

Agency Comment	Agency Change needed?	Change requested	VPA Response	Agency clarification (July/ Aug2024) Melbourne Archdiocese Catholic Schools (MACS)	Formal Exhibition March 2025 MACS Response
Clarify that schools including non-government schools are exempt from the net developable area (NDA). This applies to ancillary uses that are totally integrated within the school development.	Yes	Include in Section 1.7: <i>The Land Use Budget will exclude non-government school sites that are shown in the PSP from the Net Developable Area (NDA) This approach will also be applied where ancillary uses (such as places of worship, child care centres, kindergartens and community facilities) are totally integrated within the school development.</i>	No change required. The intent of this section is a short description on the relationship between the PSP and ICP. Any technical matters of this nature will be included in the ICP document.		Plan 14 Land Use Budget identifies the two strategically justified Catholic schools as contained within lot 37 and lots 55 and 56. The Property specific Land Use Budget Table 25 contained within the Melton Precinct Structure Plan sets aside 3 hectares within Lot 37 and; 0.71 in lot 55 and an additional 2.29 hectares in the adjoining lot 56 providing a total of 3 hectares for the second Catholic school. The areas set aside meet with MACS siting requirements. There is a concern where one of the school sites traverses two lot. It is requested that consideration is given to contain the eastern non-government school fully within the boundary of lot 56 to reduce complications associated with site acquisition.

Reference is made to the Background Report. The VPA Standard Approach for Non-Government School Sites in Precinct Structure Plans requires that Background Reports will note a situation where a relevant school provider or education sector (for example, the Catholic education sector, or the independent schools sector) has provided strategic justification for the provision of any relevant non-government school sites that are shown in a PSP.	Yes	Background Report to note: <i>Two non-government schools have been strategically justified for Catholic education.</i>	<p>VPA note that the background report indicates two proposed non-government schools are suitable for independent or catholic education and will note that strategic justification has been provided for catholic schools to be delivered in the area.</p> <p>Propose remove reference to 'suitable for independent or Catholic education'. This is implied in the non-government school designation.</p> <p>There is no requirement to include a reference to Independent schools. They have played no role in the process. MACS' assessment clearly indicates that the Melton East PSP falls short in making provision for the Independent Sector. Refer to Attachment D. If the VPA is committed to planning for non-government schools, it must readily identify and communicate, with the release of each Precinct Structure Plan (PSP), the anticipated number of pre-school children (3-4 year age group); primary school children (5-11 year age group) secondary school children (12-17 year age group) planned for within the PSP at full development. In addition, it must recognise for each age category the sector share for</p>	<p>The Background report at Section 4.5.1 Local schools and community infrastructure states that two- non government primary schools are provided in the PSP. Section 5.6.2 Key findings and recommendations and in particular Table 2 -Community Infrastructure Needs Assessment findings summary notes that the two non-government schools are required based on feedback from Melbourne Archdiocese Catholic Schools. MACS supports this statement. This addresses the initial concern raised by MACS. However, MACS reiterates its concern that inadequate provision has been made for schools across all three education sectors. MACS' assessment clearly indicates that the Melton East PSP falls short in making provision for the Independent Sector. Refer to Attachment D.</p>
---	-----	--	--	---

				<p>Government, Catholic and Independent school provision. Failure to do this will continue to see a shortfall of non-government school sites designated within the PSP process. This will continue to result in the VPA's failure to adequately plan for the needs of future Victorians as required by the Planning and Environment Act 1987 (P & E Act 1987). By virtue of the provision of the Victorian Planning Authority Act 2017, the VPA as a Responsible Planning Authority, is required to have regard for the planning objectives for Victoria as outlined in the P& E Act 1987. This includes having regard for the future needs of all Victorians.</p>	
Acknowledge that the State delivers 66% of education infrastructure. 23% is delivered by Catholic Educating and 11% by the Independent Sector. Need to ensure	Yes	After O23 include new objective: <i>Provide for government and non-government</i>	VPA to draft objective that regards providing choice of education to		Strategic justification is provided for two Catholic schools and is detailed in Attachment C and Attachment D

that adequate provision is made for all education sectors.		<i>school sites to meet the strategically justified need for government, independent and Catholic education in the area.</i>	future residents.		
Locating Catholic schools in or near amenity areas or high density areas within the PSP will not see Catholic schools delivered. Land cost in such locations is prohibitive and unaffordable for MACS a not-for-profit organisation. The MACS Site Selection Criteria document states that Catholic school sites should be located in the vicinity of other community, sport and recreation facilities and services such as open space, libraries or sport centres. However, this can no longer play out on the ground. The site	Yes	A Requirement to include: <i>Non-government school sites identified and strategically justified for Catholic schools located outside areas designated as amenity area or identified for higher dph ratios including those in walkable catchments to town centres,</i>	No change to requirement. VPA to re-locate the non-government school as per the direction of Appendix B.		Plan 15 Noise Influence Areas identifies that the western non-government (Catholic) school site is skirted by the 300 metre noise influence area. It is unclear what decibel readings are anticipated and if the site is appropriate for a school use deemed a sensitive use. MACS is keen to understand the level of noise anticipated and the impact on the school site in the location chosen.

selection criteria speaks to MACS wants for a school site in an ideal scenario. However, given our previously articulated difficulties in acquiring land we are forced to adjust these criteria as it relates to Melton East PSP. MACS requests that school sites intended for Catholic schools within the Melton East PSP are removed from amenity areas and high density areas. Aside from this variation the site attributes should continue to align with those identified in ATTACHMENT B		<i>community centres, parks, open spaces etc.</i>			
Verification of need for a school should be in consultation with the relevant Education provider.	Yes	At the end of the second last paragraph Add " <i>and after an informed discussion with the relevant education provider</i> "	No change required. Requirement R57 adequately addresses this request. Removal of duplicate guideline G34.		<i>Plan 14 Land Use Budget</i> identifies that the eastern non-government school site traverses two lots namely lot 55 and lot 56. It is requested that the school site is fully contained within lot 56 as this would reduce complications associated with site acquisition.

Reintroduce "Catholic Education" as the Lead Agency in the Infrastructure Delivery Table within the PSP. This clearly flags sites intended to accommodate Catholic schools and brings with it more certainty for delivery of the school by Catholic Education. This will help counter the current loss of non-government school sites strategically justified for Catholic schools to other education sectors.	Yes	Include "Catholic Education" as the Lead Agency in the Infrastructure Delivery Table.	VPA are not able to delineate the Lead Agency.	<p>The re-introduction of the Lead agency status will provide greater certainty of provision. From a jurisprudential perspective having regard for the fundamental principles of law and justice namely fairness, equality and access it is considered that the VPA must recognise Catholic Education's involvement as a stakeholder in the PSP process and recognise that it is seeking to meet the needs of future Victorians. This needs to be reckoned with by the VPA considering the statutory obligations bestowed upon the VPA as a Responsible Authority. Re-instatement of the Lead Agency status is considered reasonable. MACS' level of input mandates the VPA to provide Catholic Education with a Lead Agency status.</p>	<p>MACS continues to suffer significant loss of sites intended as part of the PSP process for Catholic school delivery. It is submitted that greater certainty for Catholic school delivery if the VPA reintroduces Catholic education as the lead agency for Catholic school delivery within the Lead agency table of the PSP. This will afford more certainty of provision.</p>
--	-----	---	--	---	---

<p>The current system does not provide clarity or recognition that MACS has been involved in the Precinct Structure Planning(PSP) process and has, as required, strategically justified the need for Catholic schools. As part of the PSP process the VPA in identifying early in the process if landowners are agreeable to transact with MACS for the purchase of designated school. It also flags early in the process the intended use of the land and that MACS is the intended agency to deliver the school.</p>	<p>Yes</p>	<p>The PSP document introduce a guideline requiring that MACS is provided with the first right of refusal for sites strategically justified for Catholic schools.</p>	<p>VPA are not able to prescribe MACS the right of refusal for sites.</p>	<p>The Planning and Environment Act 1987 and Victorian Planning Authority Act 2017, does not prevent the VPA taking on the role of facilitator on behalf of an organisation delivering a community facility, including a non-government school, and as a third party, facilitate liaisons between the landowner and MACS to secure a site designated within a PSP. It is an imperative to know that land designated for a non-government school within a PSP comes with an assurance that the landowner is willing to sell to Catholic Education.</p>	<p>MACS requests that the PSP document introduce a guideline requiring that MACS is provided with the first right of refusal for sites strategically justified for Catholic schools. The Planning and Environment Act 1987 and Victorian Planning Authority Act 2017, does not prevent the VPA taking on the role of facilitator on behalf of an organisation delivering a community facility, including a non-government school, and as a third party, facilitate liaisons between the landowner and MACS to secure a site designated within a PSP. It is an imperative to know that land designated for a non-government school within a PSP comes with an assurance that the landowner is willing to sell to Catholic Education. It is submitted that the PSP process should allow for dialogue with the owner of the land by VPA officers to establish the willingness of the landowner to transact with Catholic Education before a site is designated for a Catholic school on the PSP.</p>
<p>Address under provision of non-government school provision by ensuring that the needs of the Independent Education sector within the Melton East PSP are considered.</p>	<p>Yes</p>	<p>Designation of additional non-government school site on the PSP maps to accommodate any identified Independent Education</p>	<p>VPA does not have the strategic justification to provide land for an additional non-government school site.</p>	<p>It is a fundamental role of the VPA as a Responsible Planning Authority to identify that 11% of education is delivered by Independent education. This is fundamental to good, sound and orderly planning. What does that equation return? The assesement prepared by MACS concludes that there is a</p>	<p>MACS submits that inadequate provison has been made for the Independnt education secto as part of the Melton East PSP. The assesement prepared by MACS concludes that there is a demand for 799 Independent primary school student places and a demand for 470 Independent secondary school places for the PSP. Refer to Attachment D</p>

		sector demand over and above Catholic education demand.		demand for 799 Independent primary school student places and a demand for 470 Independent secondary school places for the PSP. Refer to Attachment D	
Explanatory Report -Note that the Ministerial Direction on the preparation and Content of Infrastructure Contributions Plans and ministerial reporting requirements for Infrastructure Contributions Plans exempt government and non-government schools from development contributions.	Yes	Add the following paragraph in the section relating to the Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans and ministerial reporting requirements for Infrastructure Contributions Plans: The Amendment has regard for the Ministerial Direction and	Noted and actioned.		

