

5 Brenock Park Drive, FERNTREE GULLY

Planning Permit Application

Permit Application No. PA2402752



Officer Assessment Report
Development Approvals & Design

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Department
of Transport
and Planning

Executive Summary

Key information	Details	
Application No.:	PA2402752	
Received:	20 February 2024	
Statutory Days:	56	
Applicant:	St Josephs College c/- Tract	
Planning Scheme:	Knox	
Land Address:	5 Brenock Park Drive, Ferntree Gully	
Proposal:	Construction of buildings for an existing secondary school and display of business identification signage.	
Development value:	\$15m	
Why is the Minister responsible?	<p>In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for this application because:</p> <p><i>Primary school or secondary school, or education centre that is ancillary to, carried out in conjunction with, and on the same land or contiguous land in the same ownership as, a primary school or secondary school, if any of the following apply:</i></p> <ul style="list-style-type: none"> <i>The estimated cost of development is \$3 million or greater.</i> 	
Why is a permit required?	<p>SUZ – A permit is required to construct a building or construct or carry out works</p> <p>SLO – A permit is required to construct a building or construct or carry out works</p> <p>Signs – A permit is required to construct or put up for display a sign (business identification sign)</p>	
Zone:	<p>Clause 37.01</p> <p>Clause 36.01</p> <p>Clause 36.02</p>	<p>Special Use Zone – Schedule 1 (SUZ1)</p> <p>Public Use Zone <i>*does not apply to area of proposed works</i></p> <p>Public Park and Recreation Zone <i>*does not apply to area of proposed works</i></p>
Overlays:	<p>Clause 42.03</p> <p>Clause 44.05</p> <p>Clause 43.02</p>	<p>Significant Landscape Overlay – Schedule 3 (SLO3)</p> <p>Special Building Overlay <i>*does not apply to area of proposed works</i></p> <p>Design and Development Overlay – Schedule 2 (DDO2)</p>
Particular Provisions:	<p>Clause 52.05</p> <p>Clause 53.18</p> <p>Clause 53.19</p>	<p>Signs</p> <p>Stormwater Management in Urban Development</p> <p>Non-Government Schools</p>
Cultural Heritage	<p>The proposed buildings and works are exempt from requiring a CHMP as the land has been lawfully used as an education centre up to 28 May 2007. Section 46(1)(b) of the Regulations confirm that buildings and works for land used as an 'education centre' does not constitute a 'high impact' activity.</p>	
Total site area:	89,983m ²	
Gross Floor Area:	2,082m ²	
Height:	10.2m – two storeys	
Referral authorities	Knox City Council (Section 52 Notice)	
Public Notice	<p>Notice of the application under section 52 of the Act was not required for the following reasons:</p> <ul style="list-style-type: none"> The proposal will not alter the staff numbers, student numbers, or the ways in which the site is accessed. The buildings will not be readily visible from the public realm as it is setback 82 metres from Brenock Park Drive. The building is located a sufficient distance to the adjoining properties to ensure no material detriment could be caused. 	



Key information	Details
Recommendation	The application is recommended for approval subject to the 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 and Knox City Council)	A pre-application request was lodged however DTP determined it unnecessary on 21 November 2023. Pre-application advice was provided by Alice Timms (Planner) at City of Knox on 14 December 2023, to introduce the proposal and seek feedback on the design. Council were generally supportive of the proposal and also concluded that a pre-application meeting was not required.
Application lodgement	20 February 2024
Further information requested	N/A
Further information received	N/A
Further plans submitted (formally under section 50 of the Act)	The formally substituted plans illustrated (in summary):
Further informally substituted sketch plans submitted (date)	The sketch plans illustrated (in summary):
Decision Plans	Architectural Plans prepared by Cox Architecture and dated 14 February 2024 Planning Report prepared by Tract and dated 15 February 2024 Cover Letter prepared by Tract and dated 15 February 2024 Sustainability Management Plan prepared by GIW Environmental Solutions and dated 15 December 2023 Flood Impact Assessment prepared by Cardno and dated 15 December 2021 (info only report) Title (Lot 1 PS532104)

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

3. The School (applicant) has successfully executed several projects pursuant to the 'SJC Masterplan'. An updated Masterplan (2023-2040) identifies a renewed set of priority works that largely encompass upgrades to existing built forms on campus to improve core student and staff facilities.

