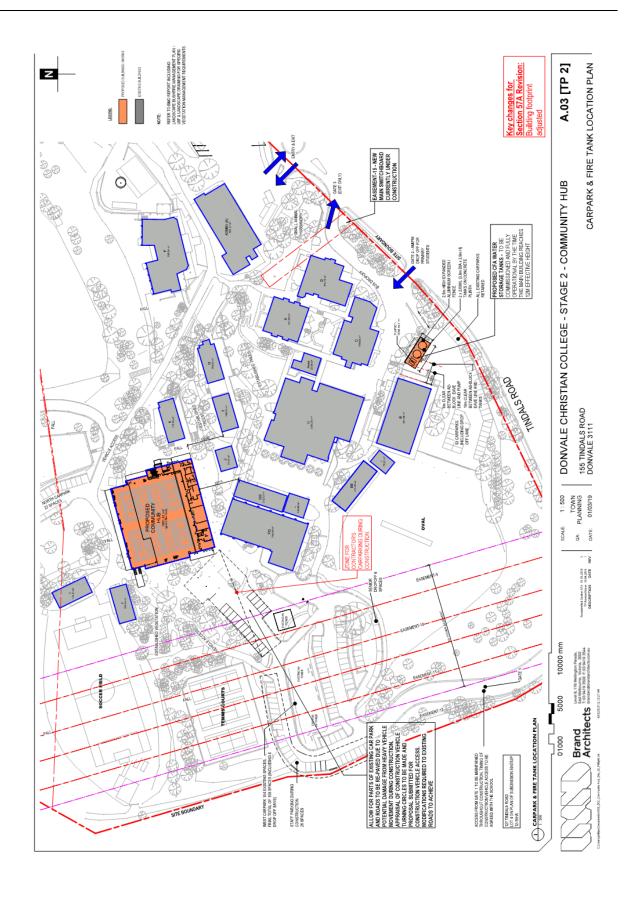


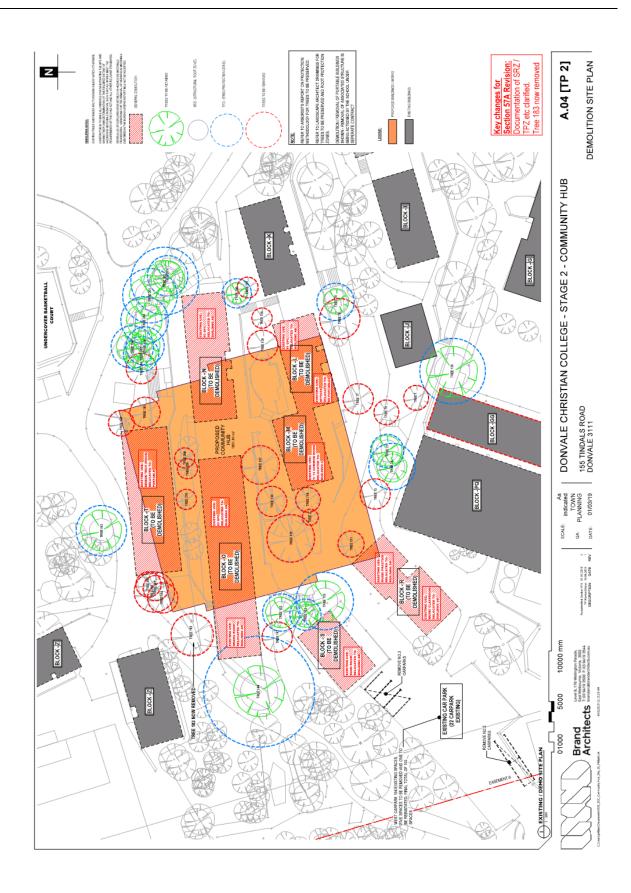
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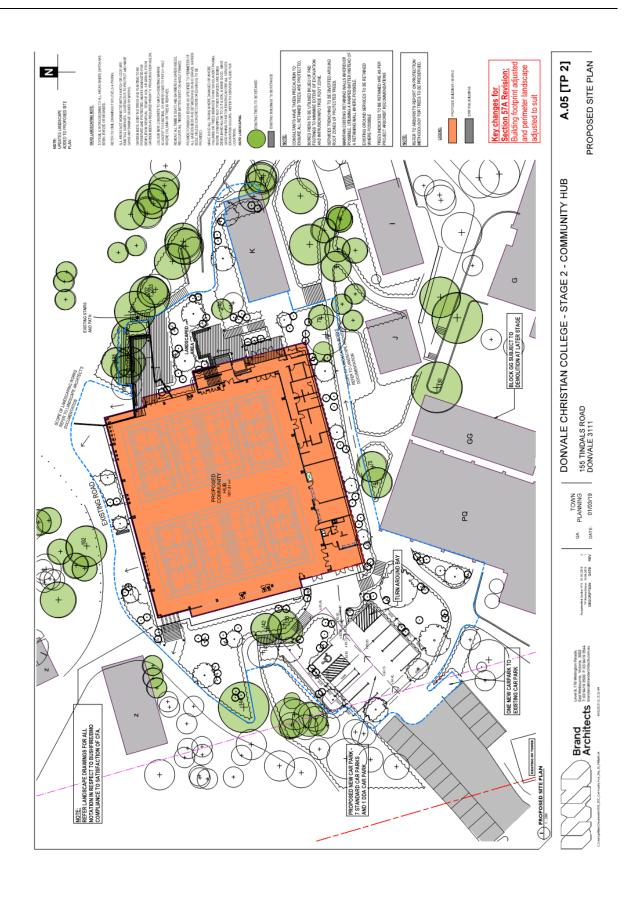