		<i>in so doing exempts government and non-government schools from payment of development contributions and also excludes schools from the Net Developable Area.</i>			
Clause 9 Land or development exempt from payment of an infrastructure contribution does not make reference to a non-government school as an exempt item	Yes	At Section 9 <i>Land or development exempt from payment of an infrastructure contribution</i> of Schedule 4 to Clause 45.11 Infrastructure Contributions Overlay insert: <i>Non-government school</i>	Noted and actioned.		Schedule 4 to Clause 45.11 Infrastructure Contributions Overlay at <i>section 9 Land or development exempt from payment of an infrastructure contribution includes use and developmetn for a non-government school.</i> This is supported

Apply the Special Use Zone 2-Education (SUZ2) for school sites. This readily flags the long-term intended use of the land for education. The practice of apply the Residential zone as the underlying zone raises issues of equity and affordability of land for school purposes. A study commissioned by MACS has identified that Applying the Residential Zone to a site intended for a school increases the land value by some 20%.	Yes	At Section 2.2 more specifically Table 1: Applied Zone provisions in Schedule 13 to Clause 37.07 Urban Growth Zone add a column to include: Table 1: Applied zone provisions <i>Land shown as school, Potential Non-government School or Catholic School - Applied zone provisions Clause 36.01 Special Use Zone 2 (Education)</i>	No change required. VPA is not able to support land for potential non-government schools as Special Use Zone.	Please explain why? Attachment E provides reasons as to why the application of the Special Use Zone - Education is warranted. Whilst the VPA implements policies there is nothing preventing the VPA as an advocate to achieve the objective of planning for Victoria to make representation and liaise with the Department of Transport and Planning to implement the change in zoning as a policy or as a government Directive.	At Section 2.2 more specifically Table 1: Applied Zone provisions in Schedule 13 to Clause 37.07 Urban Growth Zone add a column to include: Table 1: Applied zone provisions Land shown as school, Potential Non-government School or Catholic School - Applied zone provisions Clause 36.01 Special Use Zone 2 (Education) Attachment E provides reasons as to why the application of the Special Use Zone - Education is warranted. Whilst the VPA implements policies there is nothing preventing the VPA as an advocate to achieve the objective of planning for Victoria to make representation and liaise with the Department of Transport and Planning to implement the change in zoning as a policy or as a government Directive.
School site on Taylors Road - The sewer line diagonally dissects the allotment potentially restricting development	Yes	Negotiate re-aligning the sewer to run along the boundary of	VPA note that the school sites are being revised		Plan 16 Utilities does not show any sewer line diagonally dissecting the non-government school allotment on Taylors Road and this is supported.

options for the school site.		the school site if this site is to be retained. Refer to Section <i>Alternate Catholic school sites in PSP</i>			
Annotate school sites strategically justified for Catholic schools as "Catholic School" in line with earlier approaches evidenced in the Toolern PSP as a means to promote clarity and to help counter the current loss of non-government school sites strategically justified for Catholic schools to other education sectors. See below for justification	Yes	Annotate school sites strategically justified for Catholic schools as "Catholic School" on the PSP Plans	VPA are not able to delineate non-government schools as Catholic schools in the PSP.	The VPA has chosen to identify Government school sites. Please explain the difference. If the purpose of a PSP is to identify use of land then all school sites must be shown as "School" and not differentiate government schools.	<p>MACS works hand in hand with State government to meet the education demand for Victorians and to provide education choice. Yet, MACS continues to suffer significant loss of sites intended as part of the PSP process for Catholic school delivery. MACS cannot continue to absorb any further such losses if it is to meet its quota in Catholic school delivery into the future. Annotating school sites strategically justified for Catholic schools as "Catholic School" on the PSP Plans will provide more clarity and transparency of the intended use of the land. The VPA has seen fit to differentiate between government schools to readily identify the intended use and provider ensuring certainty of delivery.</p> <p>MACS is seeking that this same courtesy is extended to the Non- government school sector differentiating between strategically justified Catholic and Independent school sites. The designation of strategically justified Catholic school sites as non-government Catholic will go</p>

					a long way towards providing certainty of provision and securing sites delivering Catholic schools to meet community demand.
Alternative sites to the sites designated for non-government (Catholic schools) on the PSP maps as exhibited have been identified by MACS for Catholic schools. These sites fall outside designated amenity areas and high density areas. The MACS Site Selection Criteria document states that Catholic school sites should be in the vicinity of	Yes	Identify non-government school sites intended for Catholic schools outside amenity areas and high density areas on the PSP maps	VPA note that the school sites are being revised		It is noted that Plan 3 Housing Melton East Precinct Structure Plan locates the non-government schools outside the high amenity areas. This is supported.

<p>other community, sport and recreation facilities and services such as open space, libraries or sport centres. The site selection criteria speak to MACS' wants for a school site in an ideal scenario. However, given difficulties in acquiring land we are forced to adjust these criteria as it relates to the Melton East PSP. Outside this criterion it will be necessary that the VPA to ensure that all other criteria stipulated within the Siting Criteria for Catholic schools is adhered to. Refer to Site Selection Criteria pamphlet in ATTACHMENT B. The scope is to identify more affordable sites and as such provide more certainty for delivery of the Catholic schools. The alternate locations are identified in ATTACHMENT A.</p>					
--	--	--	--	--	--

<p>Inform ASR research that non-government school sites strategically justified for Catholic primary schools in the adjoining Rockbank and Rockbank Precinct Structure Plans were lost to the Independent sector placing more pressure for Catholic school delivery in the Melton East PSP. Circumvent the potential loss of Catholic schools within the PSP by ensuring that adequate provision is made for the Independent Sector in the planning for the Melton East Precinct Structure Plan.</p>	<p>Yes</p>	<p>Two Catholic primary schools required within the Melton East PSP. Ensure provision for Independent sector by designating non-government school site for independent sector where required</p>	<p>Noted. VPA provides strategic justification for the provision of non-government primary schools which will be reflected in Melton East Background Report. VPA is not able to prescribe land for Catholic Schools specifically in the PSP.</p>	<p>See above comment in response to point 9 referring to the VPA doing the sums to identify the 11% gap.</p>	<p>Non-government school sites strategically justified for Catholic primary schools in the adjoining Rockbank and Rockbank Precinct Structure Plans were lost to the Independent sector placing more pressure for Catholic school delivery in the Melton East PSP. It is submitted that in order to circumvent the potential loss of Catholic schools within the PSP it is important to ensure that adequate provision is made for the Independent Sector in the planning for the Melton East Precinct Structure Plan. The assessment prepared by MACS concludes that there is a demand for 799 Independent primary school student places and a demand for 470 Independent secondary school places for the PSP. Refer to Attachment D</p>
--	------------	--	--	--	--

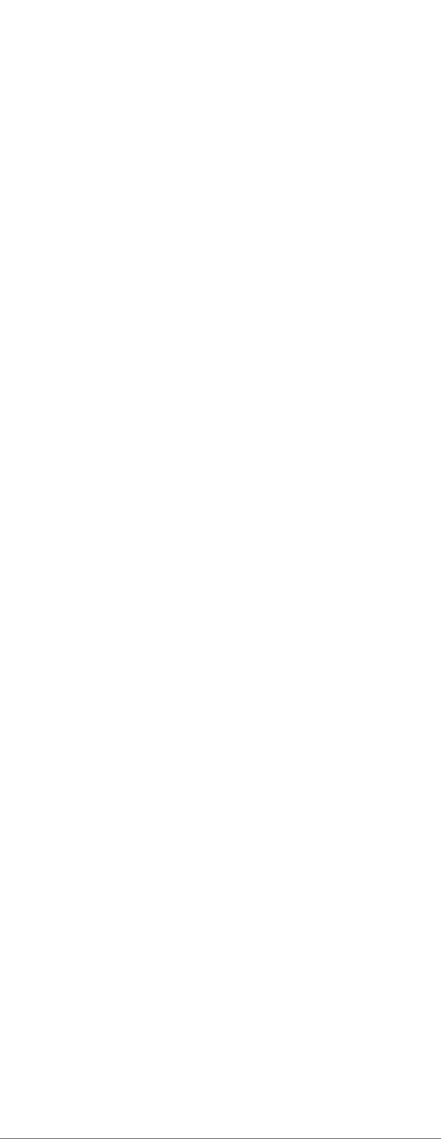
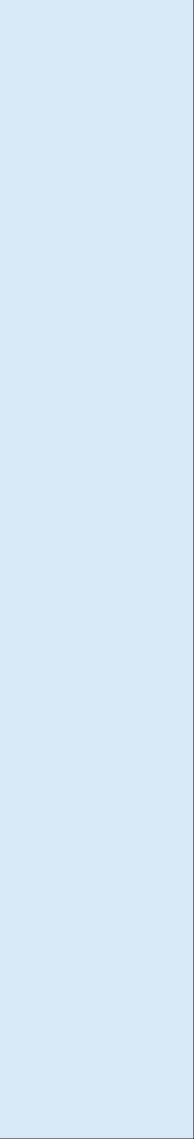
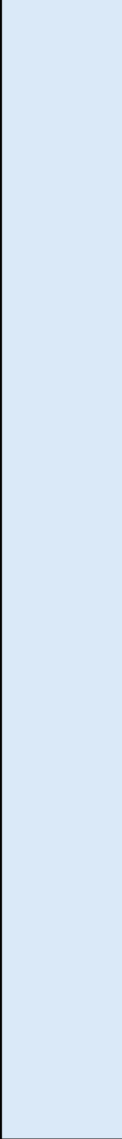
<p>The recently completed Melbourne Archdiocese Strategic Provision Plan 2023 has identified the need for two schools within the Melton area indicatively shown a P12 and P14.</p> <p>It is of paramount importance to secure these sites within the Melton East as opportunities for MACS to purchase designated sites within the adjoining PSPs of Rockbank and Rockbank North have been lost.</p> <p>Rockbank North PSP 1079 to the east. A Catholic primary school was strategically justified for this precinct. Catholic Education missed the purchase of the land. The Opportunity not afforded to Catholic Education to make a bid for the land or that the land was up for sale.</p> <p>Rockbank PSP 1099 to the south. A Catholic primary school was</p>	Yes	Two Catholic primary schools strategically justified for the Melton East PSP	Noted. Refer to note above.	<p>The recently completed Melbourne Archdiocese Strategic Provision Plan 2023 has identified the need for two schools within the Melton area indicatively shown a P12 and P14.</p> <p>It is of paramount importance to secure these sites within the Melton East as opportunities for MACS to purchase designated sites within the adjoining PSPs of Rockbank and Rockbank North have been lost. Rockbank North PSP 1079 to the east. A Catholic primary school was strategically justified for this precinct. Catholic Education missed the purchase of the land. The Opportunity not afforded to Catholic Education to make a bid for the land or that the land was up for sale.</p> <p>Rockbank PSP 1099 to the south. A Catholic primary school was strategically justified for this precinct. The site was purchased by independent group. Price exceeded market value significantly</p> <p>MACS preference is to locate a second school within the Melton East PSP not only to cater for the Melton East PSP but the broader area.</p> <p>Other considerations include that:</p> <p>Since 2015 consistent enrolment growth has been witnessed for St Dominic's Primary School. Its capacity of 440 students is expected to be exceeded by 2026.</p> <p>St Catherine's of Siena, (E1334) Melton West is at capacity. Refer to Extract of Melbourne Archdiocese Strategic Provision Plan 2023 Refer to Attachment C</p>
--	-----	--	-----------------------------	--

