

52.40 GOVERNMENT FUNDED EDUCATION FACILITIES

22/05/2009
VC56

Purpose

To support the development of educational facilities and associated infrastructure in Victorian Schools under the Building the Education Revolution program funded by the Commonwealth's Nation Building Economic Stimulus Plan.

52.40-1 Scope

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This clause applies to the construction of buildings or the construction or carrying out of works carried out by or on behalf of an education centre and recommended for funding under the Commonwealth Building the Education Revolution (BER) program.

Where certification requirements are met the construction of buildings and the carrying out of works does not require a planning permit.

Where the requirements of certification are not met, or where land is affected by an overlay, plans must be submitted for approval to the satisfaction of the responsible authority. A planning permit is not required.

52.40-2 Exemption from planning scheme requirements - certification

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Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits demolition, buildings and works or requires the buildings and works to be carried out in a particular manner does not apply to buildings and works specified in Clause 52.40-1 provided all of the following requirements are met:

- The buildings and works are not within green wedge land as defined in section 46AC of the Planning and Environment Act 1987.
- The buildings and works are set back at least 5 metres from any property boundary.
- For buildings and works that are set back between 5 and less than 20 metres from a property boundary, the development does not exceed 8.5 metres in height.
- For buildings and works that are set back 20 metres or more from a property boundary, the development does not exceed 12 metres in height.
- Any window is located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, except where it either:-
 - Has a sill height of at least 1.7 metres above floor level.
 - Has fixed, obscure glazing in any part of the window below 1.7 metres above floor level.
 - Has permanently fixed external screens to at least 1.7 metres above floor level.
- The buildings and works does not result in a change to the existing traffic access arrangements or changes to the number of car parking spaces provided on site.
- Native vegetation is not removed, destroyed or lopped, except where:-
 - It is exempt under Clause 52.17-6.
 - There are no more than 5 trees to be removed if each tree has a trunk diameter of less than 40 centimetres, as measured at a height of 1.3 metres above ground level.
- The buildings and works are not affected by any planning scheme overlay.

A building and works which accords with all the above requirements must be certified by a qualified building surveyor. The certified plans must be signed and dated.

Where the requirements of certification are not met or where land is affected by an overlay, plans must be submitted for approval to the satisfaction of the responsible authority in accordance with Clause 52.40-4.

52.40-3 Information requirements

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Plans submitted for certification or approved to the satisfaction of the responsible authority in accordance with Clause 52.40-2 and 52.40-4 must contain the following information:

- An identifying plan number and date, title, scale and orientation.
- The boundaries and dimensions of the whole site.
- The location and use of buildings and works on the site and adjoining land.
- Layout of existing buildings and works, and the layout and floor plan of the proposed development.
- Dimensioned setback distances from the proposed development to all site boundaries.
- Extent of any proposed building demolition and structures to remain.
- Elevations of the proposed buildings and works on the site including proposed alterations and additions to existing buildings.
- A schedule of materials, colours and finishes of external surfaces.
- The location of existing vegetation and details of any vegetation removal including lopping.

Where plans are submitted for approval to the satisfaction of the responsible authority in accordance with Clause 52.40-4 the responsible authority may waive or reduce these requirements.

52.40-4 Plans approved to the satisfaction of the responsible authority

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Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits demolition, buildings and works or requires the buildings and works to be carried out in a particular manner does not apply to buildings and works specified in Clause 52.40-1 and where approved to the satisfaction of the responsible authority.

Where any of the requirements of Clause 52.40-2 are not met, or where land is affected by an overlay, plans must be submitted and approved to the satisfaction of the responsible authority. The plans submitted to the responsible authority must include the following requirements:

- For land within a Floodway Overlay, Special Building Overlay or Land Subject to Inundation Overlay, be accompanied by the written authorisation of the relevant floodplain management authority.
- For land within a Heritage Overlay, be accompanied by a report or statement addressing the impact of the proposed works on the heritage significance of the site.
- For land within a Vegetation Protection Overlay, Environmental Significance Overlay or Significant Landscape Overlay be accompanied by a report or statement prepared by a suitably qualified consultant addressing the impact of the proposed works and/or vegetation removal on the relevant statement of significance and objectives of the overlay.
- For land within a Development Plan Overlay or Incorporated Plan Overlay be accompanied by a copy of the approved Development Plan or Incorporated Plan, where applicable.

- For land within an Airport Environs Overlay, Melbourne Airport Environs Overlay, City Link Project Overlay, Public Acquisition Overlay, Wildfire Management Overlay, Salinity Management Overlay, State Resource Overlay, be accompanied by the written authorisation of the relevant management authority.
- For land within any other overlay, be accompanied by a statement or report addressing the impact of the proposed buildings and works on the relevant purposes and decision guidelines of the overlay.
- For any buildings and works which include a change to traffic access, a traffic report prepared by a suitably qualified consultant is required to be submitted to the responsible authority.

The responsible authority may waive or reduce any of these requirements.

52.40-5 Lodgement of plans

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Once certified by a qualified building surveyor or approved by the responsible authority, the school must lodge a copy of the plans with the relevant council, together with written confirmation that the BER funding has been granted, prior to the commencement of the buildings and works.

The buildings and works must be constructed in accordance with the certified plans.

52.40-6 Decision Guidelines

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Before determining that the plans submitted under Clause 52.40-4 are to the satisfaction of the responsible authority, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The extent to which the development is generally in accordance with the strategic intent of any approved Development Plan, Incorporated Plan or relevant Structure Plan for the site.
- The impact of the buildings and works on the amenity of the surrounding area including overlooking, overshadowing and neighbourhood character.
- The purposes and decision guidelines of any planning scheme zone or overlay affecting the site.
- Any comments from the relevant council.

52.40-7 Transitional arrangements

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The requirements of the planning scheme as in force immediately before 22 May 2009 continue to apply to a permit application for buildings and works carried out by or on behalf of an education centre, to which this clause would otherwise apply, made before that date.

52.40-8 Expiry

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The provisions of this Clause will expire on 30 June 2012.

Notes:

In accordance with Clause 61.01 the Minister for Planning is the Responsible Authority for buildings and, or works in education centres that are proposed to be funded under the Building the Education Revolution program.