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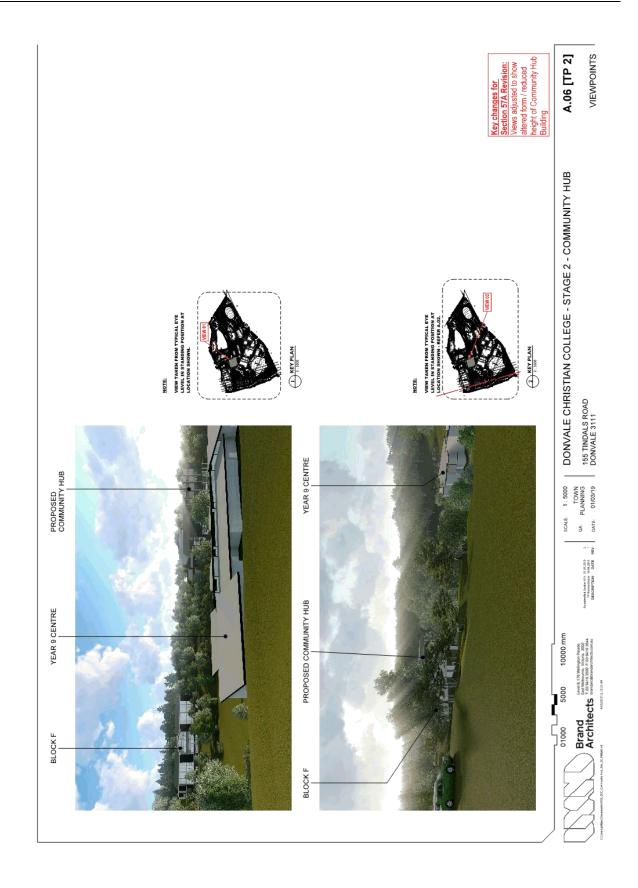
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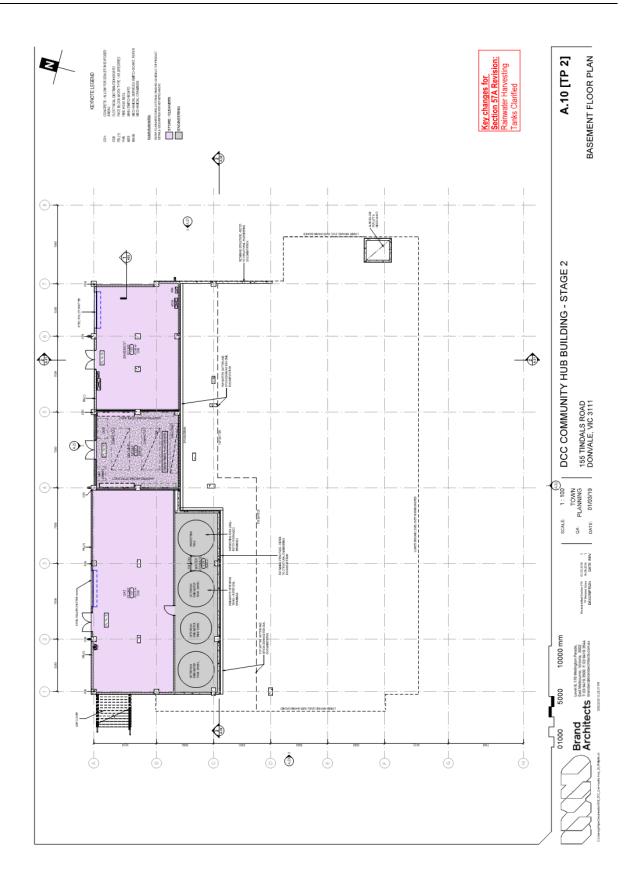