<p>strategically justified for this precinct. The site was purchased by independent group. Price exceeded market value significantly</p> <p>MACS preference is to locate a second school within the Melton East PSP not only to cater for the Melton East PSP but the broader area.</p> <p>Other considerations include that: Since 2015 consistent enrolment growth has been witnessed for St Dominic's Primary School. Its capacity of 440 students is expected to be exceeded by 2026. St Catherine's of Siena, (E1334) Melton West is at capacity. Refer to Extract of Melbourne Archdiocese Strategic Provision Plan 2023</p> <p>ATTACHMENT C</p>					
---	--	--	--	--	--

<p>Government only plans for 66% of educational needs, the rest, 23% is left to Catholic Education and the remaining 11% to the independent education sector. Catholic education works in partnership with state government to meet the educational needs of the State. This in itself is justification why the VPA should facilitate and introduce mechanisms to provide certainty of provision for Catholic schools.</p> <p>Locating schools in high amenity areas close to public transport, shops, and other community facilities is a far more desirable outcome and provides a sound planning outcome in line with adopted planning principles.</p> <p>The prohibitive cost of land in these areas has led MACS to opt for sites in low amenity areas. This is not a desirable outcome.</p> <p>The planning process advocates for the fair and equitable access to land for the community. Schools are community facilities and</p>			<p>Noted. Refer to note above.</p>		<p>It is submitted that the VPA should facilitate and introduce mechanisms to provide certainty of provision for Catholic schools given that Catholic education works in partnership with state government to meet the educational needs of the State and given that Government only plans for 66% of educational needs, the rest, 23% is left to Catholic Education and the remaining 11% to the independent education sector.</p> <p>It is submitted that the application of the Special Use Zone - Education as the underlying zone is appropriate for school sites within a PSP and will significantly help ensure the delivery of schools.</p> <p>The prohibitive cost of land in these areas has led MACS to opt for sites in low amenity areas. This is not a desirable outcome.</p> <p>The planning process advocates for the fair and equitable access to land for the community. Schools are community facilities and therefore should ideally be located close to other community facilities, transport nodes, activity centres and parkland.</p> <p>There is an opportunity for the Precinct Planning Process to assist with more desirable locational outcomes for government and non-government schools.</p> <p>The current practice is to apply a residential zone as the underlying zone for school sites. School sites are valued on the highest and best use of the land resulting in exorbitant costs in many instances. MACS is forced to pay residential prices for land that may never be developed for residential purposes.</p>
---	--	--	------------------------------------	--	---

<p>therefore should ideally be located close to other community facilities, transport nodes, activity centres and parkland. There is an opportunity for the planning system to assist with more desirable locational outcomes for government and non-government schools as outlined in the following section.</p> <p>The underlying zone applied to the school sites is Residential. School sites are valued on the highest and best use of the land resulting in exorbitant costs in many instances.</p> <p>MACS is forced to pay residential prices for land that may never be developed for residential purposes. Once established a school will remain for decades, if not centuries. The high density residential development of the land may never eventuate. However, the highest and best use of the land is always considered when striking a valuation and purchase price for a school site. With the underlying</p>					<p>Once established a school will remain for decades, if not centuries. The high density residential development of the land may never eventuate. However, the highest and best use of the land is always considered when striking a valuation and purchase price for a school site. With the underlying zone being residential MACS is forced to pay a price for the land as a residential development site when this may never be realised. In addition, the price increases where the land is designated a high amenity and/or high density area, as proposed by the Melton East PSP.</p> <p>It is considered that the more appropriate and equitable zoning for a school site is Special Use Zone - Education (SUZ2). A study commissioned by MACS has indicated that zoning school sites as SUZ2 reduces the price tag of the land by 20% to 25%. If in future a school site is redeveloped for residential purpose a rezoning to Residential would need to occur. Any gains would be subject to the windfall gains tax. Refer to Attachment E</p>
--	--	--	--	--	--

zone being residential MACS is forced to pay a price for the land as a residential development site when this may never be realised. In addition, the price increases where the land is designated a high amenity and/or high density area, as proposed by the Melton East PSP. It is considered that the more appropriate and equitable zoning for a school site is Special Use Zone - Education (SUZ2). A study commissioned by MACS has indicated that zoning school sites as SUZ2 reduces the price tag of the land by 20% to 25%. Furthermore, in the spirit of sound planning outcomes for the community, consideration should be given to accommodate school sites in prime locations but not designated as amenity areas or as high density residential areas. This is considered a rightful and positive step forward towards making schools, as community facilities, more affordable in prime locations.



If in future a school site is redeveloped for residential purpose a rezoning to Residential would need to occur. Any gains would be subject to the windfall gains tax.

An option is always to allow for Catholic schools in prime locations by introducing the Special use Zone Education (SUZ2) as the underlying zone and excluding school uses from the “high density” and “amenity area” designations.

