

3-5 Caldwell Court, Johnsonville

Planning Permit Application
PA2403351



Officer Assessment Report
Development Assessment

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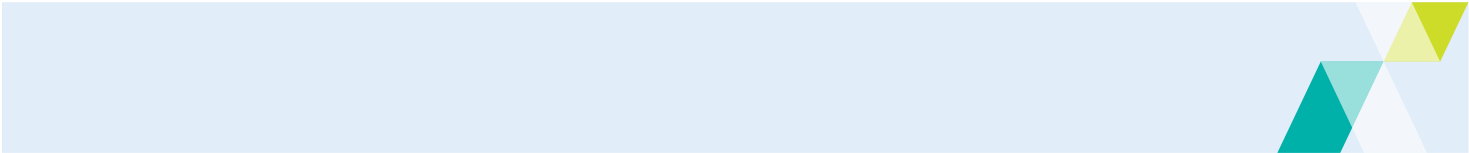
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Executive Summary



Key information	Details		
Application No.:	PA2403351		
Received:	19 November 2024		
Statutory Days:	180		
Applicant:	Crowther & Sadler Pty Ltd		
Planning Scheme:	East Gippsland		
Land Address:	3-5 Caldwell Court, Johnsonville		
Proposal:	Staged use and development of an education centre (Primary school, Secondary school and Kindergarten), display of business identification sign, reduction in car parking and reduction of bicycle facilities.		
Development value:	\$35 million		
Why is the Minister responsible?	In accordance with Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for this application because the proposed use and development of land is for a primary school, secondary school and kindergarten with an estimated cost of development of \$3 million or greater.		
Why is a permit required?	Clause	Trigger	
Zone:	Clause 32.03-1 (Low Density Residential Zone)	Use of the land for the purposes of an education centre (primary school, secondary school and kindergarten)	
	Clause 32.03-4 (Low Density Residential Zone)	Buildings and works associated with a Section 2 use under Clause 32.03-1	
Overlays:	Clause 44.02-2 (Salinity Management Overlay)	Buildings and Works	
Particular Provisions:	Clause 52.05 (Signs)	Display a business identification sign	
	Clause 52.06 (Car Parking)	Reduction in Car Parking	
	Clause 52.34 (Bicycle Facilities)	Reduction in bicycle facilities	
Cultural Heritage	The site is within an area of Cultural Heritage Sensitivity. A CHMP which accounts for the subject site already exists and was undertaken as part of the preceding subdivision of the land. (CHMP 17760). The CHMP is considered sufficient to ensure that any Aboriginal Cultural Heritage discovered during the development of the land for a school is managed appropriately in accordance with the obligations of the CHMP.		
Total site area:	3.29 ha		
Parking:	Cars	Motorcycles	Bicycles
	80	None	26
Referral authorities	- Head, Transport for Victoria (determining referral authority) - DEECA Planning and Environmental Assessment (determining referral authority)		
Public Notice	Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: - By displaying one copy of a public notice on signboards fronting Caldwell Court for at least 14 days - By notifying adjoining and nearby owners of occupiers by mail. - By publishing a copy of the public notice in the Bairnsdale Advertiser for one issue. One objection has been received at the time of writing.		
Delegates List	N/A		



Key information	Details
Recommendation	The application is recommended for approval subject to conditions, as discussed in this report.



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

Milestone	Date
Pre-application meeting (DTP, East Gippsland Shire Council, and Crowther and Sadler)	19 February 2024
Application lodgement	19 November 2024
Further information requested	9 January 2025
Further information received	13 February 2025
Further plans submitted (formally under section 50 of the Act)	N/A
Further informally substituted sketch plans submitted (date)	N/A
Decision plans	Plans prepared by Mark Simnett Design, titled 'Wild Cherry School Development' and dated 18 November 2024.
Other assessment documents	Bushfire Assessment prepared by Crowther & Sadler, dated November 2024 Transport Impact Assessment prepared by Ratio, Version F02 dated 29 January 2025 Geotechnical Risk Assessment prepared by Chris O' Brien & Company Pty Ltd, dated 11 October 2023 Planning Report Prepared by Crowther & Sadler, dated November 2024