4. Previous planning permits granted by Knox City Council and DTP include:

- Planning Permit P/2020/6150 and P/2020/6611 facilitated the construction of two new precincts of portable buildings.
- Planning Permit P/2020/6488 facilitated the construction of two (2) new double storey buildings inclusive of classrooms, science rooms and performing arts centre that was completed in 2022.
- Planning Permit PA2101380 facilitated the upgrade of the sports precinct. This included the cricket oval being enlarged to meet AFL standards, the construction of FIFA standard soccer pitches, as well we a running track, hockey/tennis pitches and cricket pitch. Tree removal was required to facilitate the upgraded sporting precinct, as there was no replacement planting a 'tree replacement masterplan' was endorsed as part of the permit illustrating the replacement planting associated with all recent permits.

The objective of the masterplan was to ensure that any new planting would contribute to the subject sites landscape character, with a focus of planting along boundaries.

5. Please see assessment below for further detail.

6. The proposal can be summarised as follows:

Key Information	Details
Proposal:	<p>Construction and refurbishment of buildings for an existing secondary school and display of business identification signage.</p> <p>It is proposed to construct the proposal in two stages as follows:</p> <ul style="list-style-type: none"> • Stage 1 – Construction of new year 8 facility, with the refurbishment of the existing west-wing building’s interior and upgrade to the west and north-wing building exteriors. • Stage 2 – Refurbishment of the existing north-wing building’s interior, with select exterior addition including installation of a new stairwell connecting Ground Floor and Level 1 as well as incorporation of new meeting/first aid rooms in the eastern façade.
Total site area:	89,983m ²
Ground Floor Area:	2,082m ²
Height:	10.2m (2-storeys)
Setbacks:	Proposed works are setback 82 metres from Brenock Park Drive and positioned behind existing buildings.
Loading and Waste	The School seeks to utilise the existing loading and waste arrangements on site; as there is no intensification in use forming part of this proposal, the existing loading and waste arrangements are considered appropriate.

7. Specific details of the application include:

- Staff and student numbers are not proposed to increase.
- Proposal does not seek to remove vegetation, however the applicant does seek to temporarily remove some trees to facilitate construction.
- One (1) business identification sign (school logo) is proposed on the western elevation of the new Year 8 Facility.
- Retention of solar PV system on existing roofs

8. The applicant has provided the following concept image/s of the proposal:



Figure 1: Concept image of proposal west perspective



Figure 2. Concept image of proposal northwest perspective



Figure 3. Concept image of new year 8 building northeast perspective

Subject Site and Surrounds

Site Description

9. The site is located at 5 Brenock Park Drive, Ferntree Gully approximately 40km from Melbourne CBD. The site is occupied by SJC Campus, which has been established on site since 1965.
10. The existing site comprises of predominantly single and two-storey, low scale education centre buildings mainly oriented to the west (addressing Brenock Park Drive frontage); with a series of sports playing fields/facilities located to the east. Vehicle access is via a double crossover along Brenock Park Drive. Visitor and staff car parks straddle the eastern and southern boundaries of the site.
11. The area proposed for development currently accommodates existing school buildings central to the campus and significantly distanced from any title boundary. These buildings include the existing double storey North-wing 'Administration' and West-wing 'Learning Centre' buildings, and existing East-wing single storey Year 8 classroom.
12. The area of proposed works measures 2,082m² with a total size of 89,983m².
13. The site is formally described as comprising the following land parcels:
 - Lot 1 on Plan of Subdivision 532104V
 - Lot 2 on Plan of Subdivision 532104V

The proposed works are located within Lot 1 of Plan of Subdivision 532104V

14. Lot 1 is affected by 10 easements, noting that there are no buildings and works proposed in areas affected by these easements (figure 4).