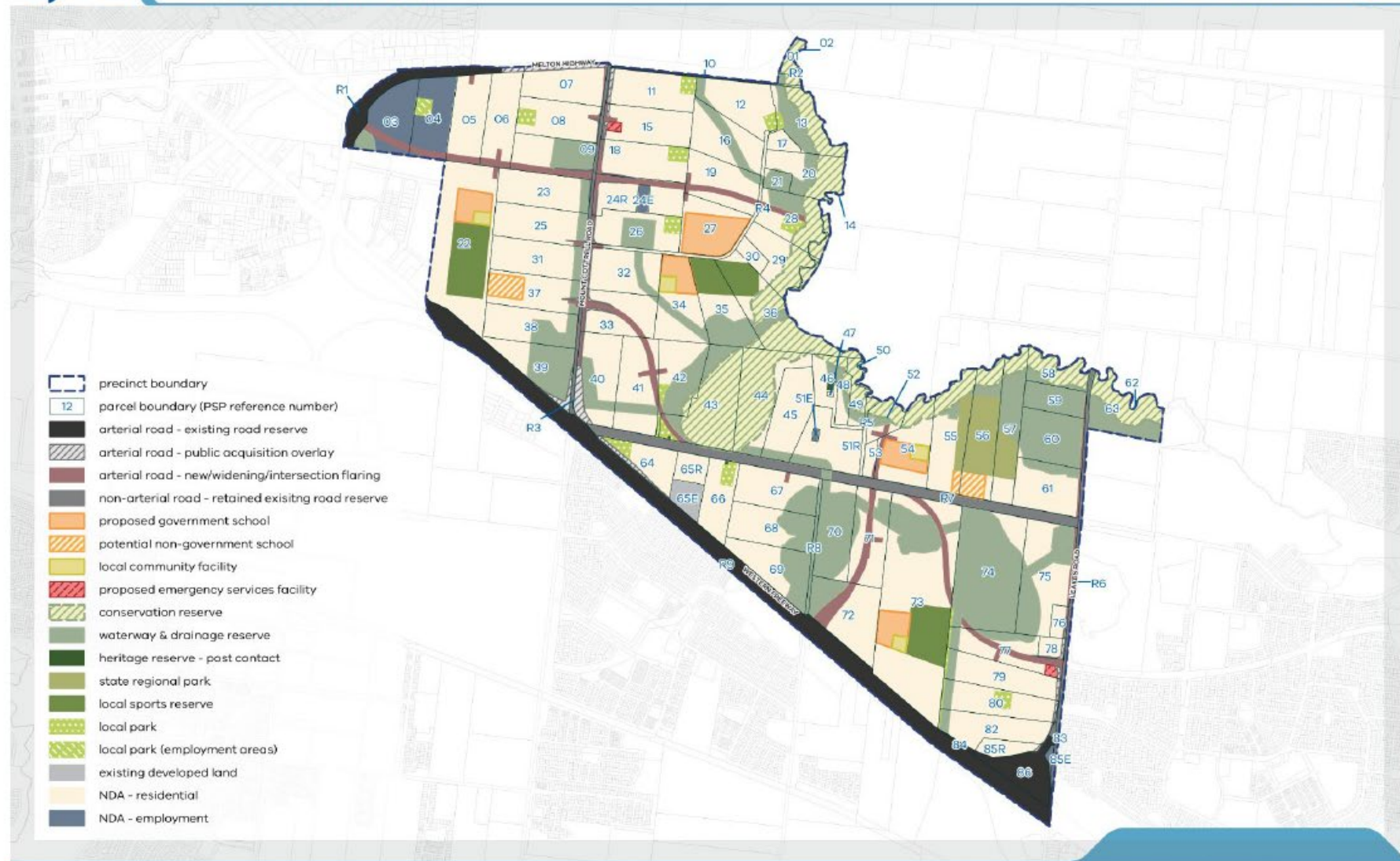
MACS Reference
D25/20486

Appendix 2 Summary land use budget & property-specific land use budget

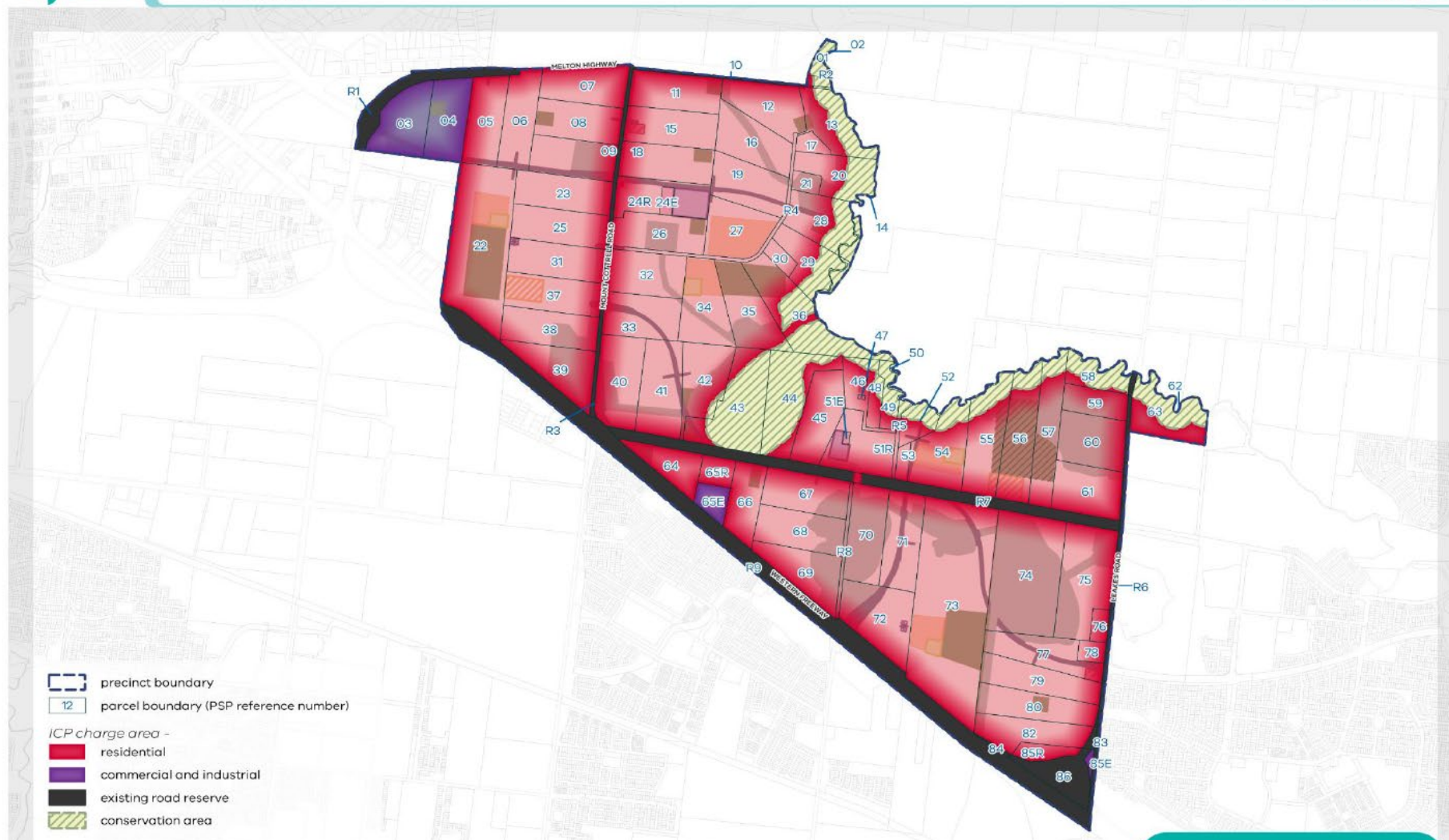


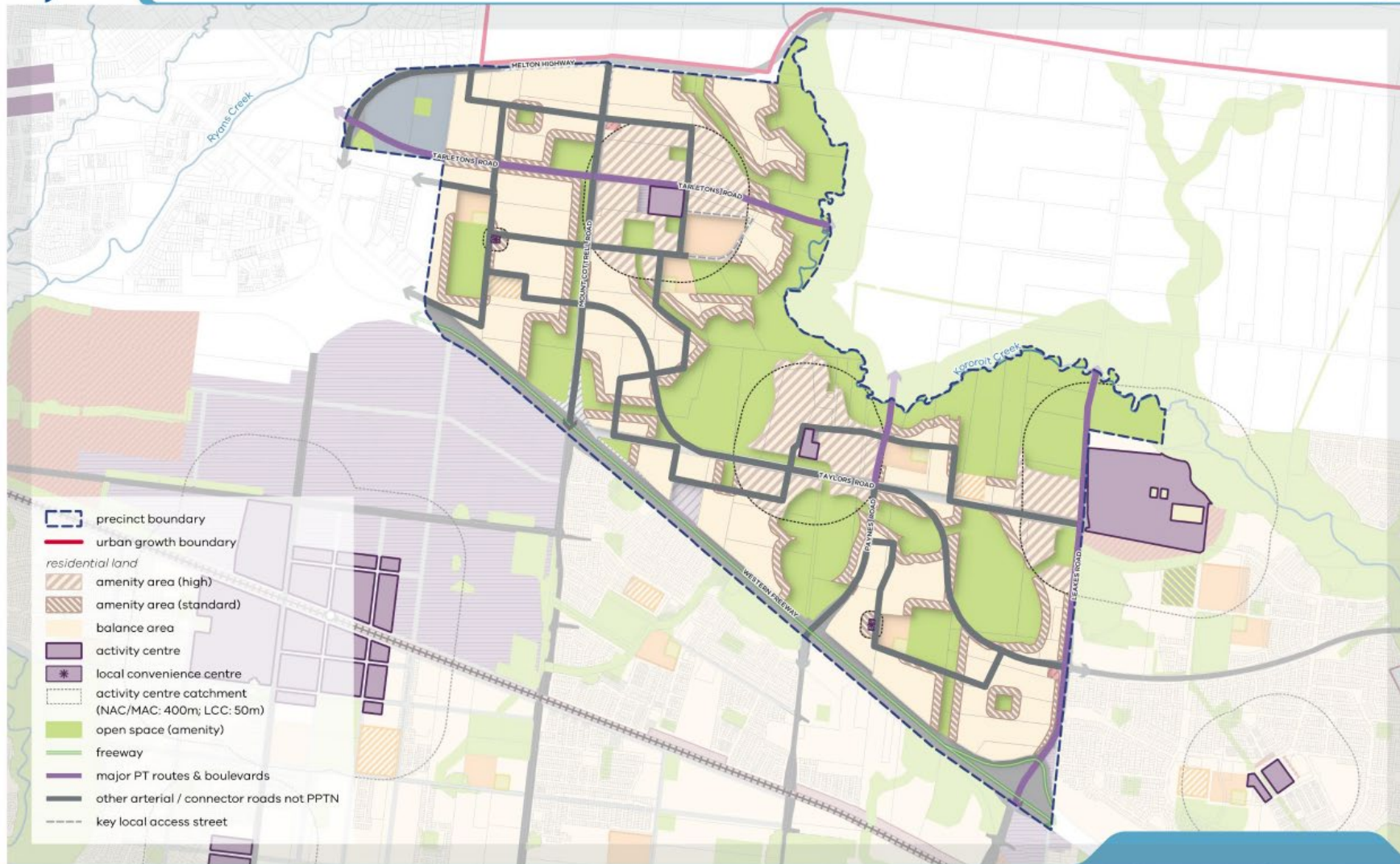
Plan 14
Land Use Budget
Melton East Precinct Structure Plan

1:30,000 @ A4
0 250 500 750 1,000 m



Copyright, Victorian Planning Authority, 2025. The state of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the state of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omission in the information. Created by: Matthew Owens v20250226-10

