



# An Introduction to Planning for Independent Schools

## **AN INTRODUCTION TO PLANNING FOR INDEPENDENT SCHOOLS**

Each Planning Scheme is a living document, with Councils both required to keep them updated, and often introducing altered controls and policies. Whilst there are similarities between Councils, there are also individual policies and references which your school should be aware of. Because of these individualities and the changing nature of planning schemes, schools are encouraged to develop a relationship with their local planning department. This will assist in both your understanding of their requirements, and assist in their understanding of yours, hopefully leading to a more productive, and less time consuming planning process.

### **The Planning Scheme**

Victorian Planning Schemes are split into the following components:

#### **State Planning Policy Framework**

General statements of policy which apply state-wide

#### **Local Planning Policy Framework**

Statements of policy which apply to a particular Planning Scheme's (Council's) area. This might include specific policies relating to the siting and expansion of uses such as schools, vegetation retention, signage, etc.

#### **Zones**

The underlying control affecting an area. Schools in the metropolitan area are generally located within the residential or rural zone affecting the surrounding land. A planning permit is required for buildings and works for a school within these zones. Works includes changes in topography and paving.

#### **Overlays**

Additional controls which apply. These could include:

- vegetation protection controls (where a permit is often required to remove, lop or destroy a tree);
- height controls;
- heritage controls (where a permit would also be required for demolition); or
- a Development Plan control (where no permit can be issued for the land until a masterplan has been developed and approved by the Council).

#### **Particular provisions**

This section of the planning scheme outlines controls which apply to specific types of aspects of development. Controls which will be applicable include that relating to car parking, advertising signs, and access onto main roads.

#### **General provisions**

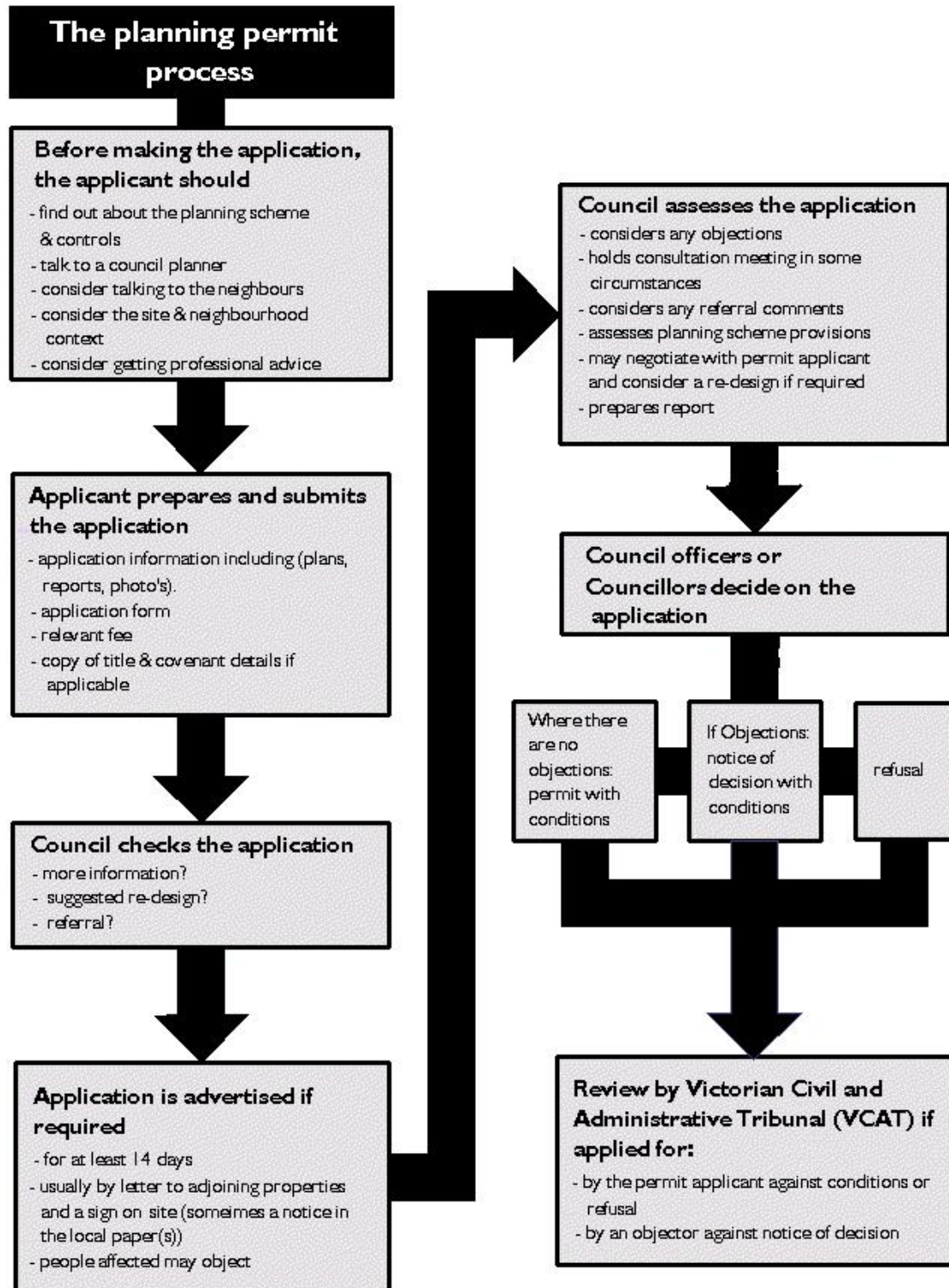
More general provisions about such matters as the continuation of existing uses and the types of works which are generally exempt from the need for a permit.

