

Amendment VC165 Non-government Schools

Planning Advisory Note 76

December 2019

This advisory note provides information about the introduction of planning scheme provisions to streamline the planning process for non-government schools.

The changes include a new particular provision at Clause 53.19 (Non-Government Schools), and an amendment to the responsible authority status in Clause 72.01.

The amendment will support the expansion and upgrade of primary and secondary schools that receive funding under the Victorian Government's Non-Government Schools Capital Fund 2019-20 to 2022-23.

What is the Non-Government Schools Capital Fund 2019-20 to 2022-23?

The Victorian Government recognises the importance of the non-government school sector in meeting the educational needs of a diverse range of students across the State, with \$402 million being committed over four years to help build and upgrade these schools.

The funding commitment is divided into two project categories:

- Building new schools and expanding capacity at existing schools in areas experiencing significant enrolment demand.
- Upgrading facilities in existing schools according to need.

How do the new planning provisions operate?

The *Victoria Planning Provisions* have been amended to streamline the assessment process for some non-government school planning permit applications.

Application types that are subject to the streamlined process are outlined at Clause 53.19 (Non-Government Schools).

To be eligible, the project must be funded, or partly funded, by the Victorian Government Non-Government Schools Capital Fund and be a planning permit application to:

- Use or develop land for a new primary school or secondary school.
- Construct a building on land used for a primary school or secondary school provided the combined gross floor area of all new buildings is 5,000 square metres or greater.
- Construct additional classrooms on land used for a primary school or secondary school.
- Increase the permitted number of students associated with additional classrooms on land used for a primary school or secondary school.
- Remove or replace non-conforming or non-compliant building products on land used for a primary school or secondary school.

Applications will be exempt from the requirement to give notice and the right for third parties to appeal decisions at the Victorian Civil and Administrative Tribunal (VCAT).

Councils will continue to be the responsible authority for all other school applications made under the Victorian Government Non-Government Schools Capital Fund 2019-20 to 2022-23. These applications will be subject to the standard planning permit application process.



How does the planning process work?

A planning permit is still required under the relevant planning controls that apply to a particular site. However, an application that meets the requirements specified above will be exempt from notice and review. In other words, applications are not required to be advertised, and decisions cannot be appealed by third parties at VCAT.

Who is the responsible authority?

The Minister for Planning is the responsible authority for the permit applications specified above.

Any applications that were made prior to the approval date of Amendment VC165 will remain with the relevant municipal council.

What is the process for submitting applications to the Minister?

Where the Minister for Planning is the responsible authority, the following procedures apply:

- The application must be submitted electronically to the Department of Environment, Land, Water and Planning (the Department) via Permits Online: <https://permitsonline.planning.vic.gov.au/Produce/account/login>
- Permit application fees can be paid via EFT or credit card
- Application requirements are set out in the planning scheme
- The Department will refer the application to all relevant referral agencies in accordance with the requirements of the planning scheme
- The Department will provide the relevant council with a copy of the application and an opportunity to provide comment
- The Department will provide a recommendation to the Minister for Planning.

How will the council be involved in the process?

Where the Minister for Planning is the responsible authority, the Minister will provide the relevant council with a copy of the application and an opportunity to provide comment. Councils will have 28 days to respond.

What about applications that are already in progress?

Councils will continue to process applications that were submitted prior to the approval date of Amendment VC165. These applications are not subject to the new or amended provisions introduced by Amendment VC165.

Expiry of provision

The new and amended provisions have been introduced as a streamlining measure while the Department investigates opportunities for permanent reforms to the planning system for non-government schools. The provisions are expected to be replaced by permanent controls for all non-government schools by 2020.

Further information

Contact the Department's Development Approvals and Design unit for information about applications submitted to the Minister for Planning: development.approvals@delwp.vic.gov.au



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