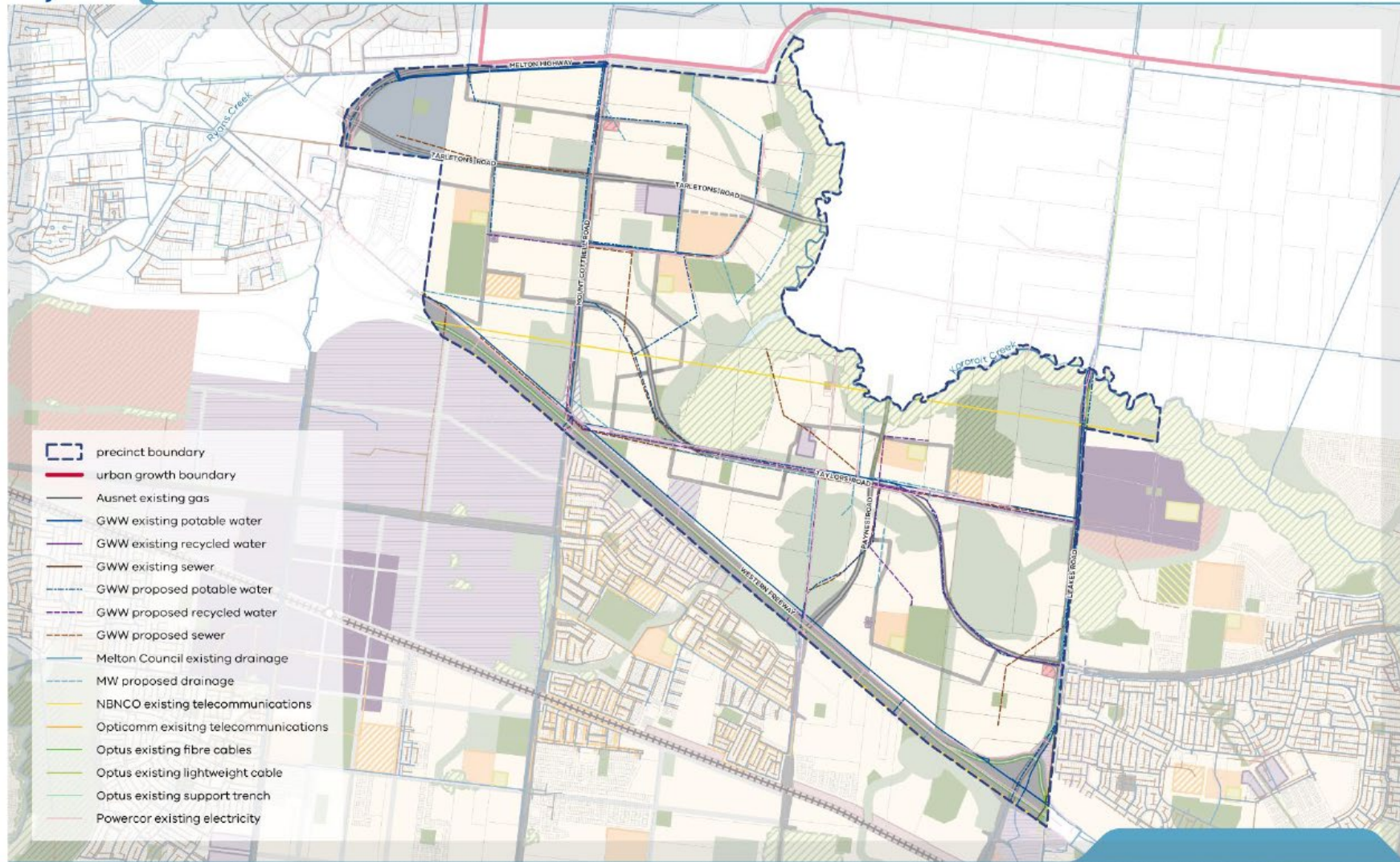




Appendix 7 Noise Influence Area



Copyright, Victorian Planning Authority, 2025. The state of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the state of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, omissions or omissions in the information. Created by: Matthew Owens v20250225-11





Catholic Schools Site Selection Criteria Guidelines

Background

Melbourne Archdiocese Catholic Schools (MACS) in collaboration with State Government aims to meet the education demand for the State of Victoria.

A key objective of education planning in the State is to provide for education choice and certainty of delivery and MACS plays a critical role in meeting the existing and future demand for Catholic education.

For new school infrastructure, strategic justification is provided and informs key stakeholders such as the Victorian Planning Authority and local government of the required number and location of future Catholic Schools with the preparation of Framework Plans and Precinct Structure Plans.

A range of principles and requirements guide the best outcome for the selection of a school site.

Purpose

The purpose of this Guideline is to outline the key criteria to be considered when assessing the suitability of a site for a Catholic school.

The Guidelines apply to the selection of new school sites.

School Site Selection Criteria

Benchmarks / Site Size

- Secondary School Site – MACS require a minimum site area of **7.0 hectares** for school of 1,500.
- Primary School Sites – MACS require a minimum site area of **3.0 hectares - 2.6 hectares** for a school of 525 (LTE) plus an additional **0.4 hectares** for an early education service..
- Specialist School – **1.9 hectares**
- In high density areas, a minimum of **2.0 hectares** should be provided for a primary or secondary school to allow room for the building footprint and at-ground outdoor space.

A new primary school will have an early education service co-located with the school, where future demand for this service is identified.

The above site requirements can be reduced where options for the site include a vertical school over multiple levels in an established or urban renewal area of Melbourne and where shared use of nearby facilities are favourable e.g. (sports fields, gymnasiums). The site size must ensure that a successful evacuation can be accommodated within a school site. Consideration must be given to the school's proximity to a public space where a school evacuation cannot be accommodated within a school site.



Co-location of social infrastructure

MACS supports the concept of a full service school and the co-location of schools with community, sport and recreation facilities providing for a more comprehensive, coordinated, and integrated approach to child and family support at a school and system level.

Locations close to community, sport and recreation facilities are preferred where attainable.

Co-location with complimentary land uses such as active outdoor space or similar community, sport and recreation facilities are a priority where the cost of land is not prohibitive. Where land values in higher density areas prevent co-location with complimentary land uses, MACS may seek alternate sites that continue to allow for the delivery of a viable Catholic school.

Accordingly, as part of the strategic planning process consideration will be given to alternate sites for school delivery as part of the preparation of Framework Plans and/or Precinct Structure Plans where circumstances necessitate.

Alternate sites may include sites removed from town centres and proposed higher density locations within areas identified for residential land use.

Site Location Criteria

The criteria listed below are intended to serve as guidelines when land is selected for Catholic educational purposes.

Primary

- Sites should be centrally located within the school catchment, to ensure there is sufficient distance between the school and major physical barriers, including but not limited to freeways, railway lines and rivers. Future school sites should be located on future transport routes if possible, but not major roads.
- Sites should be accessible in terms of pedestrian, bicycle and vehicular transport. They should be located close to tram, rail and bus routes, if possible.
- Sites should be in the vicinity of other community, sport and recreation facilities and services such as open spaces, libraries or sports centres.
- Within a Precinct Structure Plan where both a Catholic primary and secondary school are proposed options for colocation should be prioritised.
- Sites should be separated from potential hazards such as high pressure gas pipelines, high-voltage transmission lines, other sources of electromagnetic fields (EMFs), quarries, sources of noise or smoke pollution, dust, risk of exposure to toxic chemicals due to industrial fires and high-density traffic routes.



Secondary

- Sites should be centrally located within the future school catchment zone to ensure there is sufficient distance between the school and major physical barriers, including but not limited to freeways, railway lines and rivers. Future school sites should be located on future transport routes if possible, but not major roads.
- Sites should be accessible in terms of pedestrian, bicycle and vehicular transport. They should be located on tram, rail and bus routes, if possible.
- Sites should be in the vicinity of other community, sport and recreation facilities and services such as public open spaces, local shopping centres, libraries, sports centres or ovals.
- Within a Precinct Structure Plan where both a Catholic primary and secondary school are proposed options for colocation should be prioritised.
- Sites should be separated from potential hazards such as high pressure gas pipelines, high-voltage transmission lines, other sources of electromagnetic fields (EMFs), quarries, sources of noise or smoke pollution, dust, risk of exposure to toxic chemicals due to industrial fires and high-density traffic routes.

Site Attributes

- Sites should be regular in shape either square or rectangular, as far as possible, with a 60:40 length to width ratio and; a good northern interface to maximise solar access.
- The orientation of new school sites should provide appropriate solar access, with minimal overshadowing from adjacent built form. Key considerations include the existing building heights and future permissible heights, to maximise passive heating and solar exposure and natural light infiltration.
- Sites should be accessible with a minimum of two street frontages where practicable. Two street frontages is acceptable where safety and efficiency of traffic and pedestrian movement, especially at pick-up and drop-off times is not compromised. At least two streets abutting new school sites must have sufficient widths to allow for student drop-off zones and on-street indented parking in addition to other street functions
- Any connector road or access street abutting a school must be designed to achieve slow vehicle speeds and provide designated pedestrian crossing points.
- Sites should be level or gently sloping (no steeper than 1 in 20). The level should be such that retaining walls are not necessary on the property.
- The land should be free of outcropping stones.
- There should be adequate drainage rights and preferably adequate existing drains servicing the property. Key infrastructure servicing required to be delivered to the site include:
 - Water including drinking water and recycled water.
 - A sewer connection or ability to sustain an on-site sewerage treatment system on the site.
 - Telecommunications services.
 - Adequate load of high voltage electricity services.
 - An adequate number of school pedestrian crossings must be established to allow for access to students from land abutting the school site.



- Sites should be free of contaminants as a school is a sensitive use under planning provisions.
- A site proposed for a new Catholic school should ideally be contained within a single title to reduce complications associated with site acquisition

Features impacting cost of construction (various)

Avoid where possible sites with the following features:

- Sites with significant flora and fauna features.
- Heritage features
- Slope
- Extreme topographical features involving extensive on-site earthworks
- Landfill
- Contamination
- Water bodies such as creeks and dams
- Flooding
- Other features that would increase the cost of building on the site.

High Density Requirements

Notwithstanding the above, vertical schools in high density areas must ensure that:

- Land uses surrounding school sites should be limited to residential development, open space and community, sport and recreation facilities.
- Schools are not located proximate to industrial areas, and other existing land uses where the proximity of a school could be problematic (for example, adult services, licenced premises, service stations).

In the case of vertical school design (high rise development) co-location in the same building with other uses must be limited to non-commercial use including, but not limited to, community, sport and recreation facilities, for example, indoor sports and recreation centres. Other comparable uses include health, tertiary education, aged care and not for profit service delivery.

The site shape should have a regular shape that does not compromise opportunities for the efficient layout of buildings and outdoor facilities.

School entry or pedestrian access points should be provided from street level from all school sides.

Vehicle access (i.e. vehicle access for the purpose of student pick-ups and drop-offs) to the school is discouraged.

No roads should be separating community, sport and recreation facilities and schools.

Sports fields should be accessed within a 5-minute walk from the school site or accessed within a 400 metre walk from the school site.

Bus parking possible on a street that can be accessed from the school site without crossing a road.

In high density areas, a minimum of 2.0 hectares (ha) should be provided for a primary or secondary school to allow room for the building footprint and at-ground outdoor space.



Approved Plans and Alternate Sites for a School

The selection of a school site should be generally in accordance with an approved plan including a Framework Plan, Structure Plan, Development Plan or Master Plan incorporated in a Planning Scheme.

Where variation to the location of the school site is required consultation with the Responsible Planning Authority is mandatory to ensure that the alternate site will be approved for a school.