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



3. The proposal is for the staged use and development of an education centre (Primary school, Secondary school and Kindergarten), display of business identification sign, reduction in car parking and reduction of bicycle facilities.
4. Specific details of the application include:
 - A rambla will be developed centrally within the subject land with school buildings developed to the north and south with rural views to the west and south of the property.
 - Primary school buildings will be located to the south and west of the school in a “crescent” formation following the topography of the land, with the multipurpose hall centrally sited within this part of the school
 - To the north of the subject land are the proposed secondary classrooms and administration building, to be constructed on the more elevated part of the land, allowing views of the rural landscape to the west and south.
 - Proposed access and egress to the subject land will take place from Caldwell Court leading to a formalised car parking area. The proposed internal vehicle access has been designed to allow for bus turning movements to be accommodated and provides for a one-way flow of traffic.
 - A free-standing sign with a signage area of 1.08m, to be installed in proximity to the frontage to Caldwell Court (Sign 1)
 - Black acrylic lettering affixed to a proposed stack stone curved feature wall (Sign 2), to the north-west of the proposed bus shelter. Lettering sizes will range from 300mm high down to 100mm high, together with a separate school logo with a maximum height of 800mm.
 - The overall number of car parking spaces to be provided for the school will be 80 car spaces with a proposed bus bay located to the south of the internal access road, and “kiss and go” drop-off and pick-up along the internal egress road.
 - To the south-east of the subject land will be the first buildings developed on the land, being the early learning classrooms and administration room, providing a welcoming element of the school.
 - All buildings proposed are single storey in height, with the maximum height specified being 10.5 metres for the multipurpose hall under stage 4.
5. The applicant has provided the following concept images of the proposal:

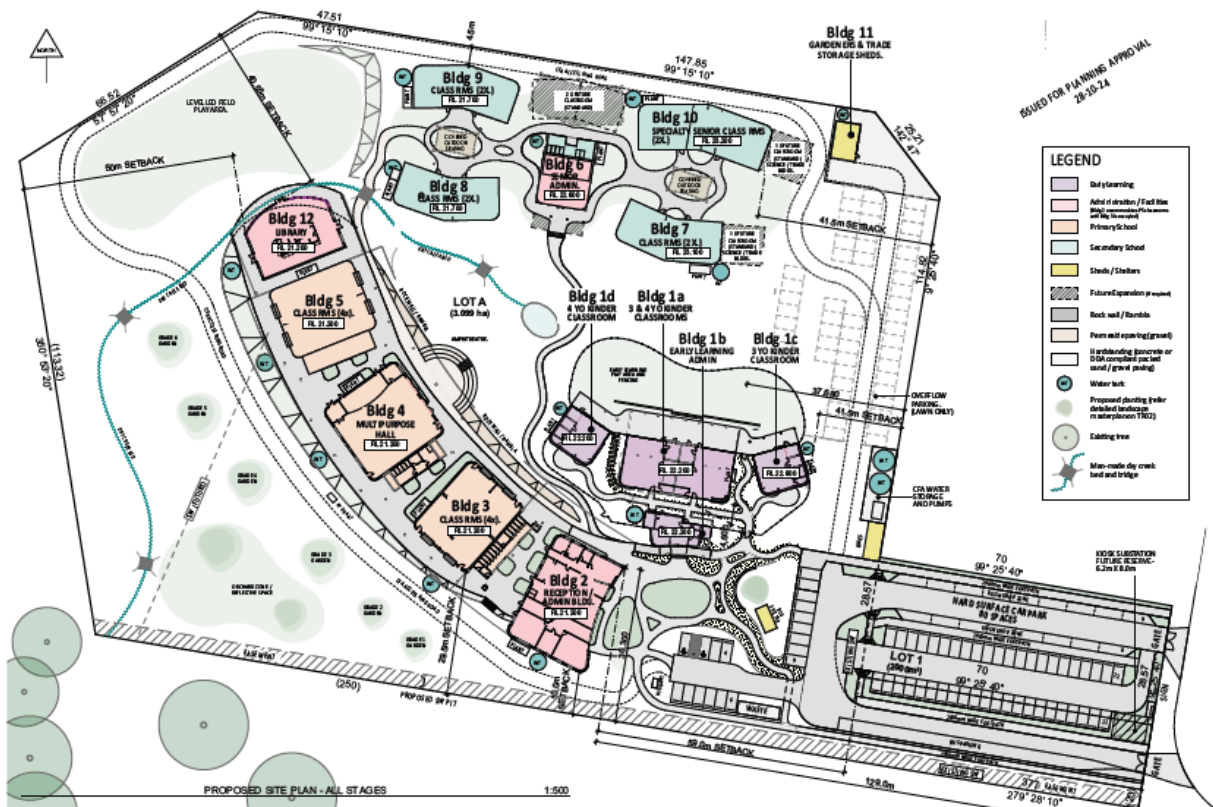


Figure 1: Proposed site Plan



PRIMARY CLASSROOMS, HALL TO LIBRARY



LIBRARY



Figure 2: Elevations and Renders

Subject Site and Surrounds

Site Description

6. The site is located at 3-5 Caldwell Court, Johnsonville, a smaller township located primarily between the Princes Highway and Tambo River.
7. The subject land was until recently grazed and contains introduced pasture grasses. The property boundaries are being progressively fenced to the north and east with a mixture of fencing styles adjoining the recently created lots
8. The subject land, is an irregular land parcel of 3.299 hectares
9. The site is formally known as Lot A and Lot 1 on PS 903390A or otherwise known as 3 and 5 Caldwell Court

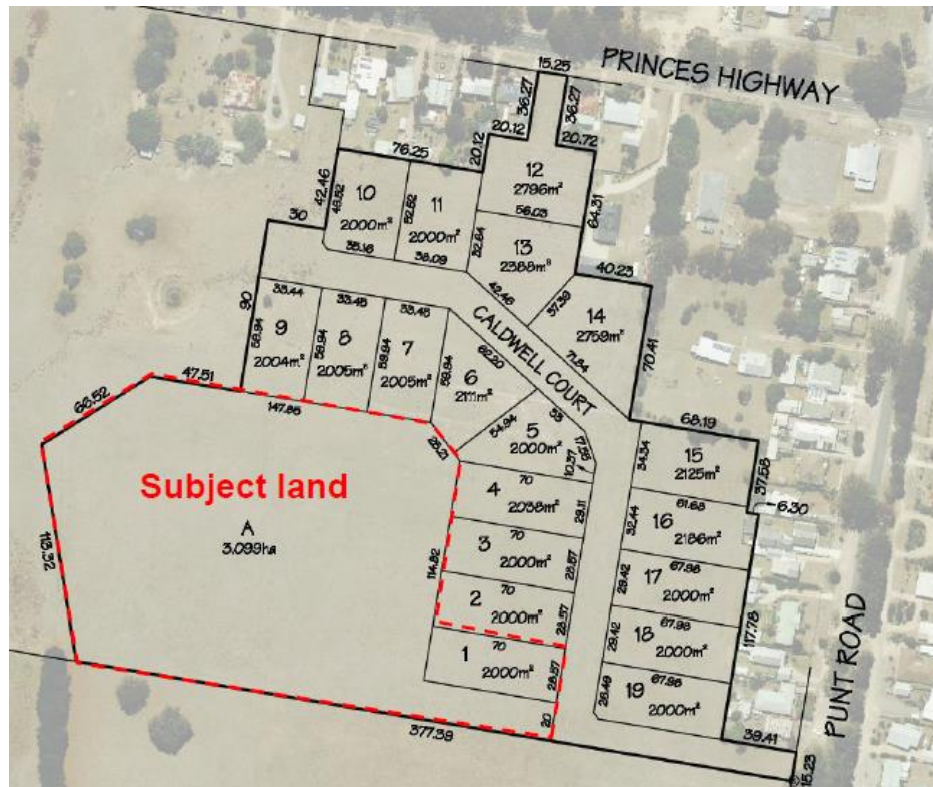


Figure 3: site location plan/subdivision layout

Site Surrounds

10. To the east and north of the property are residential properties recently developed or currently being developed with single storey detached dwellings.
11. Access to the subject land is obtained from Caldwell Court which leads to Punt Road. Caldwell Court is a constructed urban road with kerb and channel drainage extending east from Punt Road for the initial east/west section, transitioning to grassed verges with swale drains at the frontage of the subject land.
12. A view looking east across the site is shown below:



Figure 4: Photo looking east across the site.