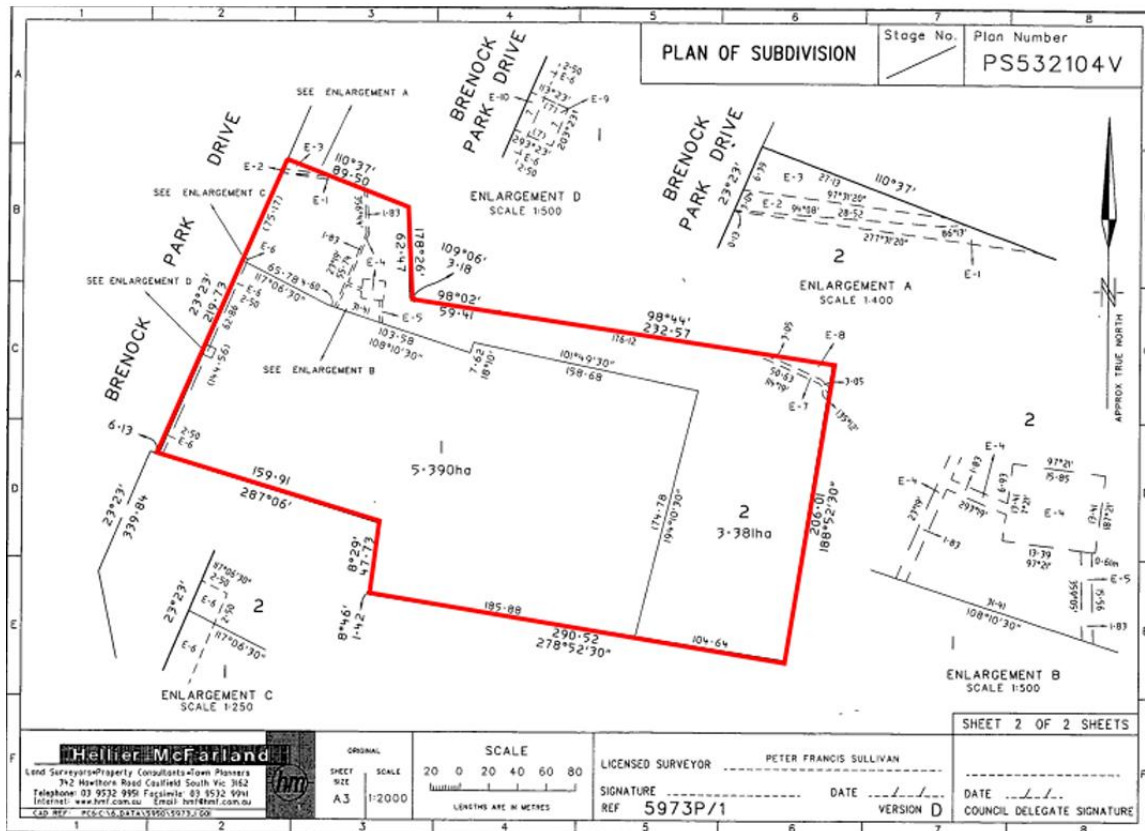


Figure 4: Plan of Subdivision

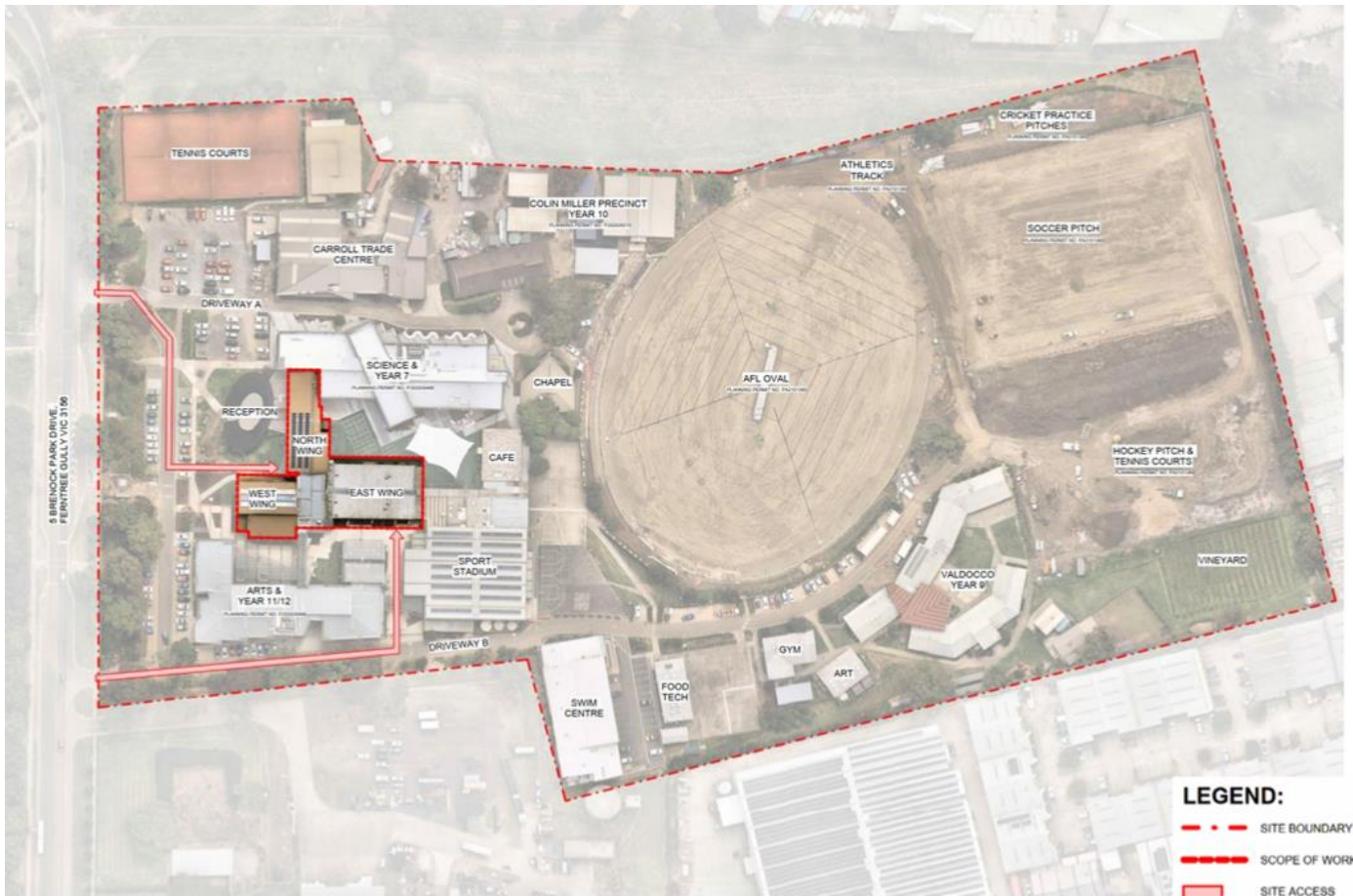


Figure 5. Aerial Site Plan

Site Surrounds

15. The surrounding development consists mainly of light industrial estate and residential zoning to the south and southwest. The site is identified as being within the 'Dandenong Foothills', characterised as an area with significant environmental and landscape qualities and recognised for holding social and metropolitan value.
16. Development surrounding the site can be described as follows:
 - To the **north** of the site: abutting nature strip that provides a buffer between several residential hotels, single storey retail, food and drink premises and large car parking areas.
 - To the **south** of the site: single and two storey light industrial and retail units.
 - To the **east** of the site: a warehouse facility that houses lorries and equipment. The eastern boundary has large trees and vegetation running its entire length, forming another buffer to the abutting site.
 - To the **west** of the site: abuts Brenock Park Drive, a significant local thoroughfare with Wally Tew Reserve on the other side directly opposite the subject site. Further west the landscape becomes predominantly single and two storey residential dwellings.