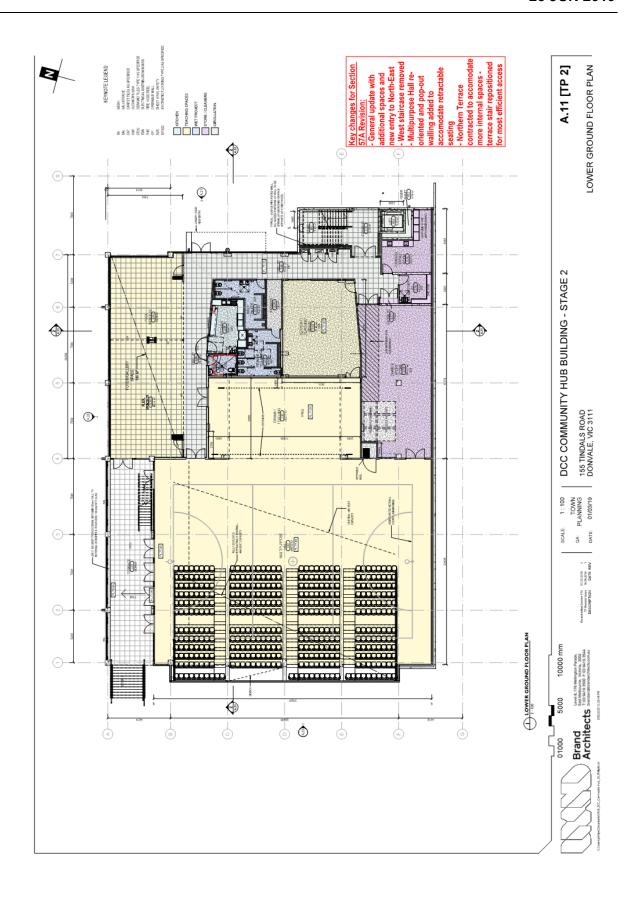


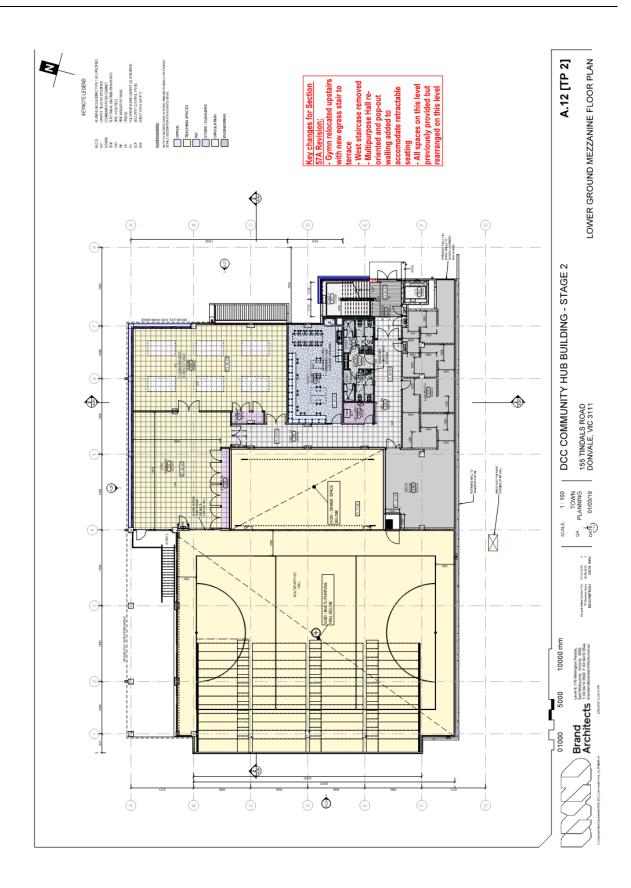


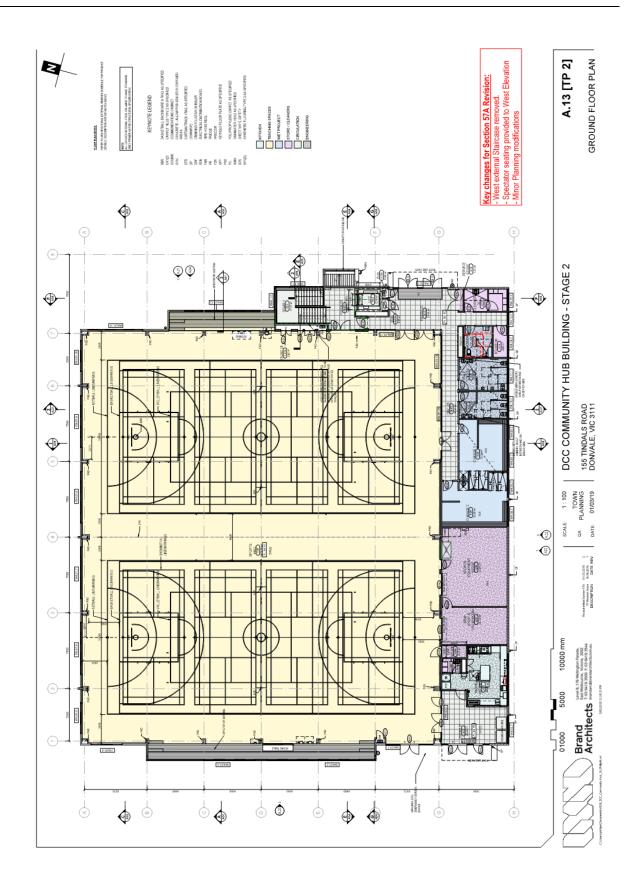


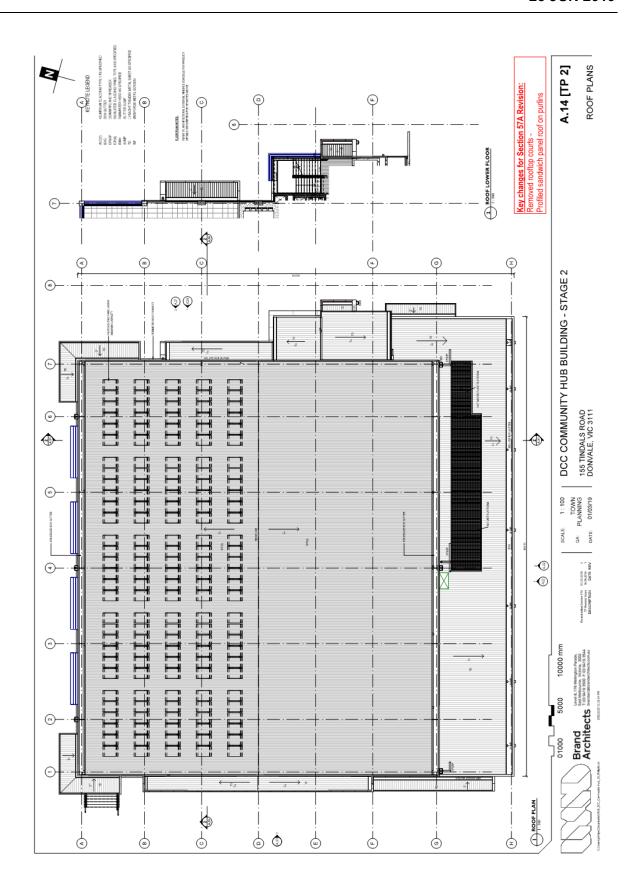






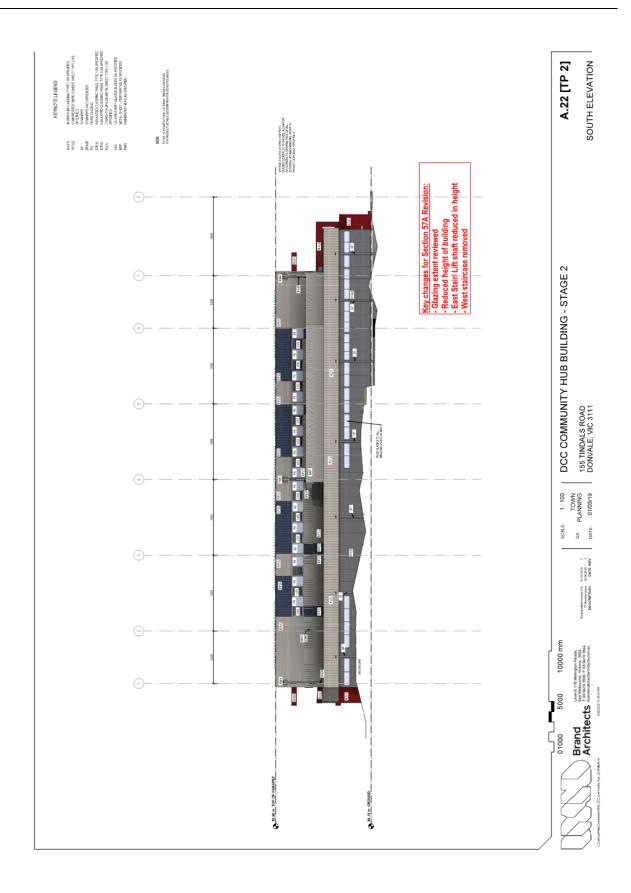


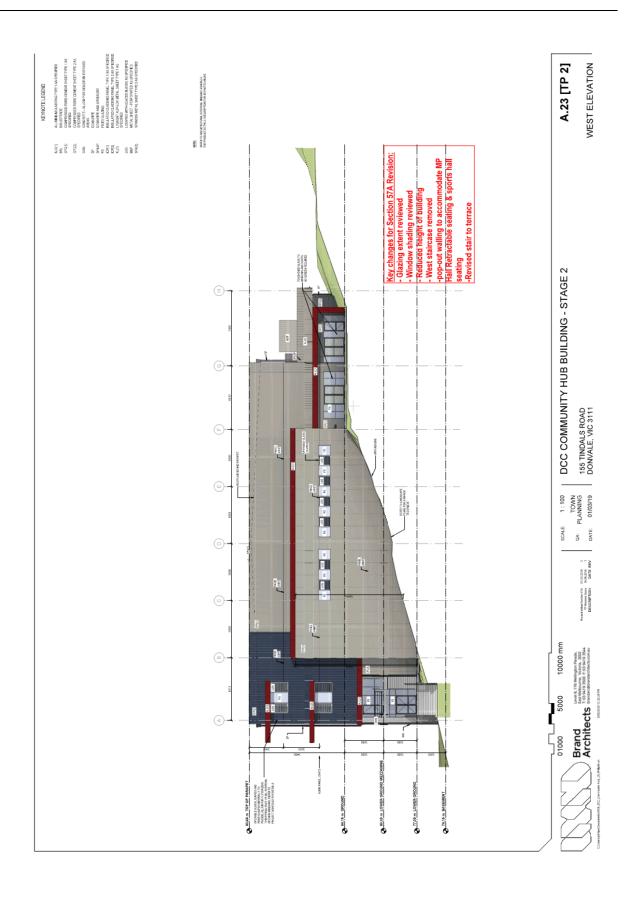


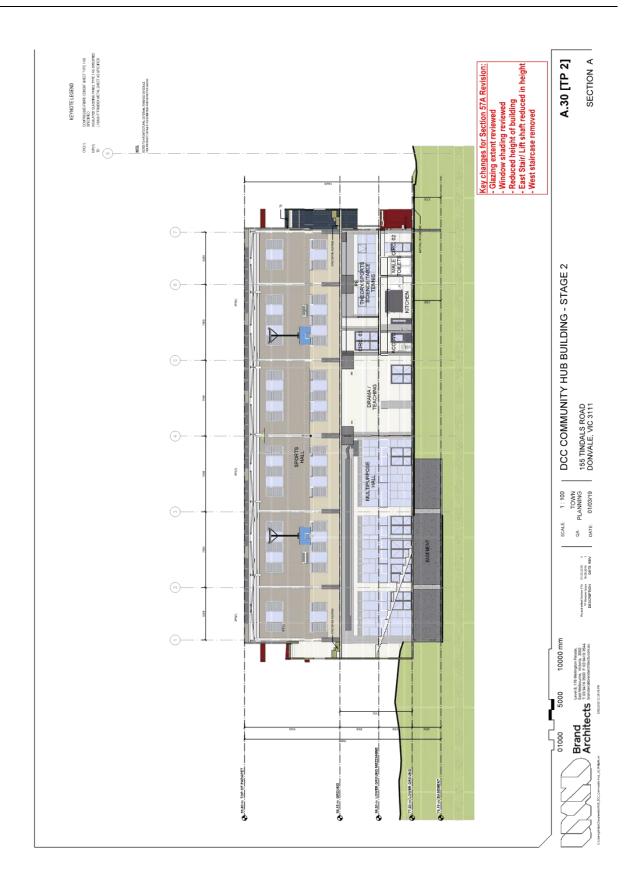