Municipal Planning Strategy

13. The following provisions of the Municipal Planning Strategy are relevant to the proposal:

Clause no.	Description
02.01	Context
02.02	Vision
02.03-5	Built Environment and Heritage
02.03-7	Transport and Infrastructure

14. The relevant provisions of the MPS have been taken into account as part of this assessment.

Planning Policy Framework

15. The following provisions of the Planning Policy Framework are relevant to the proposal:

Clause no.	Description
13	Environmental Risks and Amenity
13.02-1S	Bushfire Planning
13.04-3S	Salinity
13.04-3L	Salinity
15	Built Environmental and Heritage
Clause 15.01-5S	Neighbourhood character
18	Transport
Clause 18.01-1S	Land use and Transport Integration
19	Infrastructure
19.02-2S	Education facilities

16. The Assessment section of this report provides a detailed consideration of the planning policies relevant to the proposal.

Statutory Planning Controls

Low Density Residential Zone

17. A planning permit is required for the use as a primary school, secondary school and kindergarten under clause 32.03-1, and to construct a building or construct or carry out works under 32.03-4. The purpose of the Low Density Residential Zone (LDRZ) is:

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

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Salinity Management Overlay

18. A planning permit is required to construct a building or construct or carry out works under Clause 44.02-2.

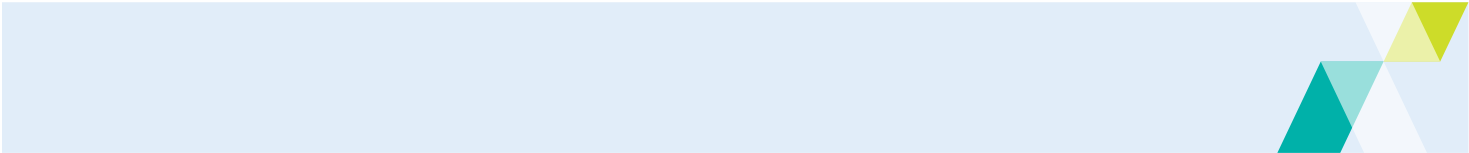
19. The purpose of the Salinity Management Overlay (SMO) is:

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

To identify areas subject to saline ground water discharge or high ground water recharge.

To facilitate the stabilisation of areas affected by salinity.

To encourage revegetation of areas which contribute to salinity.



To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.

To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.

To prevent damage to buildings and infrastructure from saline discharge and high watertable.

Particular provisions

20. Clause 52.05 sets out signage requirements relevant to the business identification signs proposed.
21. Clause 52.06 sets out the requirements for parking to be provided before the new use commences, along with the design of car parking areas. A permit is being sought to reduce the number of parking spaces required.
22. Clause 53.19 (Non-Government Schools) applies to this application as it is a non-government school.
23. Clause 52.34 (Bicycle Facilities) applies, noting that a reduction in the required number of bicycle parking spaces has been sought.



Referrals

24. The application was referred to the following groups:

Provision/ Clause	Organisation	Response (including date)
Clause 66.02-11 (land use and transport integration) <i>Section 55 Referral - Determining</i>	Head, Transport of Victoria	While HtFV initially requested further information, upon provision of this information HTfV advised on 12 March 2025 advised that it did not object to the application and did not require any conditions to be placed on the permit.
Clause 44.02-8 (Salinity Management Overlay) <i>Section 55 Referral - Determining</i>	DEECA Planning and Environment Assessment	DEECA advised on 12 December 2024 that it did not object to the grants of the permit, and did not require any conditions to be placed on any permit issued.

Municipal Council comments

25. The East Gippsland Shire Council were notified of the application under by DTP section 52(1)(b) of the *Planning and Environment Act 1987*.

26. The council did not object to the application, providing several engineering conditions, including at DTP's request, a condition requiring the upgrade of the intersection of Punt Road and Caldwell Road:

Prior to the commencement of use of Stage 2 (primary school), the intersection of Punt Road and Caldwell Court is to be modified as shown on page 51 of the Transport Impact Assessment report, by Ratio, dated 29 January 2025, Reference, 20531T, Drawing number 20531-CLP-002. Detailed intersection design drawings must be submitted for the approval of the Responsible Authority and the work undertaken to the satisfaction of the Responsible Authority.

27. DTP is supportive the council's conditions including the above condition; however, this condition is recommended to be modified to specify the council as the authority to approve the intersection drawings, and as the authority whom the works must be constructed to the satisfaction of.

Notice

28. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987*.

29. Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:

- By displaying one copy of a public notice on signboards fronting Caldwell Court for at least 14 days
- By notifying adjoining and nearby owners of occupiers by mail.
- By publishing a copy of the public notice in the Bairnsdale Advertiser for one issue.
- As noted above, DTP also directly notified the council under section 52(1)(b) of the Act

30. One objection was received at the time of writing. The objection raised concerns about the added travel times for parents of students at the existing Wild Cherry Steiner School in Bairnsdale after relocation to the Johnsonville site. The objection also raised the semi-rural setting of the school, including lack of hospital or nearby surgery in case of emergencies.

31. DTP acknowledges the above concerns. However, the school will be located such that it can service the regional population of the area which is considered acceptable. It is also noted that the council is supportive of the school's location from a strategic planning perspective. Finally, with regard to lack of immediate medical services, this is often a reality of schools in regional locations, and it would not be reasonable to refuse the grant of a permit of this basis, provided the proposal demonstrates its overall acceptability with respect to relevant considerations under the planning scheme and the Act.



What are the key considerations

32. The key considerations in assessing the acceptability of the proposal are as follows:

- Strategic direction and land use
- Built form
- Amenity (on-site and off-site)
- Signage
- Car parking and bicycle facilities
- Environmental Risks

These matters are addressed in turn below.

Strategic Direction and Land Use

33. The Planning Policy Framework's overall intent is to encourage appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning. The proposal is generally consistent with the high-level strategic directions within the East Gippsland Planning Scheme.
34. The proposal is also consistent with Low Density Residential Zone, noting that the proposal will contribute to the availability of secondary school educational facilities within the area.
35. The large area of the site ensures that the school can limit adverse amendment impacts on surrounding dwellings and maintain the open rural character of the area.
36. The relevant Municipal Planning Strategy and Planning Policy Framework provisions have been taken into account in assessing the application.

Built form

Height

37. The proposed school and kindergarten buildings are maximum height of 10.5 metres and are single storey in scale.
38. These heights do not contravene any height limits specified in the planning scheme, and as discussed above are consistent with the provisions of the LDRZ. The height is also appropriate in the context of single storey dwellings surrounding the site

Setbacks

39. The site is large in area and the setbacks proposed are varied and generous, ranging from 4.5m to 59 metres as shown in the site plan below. These distances provide adequate separation from adjoining properties and the streets to ensure the proposed building does not appear unreasonably prominent when viewed from neighbouring backyards.



Figure 5 – site plan showing setbacks

Design Detail

40. The overall design of the works is contemporary, with curved roof forms emulating a wave effect through the school while still ensuring human scale and balance.
41. Cladding materials include timber, aluminium, corrugated steel roof cladding, and timbercrete blockwork. The materials selected are robust and of an acceptable quality to ensure the appearance of the building can be readily maintained throughout the life of the building.
42. The design detail is considered an appropriate response to the site context. The design theme will provide an engaging educational environment, while ensuring the overall character of the area is respected, particular given the single storey form and use of sensitive materials.

Amenity

On site

43. The proposal will provide a high level of internal amenity on the site given the ample indoor and outdoor learning spaces available.
44. Adequate glazing to the new buildings will ensure good levels of daylight to learning spaces, while areas for landscaping will provide shade, soften the impact of new built form. For these reasons, DTP considers the level of internal amenity provided by the development to be supportable.

Off site

45. The proposal would not have an unreasonable impact on the amenity of the surrounding area given setbacks, height, and location of the works on the site. In addition, aA permit condition will be included to cap the maximum student numbers at 500 to ensure that enrolment numbers do not become excessive and lead to adverse amenity impacts. This

cap exceeds the stated maximum capacity of 409 students to allow flexibility for student numbers, as it is common for these to fluctuate, while still ensuring control over total maximum numbers.