Municipal Planning Strategy

17. The following objectives and strategies of the Municipal Strategic Statement (MSS) of the scheme are relevant to the proposal:

Clause no.	Description
21.01	Municipal Profile
21.02	Vision
21.03	Environmental and Landscape Values
21.03-4	Significant Landscapes
21.03-5	Implementation
21.04	Environmental Risks
Go 21.04-4	Climate Change
21.05	Built Environment and Heritage
21.05-2	Urban Design
21.05-5	Environmentally Sustainable Development
21.05-7	Advertising Signs
21.08	Community Development
21.08-4	Health and Education Facilities
21.10	Local Areas
21.01-1	Dandenong Foothills

Planning Policy Framework

18. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause no.	Description
12	Environmental and Landscape Values
12.05-2S	Landscapes
13	Environmental Risks and Amenity
13.01-1S	Natural Hazards and Climate Change
13.03-1S	Floodplain Management
15	Built Environmental and Heritage
15.01-1S	Urban Design – Metropolitan Melbourne
15.01-2S	Building Design
15.01-4R	Healthy Neighbourhoods – Metropolitan Melbourne
15.03-2S	Aboriginal Cultural Heritage
19	Infrastructure
19.02-2S	Education Facilities
19.02-2R	Education Precincts – Metropolitan Melbourne
19.03-3S	Integrated Water Management

19. Local Planning Policies relevant to proposal:



- **Clause 22.01 (Advertising Signs)** – applies to applications for the display of advertising signs. The policy seeks to guide the design and placement of signage to minimise detrimental impacts to character and visual amenity, whilst allowing for the appropriate identification and promotional needs of businesses.
 - The applicable Category 3 signage policy requires that:
 - ‘Where more than one sign is proposed on a lot, the style and colours are consistent and limited in size and number’.
 - Signs are low profile and do not significantly impact on the character of residential areas
 - Internally illuminated/floodlit signs do not adversely impact on residential amenity and are restricted to basic details about the business to which it relates (such as a business name, services and operating hours).
 - Signs above front fence height are appropriately set back from the road reserve
 - Promotion signs larger than 2sqm and major promotion signs are not supported.
 - **Clause 22.04 (Environmentally Sustainable Design)** – applies for applications for development throughout Knox, with the overarching objective that ‘development should achieve best practice ESD, from the design stage through to construction and operation’.
 - Table 1 sets out application requirements, noting that development of a non-residential building with a gross floor area more than 2000sqm is required to be accompanied by a Sustainability Management Plan.
20. The Assessment section of this report provides a detailed assessment of the relevant planning policies (as relevant to the proposal and key considerations)

Statutory Planning Controls

SUZ1

21. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 37.01-4. The purpose of the SUZ is:
- *To implement the Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To recognise or provide for the use and development of land for specific purposes identified in a schedule to this zone.*
22. The SUZ includes a referral requirement pursuant to Clause 66.04 to Melbourne Water as a determining authority; referral is required for any application to subdivide land, construct a building or carry out works.
23. Pursuant to Clause 37.01-5, with respect to the sign requirements set out at Clause 52.05 (Signs), this zone is in Category 3 – Medium Limitation.

