

PLANNING PERMIT

Permit No.:	PA2403197
Planning scheme:	Knox Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	977 Burwood Highway, Ferntree Gully

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.09-10	Construct a building or construct or carry out works
42.03-2	Construct a building or construct or carry out works Remove, destroy or lop vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Amended Plans

3. Before the development starts, including demolition, bulk excavation and site preparation works, detailed development plans for that stage including a development summary must be approved and endorsed by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Spacecraft, dated 4 September 2024, but modified to show:
 - a) The maintenance shed to be finished in 'Colorbond Wallaby'.
 - b) Location of all plant equipment for the new middle school and MPC and any associated acoustic screens to be shown on the plans.
 - c) Landscape plans updated to reflect any changes required as part of permit conditions.

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External materials

4. 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.

Noise Management

5. The outdoor basketball court must not be used outside the hours of 7am to 6pm from Monday to Friday and all day on weekends.
6. The MPC must not be used outside the hours of 7am to 6pm Monday to Friday, and 9am to 6pm on weekends.
7. All windows must be kept closed during court use.
8. Noise from the mechanical plant and equipment must comply with EPA Publication 1862 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues at all times.
9. Deliveries at the school are to occur between:
 - o 7am to 10pm Monday to Saturday
 - o 9am to 10pm Sundays and Public Holidays
10. Waste collections occurring once a week are to be restricted to the hours of 6am to 6pm.
11. Waste collections occurring more than once a week are to be restricted to the hours of 7am to 6pm Monday to Saturday.

Traffic and Parking

12. Prior to the commencement of the development, a Traffic and Parking Management Plan must be prepared to the satisfaction of the Responsible Authority and must include measures aimed to reduce congestion on Burwood Highway such as staggered finishing times any other arrangements necessary to reduce congestion issues on Burwood Highway. The plan must include the following:
 - a) Information to indicate the use of the western car park for parents/carers' use (including operation of the 'kiss and go' spaces), and the use of the eastern car park for mini-buses and staff parking needs.
 - b) Operation details of the rear pedestrian gate to include:
 - Rear gate to be locked at all times, except:
 - o Between 8.30am to 9.00am on school days; and
 - o Between 3.15pm to 3.45pm on school days.
 - Whilst the gate is open, the gate should be monitored by a staff member.
 - c) All non-assessable car parking spaces must be designed and constructed in accordance with requirements under Clause 52.06 of the Knox Planning Scheme. All spaces in a 90-degree arrangements to the parking aisle must be arranged at 90 degrees to allow access to/from the parking spaces.
 - d) The two accessible parking spaces must be designed and marked in accordance with AS2890.6 (at least 2.4 m wide with an adjacent shared area 2.4m wide).

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- e) All vehicles must enter and exit the site in a forward direction.
 - f) The carpark and parking bays must be line marked, signed and maintained to the satisfaction of the Responsible Authority.
 - g) Driveways and parking areas must be kept available and maintained to the satisfaction of the Responsible Authority.
13. The car parking area must not be used as a storage area.
14. A maximum 7.625 metre long design service vehicle is permitted to access the site (with the exception of waste collection vehicles if collection occurs outside school times).
15. Loading and unloading activities must be conducted outside the school's pickup/drop off hours.
16. Waste collection activities must be arranged outside of the school opening hours.
17. Driveways and car parking areas must be:
- a) Fully constructed to the minimum standard of 100mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and
 - b) Formed to such levels and drained so that they can be used in accordance with the approved plan; and
 - c) Treated with an all-weather seal or some other durable surface;
- To the satisfaction of the Responsible Authority.
18. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.

Sustainable Management Plan

19. Concurrent with the endorsement of plans, the Sustainability Management Plan (SMP) Statement prepared by Melbourne Sustainability Consultants, Rev. 01, dated 29/08/2024 must be approved by the Responsible Authority. The performance outcomes for the development must be in accordance with the report, to the satisfaction of the Responsible Authority. The report must not be altered without the prior written consent of the Responsible Authority.
20. Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed report in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Tree Protection

21. Prior to the commencement of the development, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Tree Management Plan will be endorsed and will form part of this permit. The plan must include all Tree Protection Measures to be implemented and the key stages of implementation, to be in accordance with AS4970 "Protection of trees on development sites".
22. All tree protection measures as defined by the approved Tree Management Plan must be annotated on all appropriate plans for endorsement inclusive of Developmental, Landscape and Drainage.

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23. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is not unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
24. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained including other critical root zones must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by the Responsible Authority.
25. The tree protection fence is to chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.8m metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and no-go development area.
26. The tree protection fence and signage are to be maintained throughout the construction period and removed at the completion of all works.
27. No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of the Responsible Authority.
28. Prior to erecting the tree protection fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
29. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.
30. The following activities are prohibited from the tree protection area, without the written consent of the Responsible Authority:
 - a) Construction activities.
 - b) Dumping and/or storage of materials, goods and/or soil.
 - c) Trenching or excavation.
 - d) Lopping branches, nailing or affixing signs, service lines, lights etc to the trees.