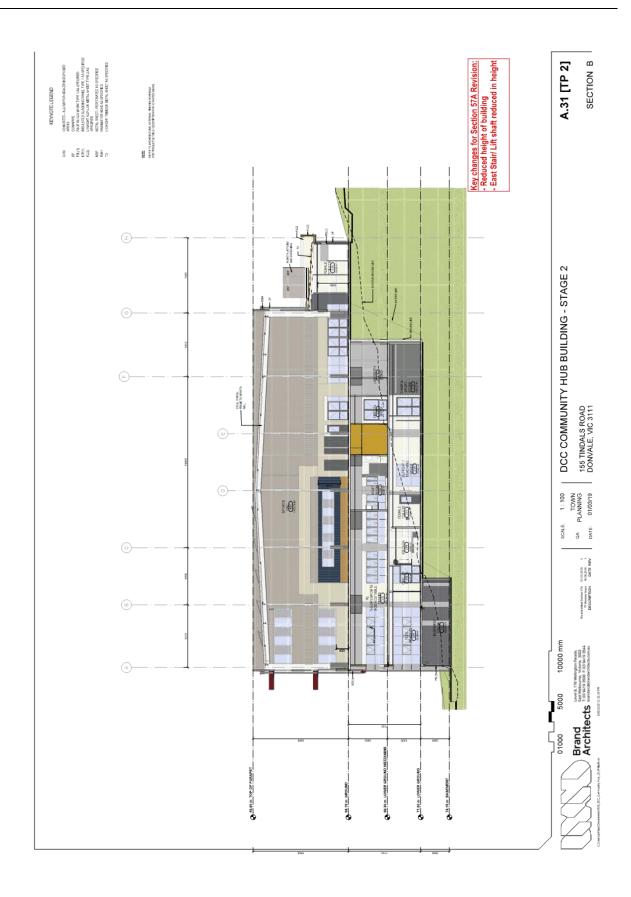














DCC COMMUNITY HUB BUILDING - STAGE 2



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PERSPECTIVES

5. LEGISLATIVE REQUIREMENTS

5.1 PLANNING AND ENVIRONMENT ACT 1987 (THE ACT)

The Planning and Environment Act 1987 is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development

Section 60 of the *Planning and Environment Act*, requires the Responsible Authority to consider the following before deciding on an application:

- The relevant planning scheme:
- The objectives of planning in Victoria;
- All objections and other submissions which it has received:
- Any decision and comments of a referral authority which it has received; and
- Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.

Section 61(4) of the Act makes specific reference to covenants. Under Section 61(4) of the Planning & Environment Act 1987 the Responsible Authority must not issue a planning permit that would result in a breach of a registered restrictive covenant.