Signage

46. The following business identification signs are proposed:

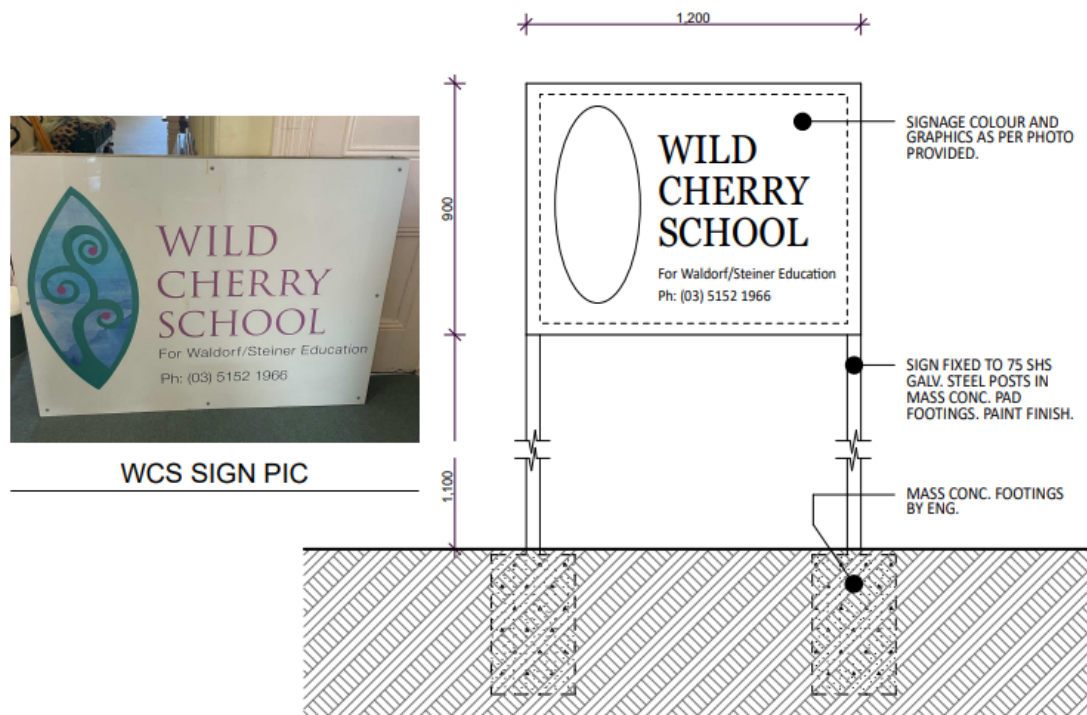


Figure 6 – free standing sign to Caldwell Court

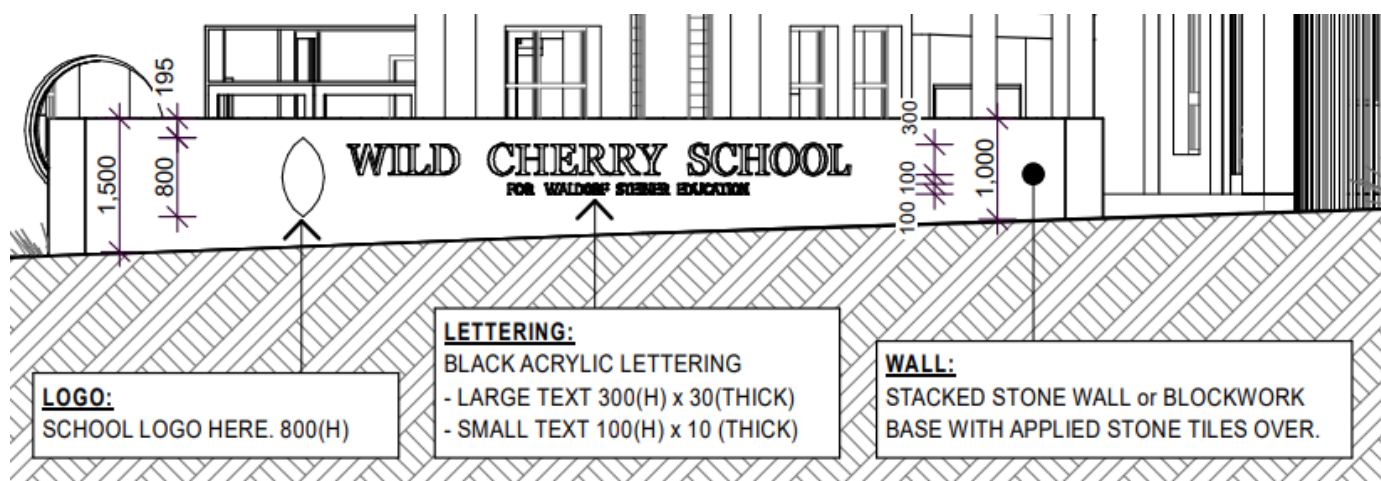


Figure 7 – Acrylic lettering to curved feature wall

47. These signs are minor compared to the scale of the site, with neither of the signs being illuminated. The signs are minimally intrusive and raise no concerns with respect to the decision guidelines of clause 52.05.