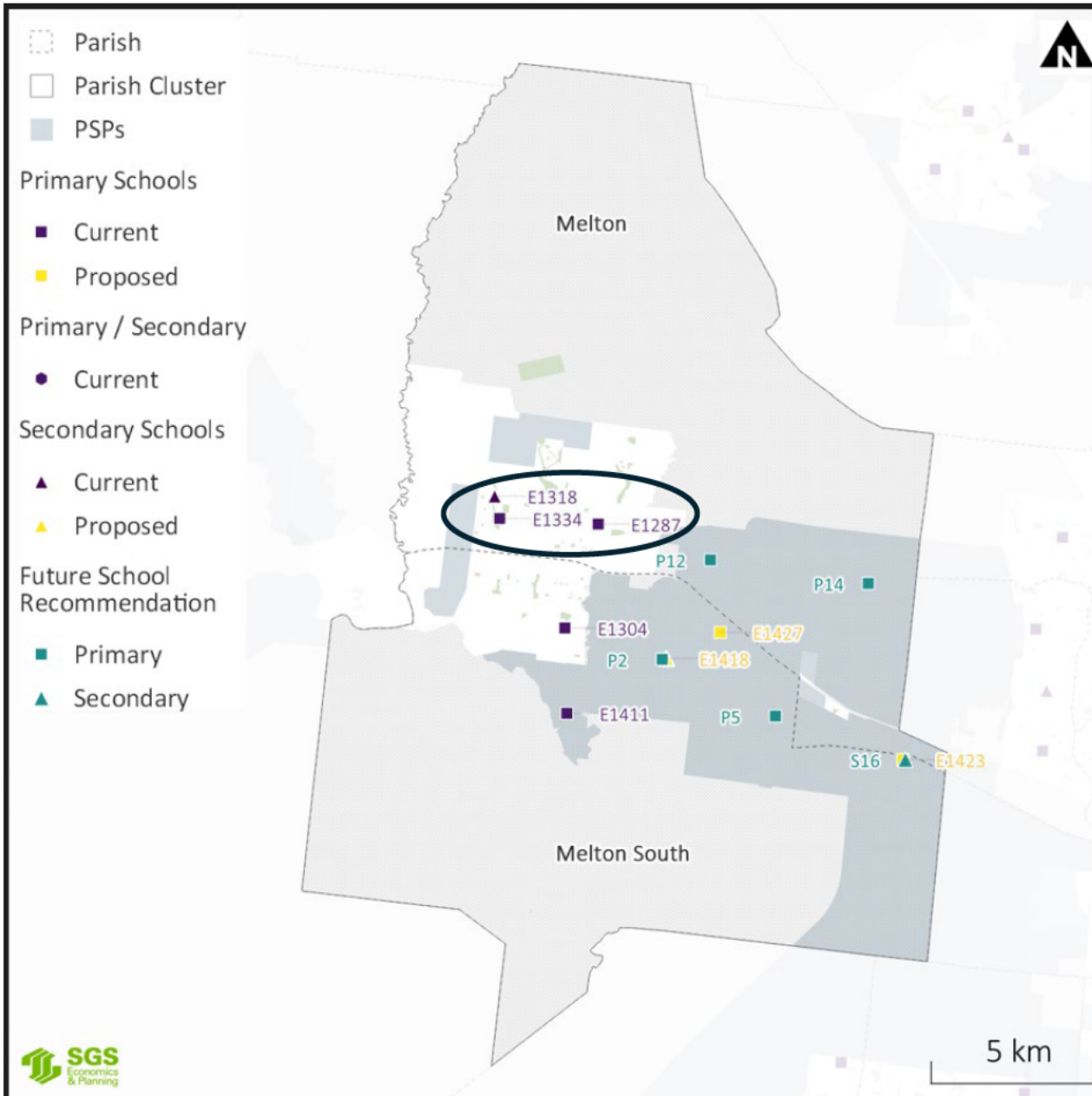
Extract of Melbourne Archdiocese Strategic Provision Plan 2023

Findings and Recommendations

- With several PSPs drawing in state investment and development, the Melton Cluster is one of the fastest growing in the Archdiocese and is forecast to add 17,000 primary aged children and 14,000 secondary aged children by 2051. This population growth translates to an additional 3,000 resident primary students and 3,700 secondary students by 2051. Much of this growth is driven by Catholic students.
- Given the growth forecast in this cluster, the Melton and Melton South Parishes are forecast to have a shortfall of approximately 2 and 3.8 standard sized primary schools, respectively, by 2051.
- Need for secondary schools is lower, with a projected need for approximately 2.1 standard sized secondary schools across the Cluster by 2051, with this gap being concentrated in the Melton South Parish.
- Based on this analysis, for primary schools it is recommended that:
 - 2 new primary schools are delivered in the Melton Parish – 1 in the medium term, and 1 in the long term.
 - 4 new primary schools are delivered in the Melton South Parish – 2 in the short term, 1 in the medium term, and 1 in the long term.
- For secondary schools it is recommended that:
 - Current levels of secondary school provision are maintained in the Melton Parish, with demand being serviced by a nearby future school in the St Albans Parish located in the Plumpton PSP.
 - 2 new secondary schools are delivered in the Melton South Parish – 1 in the short term, 1 in the long term.

Parish	Recommendation	Relevant sites
Catholic primary schools		
Melton	Deliver 2 new schools (1 medium term, 1 long term)	P14 P12
Melton South	Deliver 4 new schools (2 short term, 1 medium term, 1 long term)	E1422 E1427 P2 P5
Catholic secondary schools		
Melton	Maintain	All
Melton South	Deliver 2 new schools (1 short term, 1 long term)	E1418 S16

MELTON EAST PSP - MARCH 2024



Existing Schools in Melton Parish

E1287 – St Dominic's School Melton

E1334 – St Catherine's of Siena, Melton West

E1318 – Catholic Regional College Melton

MACS Comment

The recently completed Melbourne Archdiocese Strategic Provision Plan has identified the need for two schools within the Melton area indicatively shown a P12 and P14.

It is of paramount importance to secure these sites within the Melton East as opportunities for MACS to purchase designated sites within the adjoining PSPs of Rockbank and Rockbank North have been lost.

Rockbank North PSP 1079 to the east. A Catholic primary school was strategically justified for this precinct. Catholic Education missed the purchase of the land. The Opportunity not afforded to Catholic Education to make a bid for the land or that the land was up for sale.

Rockbank PSP 1099 to the south. A Catholic primary school was strategically justified for this precinct. The site was purchased by independent group. Price exceeded market value significantly

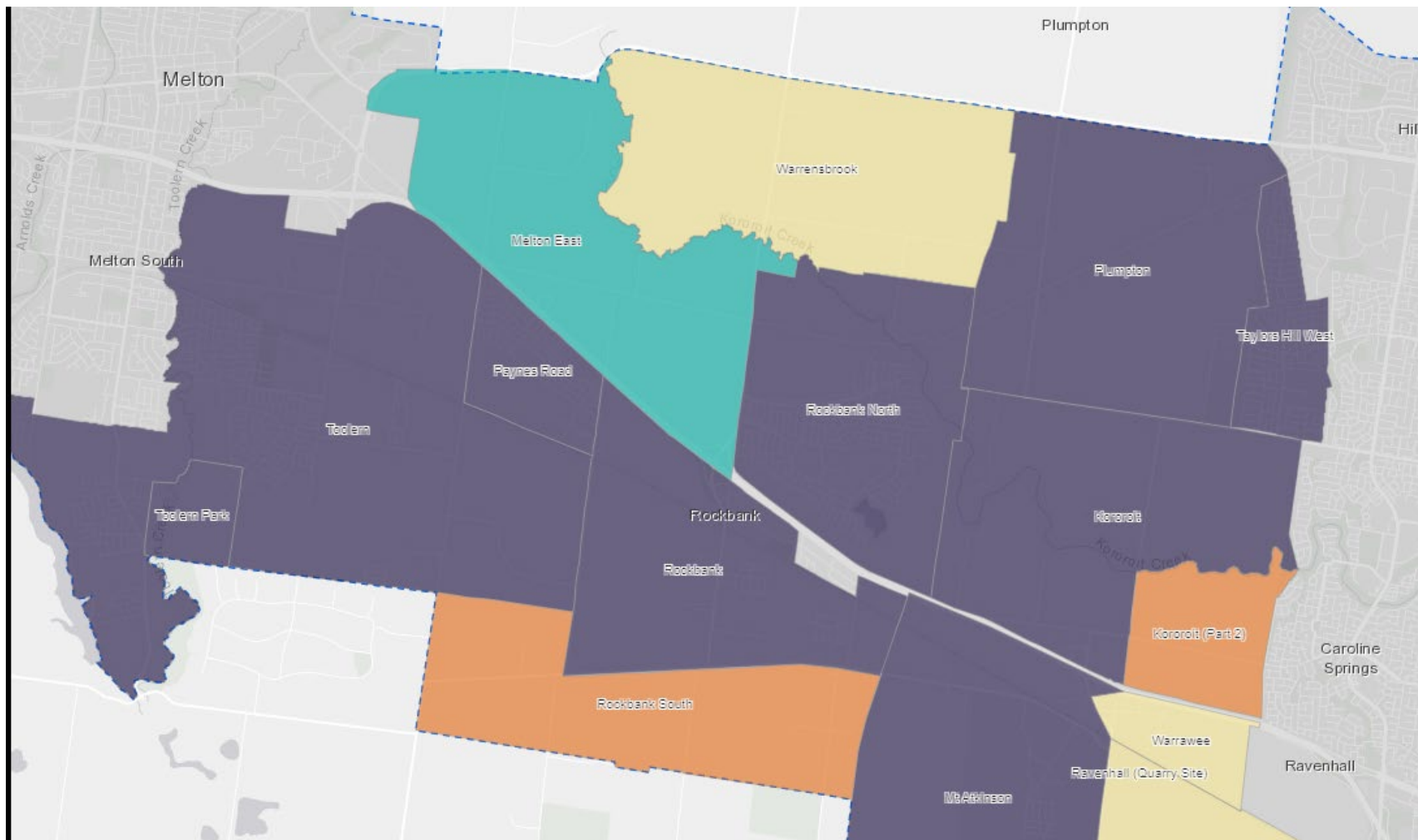
MACS preference is to locate a second school within the Melton East PSP not only to cater for the Melton East PSP but the broader area.