Landscape

31. Prior to the commencement of the development, amended landscape plans prepared by a suitably qualified person must be submitted to the Responsible Authority for approval. The amended landscape plans must be generally in accordance with the landscape plans by Spacecraft dated 4 September 2024 with the following changes:
 - a) Screening planting to be located along the new fence separating the maintenance shed and the dwelling located at 8 Winwood Drive.
 - b) Screening planting to be located along the eastern boundary between the boundary fence and the retaining wall adjacent to the MPC and Middle School buildings.
 - c) Plans updated to include the modified location of the pedestrian gate to Winwood Drive.
 - d) Tree Protection measures provided for all existing trees to be retained (neighbouring and subject site).

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- e) The extent of 'Strata Cell' installation shown.
- f) Notation requiring drip irrigation to be provided to all new plantings.
- g) Separate planting schedule for raingarden, revised to replace Anigozanthos sp. And Carpobrotus modestus with more suitable species and to be in accordance with the below.
- h) At least 50% of the vegetation species located in the raingarden should comprise of some or all of the following: Carex sp, Juncus sp, Melaleuca and Goodenia. This ensures adequate removal of Nitrogen and Phosphorus. Low and tufting plans proposed for the raingarden must be plated at a minimum density of 6 plants/sqm.

32. Within three months of the completion of the last stage of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
33. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority. Any dead, diseased or damaged plants are to be replaced.

Fencing

34. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
35. Prior to the completion of the last stage of the development, all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Amenity during construction

36. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
- a) The appearance of building, works or materials on the land.
 - b) Parking of motor vehicles.
 - c) Transporting of materials or goods to or from the site.
 - d) Hours of operation.
 - e) Stockpiling of top soil or fill materials
 - f) Air borne dust emanating from the site.
 - g) Noise.
 - h) Rubbish and litter
 - i) Sediment runoff
 - j) Vibration.

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

37. Stormwater runoff from all buildings and hardstand surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.

Drainage

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38. Prior to the commencement of the development, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:
- All stormwater drainage discharge from the site connected to a legal point of discharge.
 - The internal drains of the dwellings to be independent of each other.
 - An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
 - The on-site detention system to be installed in a suitable location for easy access and maintenance.
 - A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
 - Any Environmental Sustainable Design initiatives shown on the Development Plans approved under this permit.
 - All levels to be AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

Head Transport for Victoria

39. Prior to the occupation of the buildings and works hereby approved, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must annotated to include:
- A notation on the plans to indicate right hand turning movement are prohibited to the site between the hours of 2.30pm – 5pm Monday to Friday.
40. Unless otherwise agreed to in writing by the Head, Transport for Victoria, prior to school enrolment numbers exceeding 200 students, the following works must be completed to the satisfaction and at no cost to the Head, Transport for Victoria:
- Installation of a sign within the medium strip to indicate right hand turning movements are prohibited between the hours of 2.30pm-5pm Monday to Friday.
 - All upgrade works to the east and west carpark to be completed.
41. No more than 300 students are to be permitted on site.
42. Entry, exit, and parking within the site must be managed at all times so that no queuing of vehicles extends onto Burwood Highway, to the satisfaction of the Head of Transport for Victoria.

Signs

43. The location, size, material of construction, colours, wording of the sign shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
44. This permit will expire 15 years from the date of its issue, at which time the sign and all supporting structures must be removed, and the site reinstated to the satisfaction of the Responsible Authority.

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Expiry

45. This permit will expire if one of the following circumstances apply:

- a) The development is not started within 2 years of the issued date of this permit.
- b) The development is not completed within 4 years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

- a) The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.
- b) The completion date referred to if a request is made in writing within six months after the permit expires and the development started lawfully before the permit expired.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:

<i>Date extension approved</i>	<i>Period of extension</i>	<i>Commencement date</i>	<i>Completion date</i>	<i>Date to certify plan of subdivision</i>

Notes:

- (the following information does not form part of this permit)
- The permitted use or development may need to comply with, or obtain the following further approvals:

Drainage notes (to be read in conjunction with the above stormwater and drainage conditions):

- Stormwater discharge from property 977, 985 and 987 Burwood Highway, Ferntree Gully is to be directed to the Council Stormwater pit near the **southeast** corner of the property to Council standards and satisfaction.
- Stormwater discharge from property 1/8 Winwood Drive, Ferntree Gully is to be directed to the Council Stormwater pit near the **southwest** corner of the property to Council standards and satisfaction.

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- *Stormwater discharge from the proposed development can be directed to the **internal stormwater system for the properties provided it has adequate capacity and is connected to the previously advised point of discharge.***
- *An onsite detention system to be designed by a suitably qualified engineering consultant to ensure no net increase in stormwater discharge from the proposed development to Council standards and satisfaction.*
- *Integrated Stormwater Management Plan, including MUSIC model, shall be submitted as part of the council approval process. The designer is to ensure the proposed plan achieves the current best practices.*

Other notes

- *To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.*
- *All litter and rubbish associated with the construction must be contained on site at all times.*

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit
(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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