SLO3

24. A planning permit is required to construct a building or construct or carry out works in accordance with Clause 42.03-2.
25. The objectives and decision guidelines relevant to this proposal are:
- *To recognise the environmental and visual sensitivity of residential areas at the foothills of the Dandenong Ranges.*
 - *To ensure that development is compatible with the scale and character of existing development.*

DDO2

26. The site is affected by Schedule 2 of the DDO, identified as the ‘Dandenong Foothills: Lower Slope and Valley Area’. Pursuant to sub-clause 2 to DDO2, a permit is not required to construct or carry out works where:
- *The site area covered by buildings must not exceed 40%*
 - *The site area covered by buildings and impervious surfaces must not exceed 60%*



A permit cannot be granted to construct a building or carry out works if it does not meet the requirements above. The subject site meets the requirements as it has a site cover of 18% and impermeable area of 47%.

27. The SBO, PPRZ, and PUZ apply to the greater site but do not apply to the site of the proposed works subject to this application. These zones and overlays therefore do not form part of this assessment.

Particular provisions

28. Clause 52.05 sets out the requirements for signs, pursuant to the applicable zone the proposed signage is considered within Category 3 – Medium Limitations.
29. Clause 53.18 applies to this application for buildings and works. The clause includes standards and objectives relating to stormwater and water sensitive urban design.
30. Clause 53.19 applies to this application as a non-government school.

Referrals

31. The application was referred to the following groups:

Provision/ Clause	Organisation	Response Received (date)
Section 52 – Notice	Knox City Council	Referred on 29 February 2024, no objection response provided on 27 March 2024
Section 55 – Determining Referral	Melbourne Water	Referred on 29 February 2024, no objection response provided on 5 April 2024.

Municipal Council comments

32. On 27 March 2024 Knox City Council determined that they do not object to the proposal subject to the following conditions:

External Materials

- *The external materials of the development hereby permitted (including the roof) must be non-reflective and finished in subdued tones and/or colours to the satisfaction of the Responsible Authority.*

Tree Planting

- *Replacement tree planting required by Planning Permit P/2020/6488 must be carried out within three months of the occupation of the building.*

33. DTP considers the recommended conditions appropriate to insert into the planning permit. It is noted that the submitted architectural plans already reference the tree replacement under permit P/2020/6488, as well as the tree replacement masterplan.

Notice

34. 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:

- Significant Landscape Overlay – Schedule 3

35. The application was not advertised other than to the municipal authority under section 52(1)b as it was considered not to cause material detriment to any person because:

- The proposed works are setback 82 metres from the street (Brenock Park Drive) and is positioned behind existing buildings obscured from public view.
- Staff and student numbers are not proposed to increase.
- The proposal does not seek to remove vegetation. However, the applicant does seek to temporarily remove some trees to facilitate construction.
- It is noted that all statutory controls applicable to the site provide notice exemptions except for the SLO. As no vegetation is proposed to be removed, it was therefore considered appropriate to not provide notice under the control.



What are the key considerations?

Strategic Direction and Land Use

36. The Planning Policy Framework encourages 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.
37. The site already operates as a school and is therefore consistent with the current use and is appropriate under the consideration of the relevant zone given the delivery of community infrastructure and education facilities within the precinct.
38. The relevant MPS and PPF policies have been considered in assessing the application.

Built form

39. The zoning and overlay provisions have been considered in the application.
40. The interior and exterior upgrades to the existing north-wing and west-wing buildings seek to maintain the existing heights and setbacks.
41. The proposed Year 8 building largely retains the footprint of the existing building. The proposed massing strategy comprises reticular built form, complimented by the sawtooth roof form and external expression of the building.
42. The proposed material schedule provides a positive redevelopment and contemporary palette to the site. The material choices provide a strategic blend of sustainable and durable schedule, and extensive glazing allows for a seamless connection between the interior and exterior, reinforcing the concept of flexible learning environments.

Height and Setbacks


43. The proposed built form of the Year 8 building presents as two (2) storeys with a proposed maximum height of 10.1 meters. The proposed building incorporates an approximate setback of 82 meters from Brenock Park Drive.
44. The following design objectives and guidelines of the Design and Development Overlay Schedule 2 are relevant:
 - *The site area covered by buildings must not exceed 40%*
 - *The site area covered by buildings and impervious surfaces must not exceed 60%*A permit cannot be granted to construct a building or carry out works if it does not meet the requirements above. The subject site meets the requirements as it has a site cover of 18% and impermeable area of 47%.
45. There are no other relevant built form controls applicable to the site.