#### **Definitions**

#### **Incorporated documents**

Gives full details of additional documents which are incorporated into the scheme and may provide additional assistance in interpreting it (e.g. Concept Plans for areas adjacent to the Yarra River).

## The Application Process



## **Issues which often arise**

### Time lines

There are frequently complaints about the length of time taken by Council to deal with planning applications. It has been reported that one inner suburban Council has advised that simple applications, such as the removal of a tree, will take around 40 days to process. More complex applications, particularly if a VCAT hearing is involved, could take as long as a year (or more) to reach their final conclusion. Whilst decision times will vary according to the particular staffing pressures in your local Council and the complexity of applications lodged, some suggestions for reducing these include:

- Developing a relationship with a specific planner or planners within your Council. Walk them over your site, and talk to them about your overall plans and needs. This will assist them in providing meaningful ongoing advice and will often improve turnaround times as they will be familiar with the site;
- Thinking ahead about projects you want to carry out, and grouping some of the smaller ones into one application (e.g. If you have an ongoing tree maintenance program, and you have tree protection controls, talk to the Council about lodging one application for the tree pruning and removal you expect to do over a year, rather than applying for individual trees);
- Making sure you have all the necessary information with your application. The majority of applications received by Councils lacks information which is necessary for assessment. Making sure that all the information is lodged at the outset avoids delays associated with requesting information. Councils will often have checklists of the information required and if not the requirements can be discussed at your pre-application meeting;
- Meeting with a Council planner to discuss your proposal and the information that they will require. The planner should be able to give you some feedback as to whether advertising will be required. It may be of benefit to meet with surrounding neighbours prior to public notification;
- Developing a Master Plan for your site and supply it to Council, or lodge an application for buildings and works detailed within it;
- Having a Development Plan Overlay applied to your site. Once the Development Plan has been approved there are no advertising requirements associated with applications which are consistent with the Plan, and there is no potential for neighbours to appeal against the Council's decision.
- Don't amend your plans after a permit has been issued. Council will need to ensure that any changes that you make to the plans (other than those specifically required by the permit) are minor and do not result in an increase in detriment to anyone. If changes are too substantial, a fresh permit will need to be sought. This may include a requirement to advertise the proposal again.

Workloads vary from Council to Council, however it is not unusual for an individual planner to be dealing with 60-100 current planning applications, plus ongoing correspondence in association with other previous applications at any one point in time. The result is that there are delays in the system, and whilst officers will appreciate your desire to conduct works within a particular time frame, they will not always be able to 'fast track' an application because of that time frame. As a result it is prudent to allow a significant amount of time for the planning process.