5.2 MANNINGHAM PLANNING SCHEME

Clauses of the Manningham Planning Scheme the Responsible Authority must consider:

- State Planning Policy Framework
- Local Planning Policy Framework
- Clause 37.01 Special Use Zone, Schedule 3
- Clause 42.01 Environmental Significance Overlay Schedule 3
- Clause 44.06 Bushfire Management Overlay
- Clause 52.17 Native Vegetation
- Clause 52.06 Car Parking
- Clause 53.02 Bushfire Planning
- Clause 65 Decision Guidelines

Zone

Clause 37.01 Special Use Zone, Schedule 3

The purpose of the Special Use Zone Schedule 3 is:

- To provide for the continued use and development of land for an education centre.
- To provide for the use and development of the land in accordance with the Donvale Christian College Master Plan (September 2013).
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the site.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

A permit is required for all buildings and works associated with the Education Centre.

Schedule 3 pertains to the Donvale Christian College and has the following Decision Guidelines the responsible Authority must consider, as appropriate:

General issues

- The Donvale Christian College Master Plan (September 2013).
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- Whether use or development protects and enhances the environmental and landscape qualities of the site and its surrounds.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

Rural issues

- The environmental capacity of the site to sustain the development.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed infrastructure.
- Whether the use or development will have an adverse impact on surrounding land
 uses

Environmental issues

- An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.
- The protection and enhancement of the natural environment of the area, including
 the retention of vegetation and faunal habitats and the need to revegetate land
 including riparian buffers along waterways, gullies, ridgelines, property boundaries
 and saline discharge and recharge areas.
- How the use and development relates to sustainable land management and the need
 to prepare an integrated land management plan which addresses the protection and
 enhancement of native vegetation and waterways, stabilisation of soil and pest plant
 and animal control.
- The location of on site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which
 minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.

Overlays

Clause 42.01 Environmental Significance Overlay Schedule 3

A permit is required for all buildings and works and the removal of vegetation.

The environmental objectives to be achieved are:

- To protect and enhance the ecological values of Buffer Conservation Areas.
- To protect the ecological values of Critical and Core Conservation Areas.

- To encourage the location of development within those areas that are the most degraded and devoid of native vegetation.
- To encourage development that is in keeping with the semi-rural character of the area and is sympathetic to the existing built form.
- To ensure that development responds to the area's environmental and landscape characteristics, including topography and waterways.
- · To minimise earthworks.
- To ensure subdivision of land does not lead to a decline in the ecological integrity and environmental values of Buffer Conservation Areas and the adjacent Critical and Core Conservation Areas.
- To achieve an improvement in the extent and quality of Victorian native vegetation, consistent with the goal of Net Gain as set out in the background document Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment, 2002) by:
 - ☐ Avoiding the removal of Victorian native vegetation.
 - ☐ Minimising the removal of Victorian native vegetation, if the removal of the Victorian native vegetation cannot be avoided, through appropriate planning and design.
 - ☐ Appropriately offsetting the loss of Victorian native vegetation.
- To conserve and where possible enhance habitat for flora and fauna species recognised as threatened at the municipal, regional, state or federal level.
- To retain Australian native trees for their habitat value and landscape contribution.
- To protect natural resources, ecological processes, genetic diversity and ecosystem services.
- To protect and enhance habitat corridors and ecological stepping-stones.

The decision guidelines the Responsible Authority must consider, as appropriate:

- Whether the removal of Victorian native vegetation has been avoided, or where this is not possible, whether adverse impacts have been minimised.
- Whether the loss of Victorian native vegetation will be offset and whether long term protection will be provided for the offsets.
- The extent to which the proposal will impact on the ecological values and function of Buffer Conservation Areas.
- The extent to which the proposal will impact on the ecological values and function of any nearby or adjacent Biosites.
- Whether the proposed development has been located to avoid impacts on areas where offsets for previous development have been provided.
- The extent to which the removal of vegetation will contribute to the fragmentation and isolation of existing flora and fauna habitat.
- The likely impact of the proposal on species of flora or fauna which are threatened at the municipal, regional, state or federal level and the extent to which provisions are made to negate, minimise or manage those impacts.
- The role of Australian native trees in providing habitat and landscape value.
- Whether replacement planting with indigenous vegetation is proposed for the removal of any Australian native trees (other than Victorian native vegetation).
- Whether the design and siting of buildings or other development minimises the environmental impacts on:
 - Native fauna.
 - Waterway health, wetland condition and water quality.
 - Site run-off and soil erosion.
 - o Habitat corridors or ecological stepping-stones.
 - o Any adjacent public open space.