Amenity

46. Impacts to surrounding developments or dwellings are considered negligible for the following reasons:
 - The proposed works are setback 82 metres from the street (Brenock Park Drive) and is positioned behind existing buildings obscured from public view.
 - Staff and student numbers are not proposed to increase.
 - The proposal does not seek to remove vegetation. However, the applicant does seek to temporarily remove some trees to facilitate construction.

Landscaping

47. The proposal includes upgrades to the immediate outdoor areas surrounding the site. The landscape design provides clear connectivity to the existing and proposed buildings, as well as blending the indoor to outdoor environment.

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48. The design seeks to increase opportunities to access nature and green open spaces to enhance the staff and student amenity on site. The proposed landscaping significantly improves upon the existing conditions on site.
49. It is noted that three (3) trees that were planted as part of Council issued permit P/2020/6488 are proposed to be temporarily removed to facilitate construction and replanted upon completion. A condition will be placed onto the permit to ensure that the trees are replanted prior to occupation. It is noted that the architectural plans already contain annotations making the same statement; however this will be reiterated on the planning permit.
50. No other existing trees are impacted by the proposal.
51. Landscaping details are incorporated into the architectural plans prepared by Cox Architecture and dated 14 February 2024. The extent of detail within the plans in addition to the tree replacement masterplan is sufficient for the scale of works proposed. A separate landscape plan does not need to be requested via permit condition as a result.

Car Parking, Loading, Bicycle Storage and Other Services

Car Parking and Bicycle Facilities

52. As staff and student numbers are not anticipated to increase as a result of the proposal, the delivery of statutory car parking and bicycle parking requirements do not apply to this application.

Waste

53. The proposed and existing buildings will continue to utilise the existing waste arrangements on site.

Environmental

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

54. A Sustainability Management Plan (SMP) has been prepared by GIW Environmental Solutions and dated 15 December 2023.
55. Table 1 of Clause 22.04 (Environmentally Sustainable Development) requires the submission of an SMP for non-residential development exceeding a gross floor area of 2000sqm.
56. The proposal has been designed to achieve a BESS Score of 56% and includes the following initiatives:
- Retention of 90kW rooftop solar PV system on existing roofs to supplement grid power demand and reduce greenhouse gas emissions.
 - Use of best practice water efficient fixtures and fittings
 - Rainwater harvesting from the roof area to be stored in two (2) 6kL rainwater tanks.
 - Achieves best practice WSUD and STORM ratings.
 - Minimum 50% regular use areas utilise natural ventilation
57. DTP consider the submitted SMP sufficient for endorsement as required under Clause 22.04 of the Knox Planning Scheme.

Stormwater management

58. The application is supported by a Flood Impact Assessment (FIA) prepared by Cardno and dated 15 December 2021 due to the Special Building Overlay (SBO) that applies to the overall development.

59. The area of proposed works is located outside the extent of the SBO, therefore there is no requirement to provide a new flood impact assessment. The FIA from 2021 was prepared for the DTP approved sports redevelopment within the School and was considered acceptable by Melbourne Water.
60. It is noted that Melbourne Water support the proposal and stated that the area of proposed works is not subject to flooding (figure 6).
61. The submitted ESD/SMP satisfactorily details stormwater management strategies when read in conjunction with the architectural plans detailing flood modelling, site permeability, underground services and levels.