Car Parking and Bicycle Facilities

Car Parking

48. The following car parking rates are relevant to the application:

Use	Rate	Amount required	Amount provided:
Car parking	Primary School 1 space to each employee	30 x 1 space	80 spaces provided.
	Secondary School 1.2 spaces to each employee	22 x 1.2 spaces	While is noted that this number meets the overall requirement for spaces at the conclusion of all stages, there will be a shortfall during the earlier stages and therefore is considered appropriate to include a car parking reduction should a permit be issued. This reduction is considered acceptable as there will be adequate car parking for each stage as the car park is to be constructed in stages.
	Kindergarten 0.22 to each child	110 x 0.22 spaces	
		80 Total	

Design Standards for Car Parking

49. The application is supported by a Transport Impact Assessment which includes an assessment against the design standards of the planning scheme, finding that these have been satisfied.

Access, traffic movements and circulation

50. The swept path assessment provides indicates that the site and the parking spaces can be accessed as required. It is noted that the intersection of Caldwell Court and Punt Road will require modification as part of stage 2 works, and this will be captured by a permit condition.

Bicycle Facilities

51. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. Spaces Required	Provided
Secondary School	Employees	1 space / 20 employees	1.1	
	Pupils	1 space / 5 pupils	27.6	
Primary School	Employees	1 space / 20 employees	1.5	
	Pupils	1 space / 5 pupils over year 4	9.2	
Child Care Centre (Kindergarten)	-	None specified	-	
TOTAL			39	26

52. Bicycle Parking facilities are provided in a dedicated bicycle shed to the immediate west of the carpark.
53. The bicycle parking does not meet the statutory requirement, with a shortfall of 13. The applicant has advanced the following reasons for this reduction:

The purposes of the clause are met with the provision onsite for the secure, accessible and convenient bicycle parking spaces.

Opportunity for cyclist commuting is limited due to the distances involved from other towns and lack of provision for cyclists along the Princes Highway. As such there would be a lesser demand for bicycle facilities at the school.

54. The above justifications are considered acceptable, and the sought reduction is therefore supported, noting that should the school identify a greater need for bicycle facilities in future, these will likely be accommodated on site give the ample space. A condition will require the bicycle parking is provided in accordance with the design requirement of clause 52.34-6.

Environmental Risks

Salinity

55. The northern and northwest areas of the site are affected by the Salinity Management Overlay (SMO). The application was referred to DEECA Planning and Environment Assessment under the requirements of the SMO. DEECA did not object to the application. While not a statutory referral under the overlay, it is further noted that the council did not object to the application or raise urban salinity as a concern. On this basis, it is considered that the proposal is consistent with the provisions of the SMO.
56. Furthermore, responding to Clauses 13.04-3S and 13.04-3L of the Planning Policy Framework, the applicant advised that proposed site has undergone soil testing and found no evidence of salinity on the land. The school site will also be significantly landscaped, mitigating risk of groundwater salinity problems from arising.
57. Based on the above, DTP considers the salinity risks associated with the proposal to be acceptable.

Bushfire

58. The site is identified as bushfire prone land. The site is not within the Bushfire Management Overlay and no statutory referrals were required with respect to bushfire risk.
59. Nevertheless, the applicant has responded to clause 13.02-1S by providing a bushfire assessment. The response is thorough and address the relevant considerations of the PPF regarding management of bushfire risk.
60. It is considered given the low-threat nature of the vegetation surrounding the site, being predominately grassland, no permit conditions are necessary to require bushfire protection measures. The large area of the site, generous setbacks, and maintenance of the school grounds which will occur as part of the school's operation will ensure that the bushfire risk can be managed. It is also noted that a BAL assessment will occur under the building permit application and will likely require that the school is constructed in accordance with Australian Standard AS 3959-2018.

Conclusion and Recommendation



Conclusion

61. The proposal is generally consistent with the relevant planning policies of the East Gippsland Planning Scheme and will contribute to the provision of education facilities within Johnsonville and the surrounding area.
62. The proposal is generally supported by the various formal referral agencies and the council.

Recommendation

63. **It is recommended that a Delegate of the Minister for Planning** issue Planning Permit No. PA2403351 for the use and development of a primary school, secondary school and kindergarten, subject to conditions.
64. It is recommended that the applicant 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:

Signed:

Title:

Phone:

Dated:

30 May 2025

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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