### Information requested

Often there is confusion about why a particular item of information has been requested. The Council planner will usually have a reason for asking for particular sorts of information. If you're not sure why information is required, ask. Often applicants believe that by outlining why they believe the information is not required, or by ignoring the request, it will go away.

This is not the case, and it results in delays in the process! The sorts of information often requested of applicants are:

- *Advice about existing and proposed staff numbers.* Council will want to check that proposed building works do not result in an inappropriate increase in demand for car parking, which is directly related to staff and student numbers. Sometimes a traffic engineer's report will be requested. My experience is that schools are often reluctant to give this information, perhaps on the basis that they will then be held to a maximum intake figure. One answer to this is to provide the Council with your anticipated range of staff and student numbers, along with an explanation. The explanation should include details of part time staff, with your best estimate as to the maximum number of staff present on site at any one time. Council staff, and in particular those not familiar with school administration, will not necessarily appreciate that enrolments can vary from year to year and providing this advice will aid their understanding of your operations.
- *Advice about any out of hours use of facilities.* The use of facilities such as halls and basketball courts for uses which are not related to the school's educational operations fall within the definition of 'Place of Assembly', and have particular implications in terms of noise and traffic generation outside of school hours. They are often controversial in established areas, due to the resultant impact upon surrounding neighbours. Some applicants decide to lodge an application for outside use after the construction of such a facility has been approved. Whilst this may be seen as an attractive or simpler (albeit potentially slower) means of obtaining approval, approval of the outside use cannot be guaranteed, and as such if you require the use for funding purposes you should not adopt this approach.
- *Streetscape diagrams.* One of the key issues which Council will assess is the impact of your proposal upon the 'character' of the area in which it is located. The provision of a streetscape diagram or photographic representation in some form will often be requested where a building will be seen in conjunction with other existing buildings in the street.
- *Advice about existing vegetation, even that to be retained.* Council will often want to ensure that trees proposed to be kept on site can be safely retained during and following construction, and will often ask for the report of an arborist, even when no trees are proposed for removal.
- *Advice about proposed planting.* Council will often ask for the planting of more trees than is proposed to be removed, so it is worth thinking about a replacement planting program as part of your internal planning process, and indicating potential planting sites on plans supplied to Council.
- *Response to planning policy.* A document detailing how you have responded to State and local policies may be requested. You should check with the Council as to whether or not it is required for a particular application. This document will assist the Council in assessing the proposal, and also give you an opportunity to 'sell' the proposal to those being notified of the application.
- *Additional copies of plans.* The planning officer will often seek advice from a number of internal departments / officers (e.g. Engineering, urban design / heritage), as well as external authorities (e.g. Melbourne Water, Vic Roads) as part of the application process. Providing sufficient copies of plans ensures that all of these bodies can be providing comment upon the proposal at the same time, rather than one after the other. Sometimes a reduced copy of plans will be requested for similar reasons. Coloured plans are also often requested, as these are easier for people, and in particular the public, to understand.

Councils will often do a preliminary assessment of your proposal prior to asking for information. If concerns are raised by the planner you should consider these carefully and discuss them with them. As with requests for information, ignoring issues raised or simply providing an explanation as to why you do not believe an issue is of importance or concern will usually not resolve the situation from a Council point of view, and may result in your application being refused. It is also usually much easier and quicker to deal with issues

raised by the planner prior to public notification than after, and Councils will not always be amenable to substantial changes to plans following public notification if initial concerns were not taken on board prior to this.

#### Uncertainty of the process

Being aware of local requirements, discussing your plans with a Council planner prior to lodgement and taking on board their advice should improve your chances of obtaining a planning permit. However, public notification and third party appeals is written into the Planning and Environment Act and often cannot be avoided. Planning is also a political process, and in many municipalities your application will be determined by Councillors in light of the officer's recommendation and input from various affected parties (including yourselves as the applicant), and as such approval cannot be guaranteed. In addition to the advice outlined above, discussing your application with objectors (or potential objectors) and the ward Councillor can sometimes assist this process.