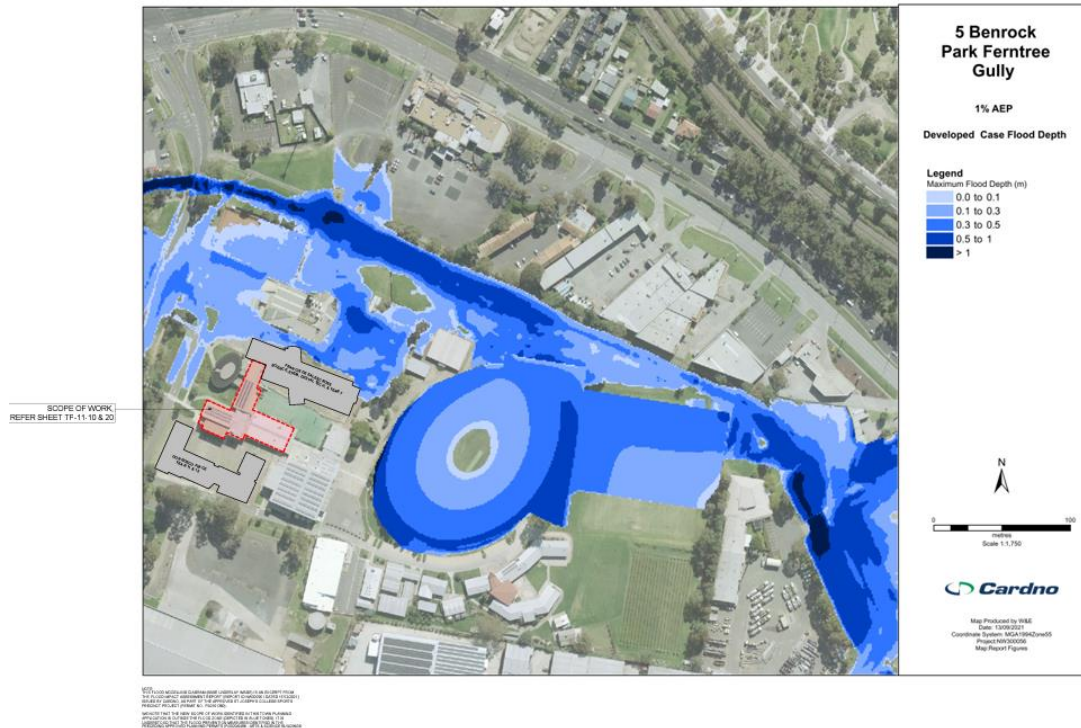


Figure 6. Flood modelling overlay diagram from FIA

Signage

62. One (1) business identification sign (School logo and name) is proposed on the western elevation of the new Year 8 building. Under Clause 52.05 (Signs), business identification signs are considered a section 2 'permit required' sign.
63. Clause 52.05 sets out the requirements for signs, pursuant to the applicable zone the proposed signage is considered within Category 3 – Medium Limitations.
64. The proposed signage is considered to be in general accordance with Clause 22.01 (Advertising Signs) and Clause 52.05 (Signs). There are no perceivable amenity impacts as a result of the signage being displayed as it is significantly set back from the streetscape and not illuminated (approximately 82m).
65. There are no condition requirements for the proposed signage, however it is noted that there are no indicative dimensions for the proposed signage. A condition will be placed onto the permit to requesting the dimensions be shown.

Other Matters (e.g. Cultural Heritage, Development Contributions, Staging)

Cultural Heritage



66. The proposed buildings and works are exempt from requiring a CHMP as the land has been lawfully used as an education centre up to 28 May 2007. Section 46(1)(b) of the Regulations confirm that buildings and works for land used as an 'education centre' does not constitute a 'high impact' activity.



Recommendation

67. **It is recommended that a Delegate of the Minister for Planning** issue Planning Permit No. PA2402752 for the construction of buildings for an existing secondary school and display of business identification signage at 5 Brenock Park Drive, Ferntree Gully, subject to conditions.

Conclusion

68. The proposal is generally consistent with the relevant planning policies of the Knox Planning Scheme and will contribute to the provision of education facilities within the Ferntree Gully area.
69. The proposal is generally supported by the various formal and informal referral agencies.
70. 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:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	16/04/2024

Reviewed / Approved by: Grant Logan

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.**
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Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	17/04/2024