Other considerations include that:

Since 2015 consistent enrolment growth has been witnessed for St Dominic's Primary School. Its capacity of 440 students is expected to be exceeded by 2026.

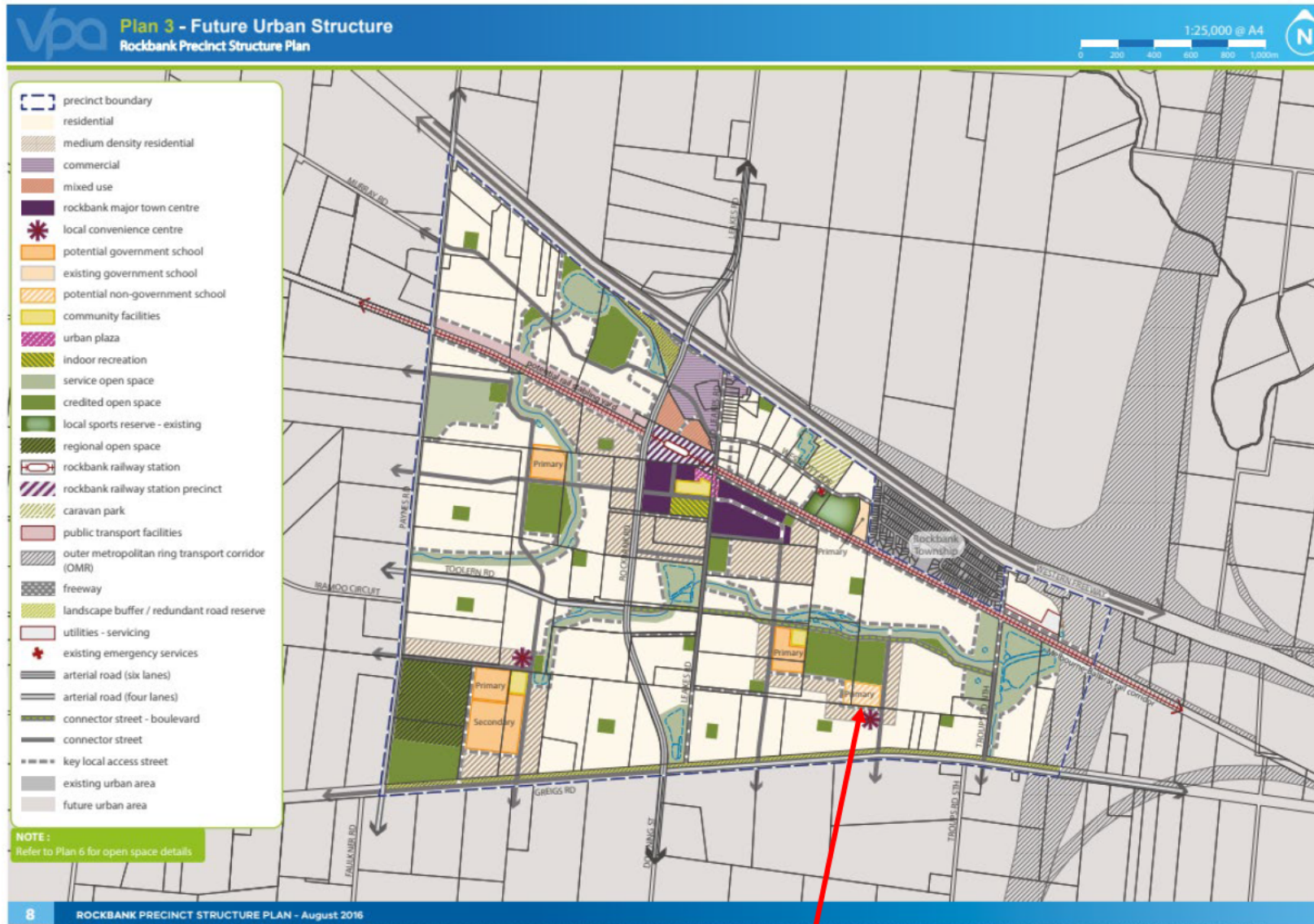
St Catherine's of Siena, (E1334) Melton West is at capacity.

MELTON EAST PSP - MARCH 2024

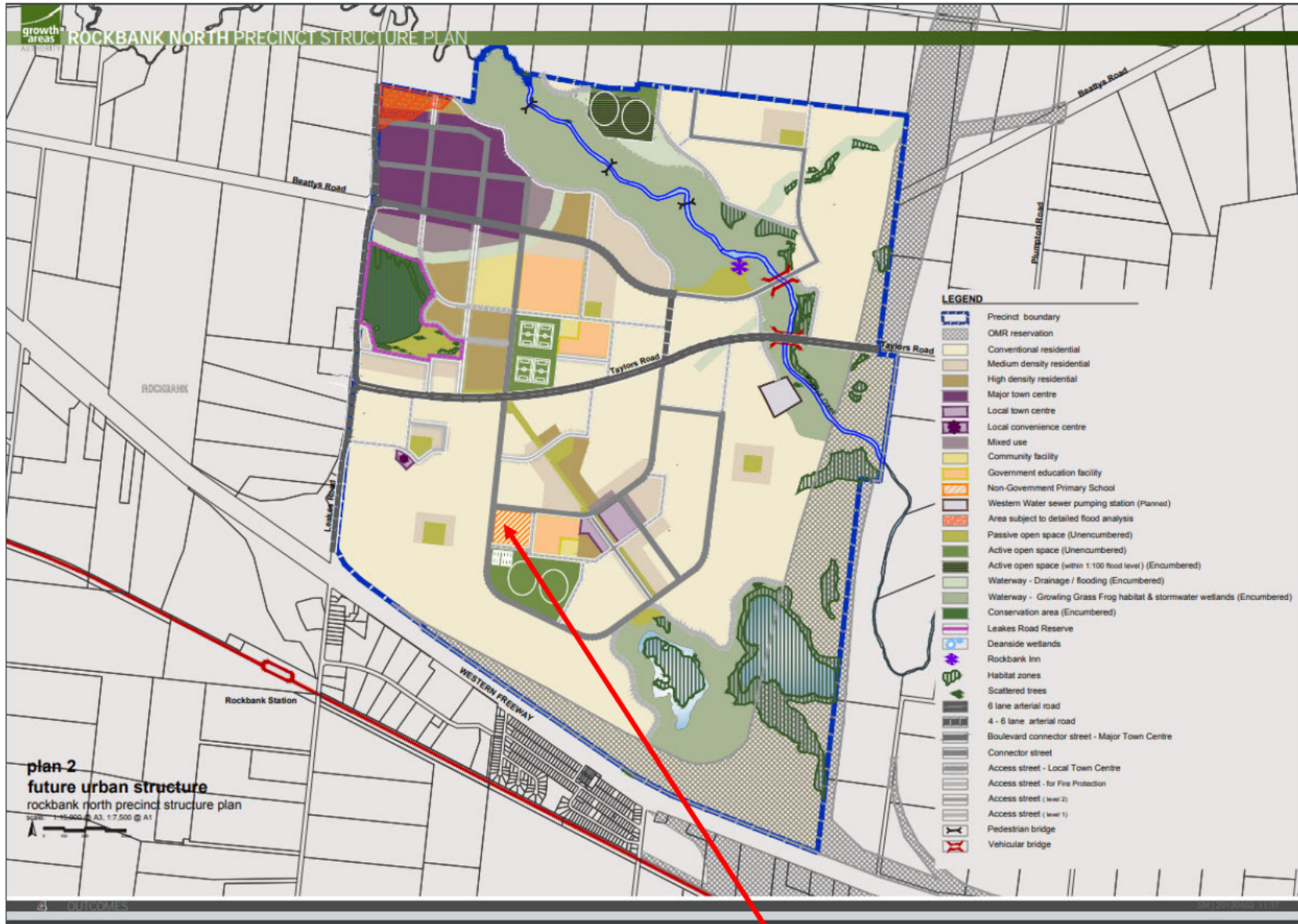


STRATEGIC JUSTIFICATION

MELTON EAST PSP - MARCH 2024



Site strategically justified for Catholic school in Rockbank PSP 1099, August 2016



Site

strategically justified for Catholic school in Rockbank North PSP March 2012

MELTON EAST PRECINCT STUCTURE PLAN

EDUCATION DEMAND ACROSS SECTORS GOVERNMENT - CATHOLIC- INDEPENDENT

Anticipated Total Population at Full Development	Total Population 5-11 year olds (12.8% of total Population based on ABS Census data 2021) Melton and Melton South Catholic Parishes	Total Population 12-17 year olds 7.6% of total Population based on ABS Census data 2021) Melton and Melton South Catholic Parishes	Catholic <u>Primary</u> school demand Based on Sector share 18.2% (2021 ABS Census data) Melton and Melton South Catholic Parishes	Catholic <u>Secodary</u> school demand Based on Sector share 18.71% (2021 ABS Census data) Melton and Melton South Catholic Parishes	Government <u>Primary</u> school demand Based on Sector share 67.4% (2021 ABS Census data) Melton and Melton South Catholic Parishes	Government <u>Secondary</u> school demand Based on Sector share 67.025 % (2021 ABS Census data) Melton an Melton South Catholic Parishes	Independent <u>Primary</u> school demand Based on Sector share 14.4% (2021 ABS Census data) Melton and Melton South Catholic Parishes	Independent <u>Secondary</u> school demand Based on Sector share 14.265% (2021 ABS Census data) Melton and Melton South Catholic Parish
43,375	5552	3297	1010	617	3742	2209	799	470

Catholic School Demand Melton East PSP

Government School Demand Melton East PSP

Independent School Demand Melton East PSP

Total population for the Melton East Precinct Structure Plan area at full development is 43,375. This is based on the Draft Melton East PSP where it is noted that 13,992 dwelling residential lots are to be provided with an **anticipated population of 43,375 people at a rate of 3.1 persons per dwelling**.