- The extent to which the application complies with the background document Development Guide for Areas of Environmental and Landscape Significance (2011).
- Whether building design and siting is in keeping with the bushland character of the area and whether external building finishes and colours are non-reflective and blend with the natural environment.

Clause 44.06 Bushfire Management Overlay

A permit is required for buildings and works associated with an Education Centre. The purpose of the Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any other matters specified in a schedule to this overlay.

Planning Policy Framework

The relevant sections of the state planning policy framework are as follows:

Clause 12.01-S Protection of Biodiversity

The objective is:

To assist the protection and conservation of Victoria's biodiversity

Clause 12.02-S Native Vegetation Management

The objective is:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 12.05-2S Landscapes

The objective is:

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments

Clause 13.02-1S Bushfire Planning

The objective is:

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

Clause 15.02-1S Energy and resource efficiency

The objective is:

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

Clause 18.02-5 Car parking

The policy objective is:

To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF) Municipal Strategic Statement

Clause 21.07 Green Wedge and Yarra River Corridor

Clause 21.07-4 Built Form and Landscape Character

The objectives of the policy are:

- To encourage building form that responds appropriately to the landscape and minimises risk.
- To encourage retention of native vegetation.
- To minimise the extent of earthworks and to preserve and enhance natural drainage lines
- To encourage the planting of indigenous vegetation.
- To protect and enhance landscape quality, view lines and vistas

Clause 21.10 Environmentally Sustainable Development

The objectives of the policy are:

- To achieve appropriate siting and design, to minimise non-renewable energy consumption and greenhouse gas emissions.
- To require development to incorporate efficient use of energy, by including current best practice in passive design, and resource use, which demonstrates low environmental impact.
- To encourage development which incorporates sustainable building materials.

Clause 22.02 Native Vegetation Policy

The objectives of the policy are:

- To establish principles and guidelines for the implementation of 'Net Gain' within Manningham.
- To protect, conserve and where possible enhance the biodiversity values of the municipality.
- To recognise, protect and conserve ecosystem services and functions.
- To protect and conserve and where possible enhance Manningham's native vegetation particularly Biosites - Sites of Biological Significance (Core Conservation Areas) and Buffer Conservation Areas.
- To protect, conserve and enhance habitat corridors and habitat connectivity.
- To protect and conserve species of indigenous flora and/or fauna which are considered threatened within Manningham.
- To minimise, mitigate and manage threatening processes and negative impacts upon indigenous flora and fauna.

Clause 22.08 Safety Through Urban Design Policy

The objectives of the policy are:

- To provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.
- To minimise opportunities for crime, through well designed and well maintained buildings and spaces.
- To encourage the use of public spaces.
- To improve accessibility by creating attractive, vibrant, walkable environments.
- To discourage graffiti and vandalism.

Clause 22.09 Access for Disabled People Policy

The objectives of the policy are:

- To facilitate the integration of people with a disability into the community.
- To ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

Clause 22.12 Environmentally Sustainable Development

The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Clause 22.14 Environmental and Landscape Significance Protection The objectives of the policy are:

- To retain vegetation and to preserve the recognised environmental and landscape significance of the municipality while also promoting development that is safe from the risk of wildfire.
- To encourage higher construction standards and/or alternative treatments in preference to vegetation removal or development that would impact on recognised environmental and/or landscape values.

Particular Provisions

Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions The overarching purpose of the provision is to protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.

Clause 52.06 Car Parking

Pursuant to Clause 52.06-5, car parking is required to be provided at the following rates

- Primary School (1 space to each employee that is part of the maximum number of employees on the site at any one time).
- Secondary School (1.2 spaces to each employee that is part of the maximum number of employees on the site at any one time).

General Provisions

Clause 65 Decision Guidelines

This clause outlines that before deciding on an application, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- · The orderly planning of the area.
- The effect on the amenity of the area.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.