Table 4 - Population density

HOUSING CATCHMENT AREA	NDA (HA)	DWELLINGS/HA	NO. OF DWELLINGS
Amenity area	199.3	40	7,971
Balance area	240.5	20	4,810
Town Centre	6.7	40	266
High Density	23.6	40	945
TOTAL	470	29.3	13,992
Anticipated population at 3.1 persons per dwelling			43,375

Source: Draft MeltonEast Precict Structure Plan Agency- Validation March 2024,Page 14

The **Total Primary school aged population** for Melton East Preciinct Structure Plan at at full development is 5,552 based on the 2021 ABS census data where 12.8% of the total population is aged between 5 to 11 years .

The **Total Secondary school aged population** for Melton East Preciinct Structure Plan at at full development is 3,297 based on the 2021 ABS census data where 7.6% of the total population is aged between 12 to17 year.

The **Market/Sector Shares** are based on the 2021 ABS census data for the Catholic Parishes of Melton and Melton South where five Catholic primary schools and one Catholic secondary school are established. The total population for the Melton and Melton South Parishes at the 2021 census year is 85,679. The sector Share adopted for the respective Education sectors is based on the 2021 Australian Bureau of Statistics (ABS) census data for the combined Catholic Parishes of Melton and Melton South providing a sound basis for Government, Catholic and Independent school demand in the area (Sector Share). It is assumed that the current sector shares will continue into the future for the purpose of projecting future Catholic, Government and Independent sector school demand.

The respective Sector shares for the **primary aged students** are as follows:

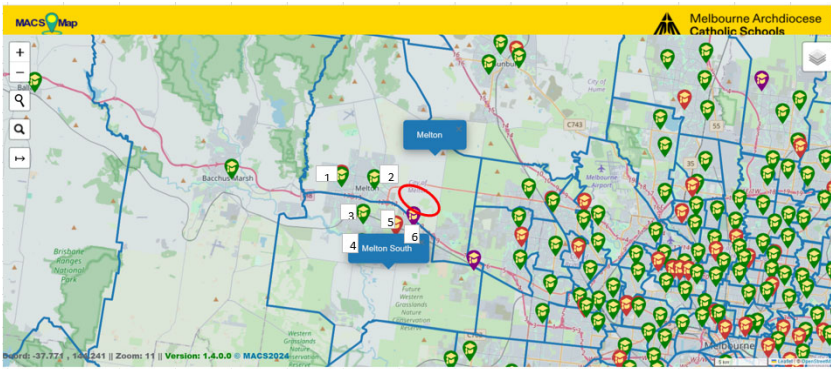
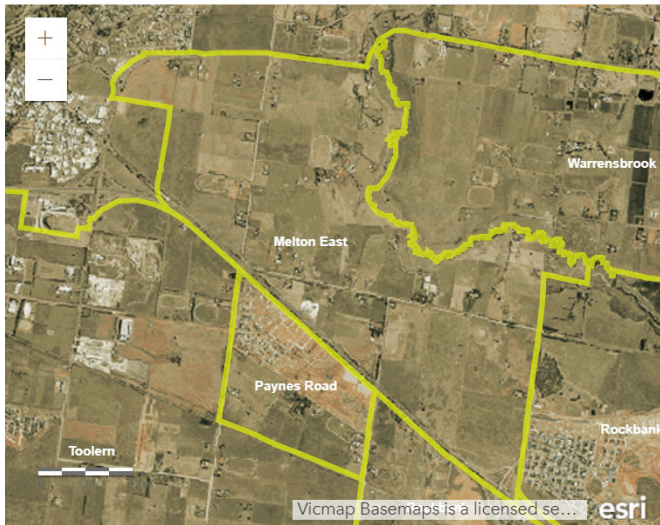
Catholic	18.2%
Government	67.4%
Independent	14.4%
Total	100%

The respective Sector shares for the **secondary aged students** are as follows:

Catholic	18.710%
Government	67.025%
Independent	14.265%
Total	100%

SUMMARY OF DEMAND

Based on an estimate of approximately 525 students for a Catholic primary school the above table indicates that at full development there will be a demand for at least two Catholic primary schools, 1.5 Independent primary schools (if a rate of 525 students per school is adopted and more than one government primary school. Six government primary schools are provided generating a demand for some 624 students per primary school. The Draft Melton East Precinct Structure Plan accommodates two non-government schools, strategically justified for two Catholic Primary schools, six government primary schools and two government secondary schools. Provision is made for 10 schools catering to the needs of the government sector and the Catholic sector. There is no provision made within this PSP for the Independent sector where demand for more than one primary school is generated.

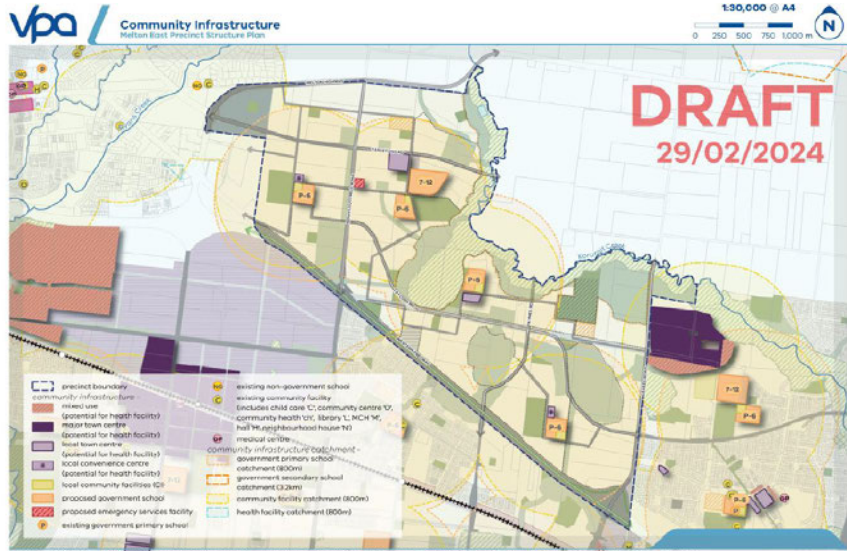


Location of Existing schools in Melton and Melton South	
Catholic Parishes	
Source: MACS Map	
Indicative location of Melton East PSP area	1 St Catherine of Siena Primary School, Melton West
	2 St Dominic's Primary School Melton
	3 St Anthony's Primary School, Melton South
	4 St Lawrence of Brindisi, Catholic Primary School Weir Views
	5 St Francis Catholic College
	6 Proposed Catholic Primary School Thornhill Park

Source: VPA Website Interactive map - Melton East Precinct Structure Pan area

Draft Melton East Precinct Structure Plan

As evidenced by the Plan below the Draft Melton East Precinct Structure Plan accommodates two non-government schools, strategically justified for two Catholic Primary schools. Six government primary schools and two government secondary schools. Provisions made for 10 schools catering to the needs of the government sector and the Catholic sector. There is no provision for the Independent sector.



Justification for Applying the Special Use Zone as the Underlying Zone to school sites within Precinct Structure Plans Report

Introduction

The purpose of this paper is to provide a well considered argument as to the appropriateness of applying the *Special Use Zone- Education* as the underlying zone to strategically justified Catholic school sites within Precinct Structure Plans in light of the Victorian Planning Authority's (VPA) position on the matter.

Application of the *Special Use Zone- Education* as the underlying zone was a key consideration in the submission made by *Catholic Education Commission Victoria* to Infrastructure Victoria to address the challenges facing Catholic Education including:

- *The lack of certainty of provision in securing land for Catholic schools in Greenfield Areas and Urban Renewal Areas.*
- *Cost of land and the increasing cost of construction.*
- *The timely delivery of non-government schools facilitated by a robust and fair planning approvals process.*
- *Delivery of Early Learning Centres in conjunction with existing and proposed Catholic Schools.*

In this submission it was advocated that the application of the *Special Use Zone - Education* would assist in securing sites for Catholic schools because it would:

- Signal that the intended use of the land is for education to meet the future needs of the population. A residential zone indicates that the land can be readily developed for residential purposes as an alternative to education.
- Clearly signals the intended use of the site into the future.
- Disincentivises residential development on strategically justified school sites.

The Victorian Planning Authority Position on the application of the Special Use Zone- Education

Historically, the Victorian Planning Authority (VPA) has advised that the application of the Special Use Zone - Education as the underlying zone for school sites within a Precinct Structure Plan was *not* appropriate. Accordingly the Residential Zones is applied to school sites to coincide with the surrounding residential area.

A summary of the reasons given include the following:

- Applying the Residential Zone allows for ease of delivery for residential development if a school is not delivered on the site.

- Planning Practice Note (PPN 03) ***Applying the Special Use Zone*** does not promote the use of the Special Use Zone because the same outcome can be achieved by applying the Residential Zone.
- It is a reasonable approach to apply a Residential Zone for a community facility.
- Applying the Special Use Zone- Education because it results in reduced land costs of between 20% and 25% is not appropriate as land valuation is not a valid planning ground.
- The VPA's role is to implement government policy and it does not have the ability to change planning policy.
- A change in policy is required to apply the Special Use Zone (SUZ) over sites designated for non-government school sites within a Precinct Structure Plan (PSP). This will need to come from the Department of Transport and Planning (DTP) at a Ministerial level.

More recently, the VPA in an email dated 16 April 2024 (E24/7446) advised that their investigation of the planning provisions namely the use of the Special Use Zone as an applied zone to school sites within Precinct Structure Plans was **not** an option.

More specifically it was noted:

- The VPA must work within the planning framework set by the government and the option is not available under the legislation and planning provisions.
- In the VPA's view the use of the SUZ would not be allowable under the planning provisions.
- Planning Practice Note 3 (PPN03) outlines that the SUZ should only be used in circumstance where existing standard zones do not fulfill the specific outcome intended. The General Residential Zone (GRZ) is the most appropriate zone for school sites as the use as an Education Centre is included under Section 2 of the zone – permit required.
- The use of the Urban Growth Zone (UGZ) with an applied GRZ provides a level of flexibility for the future development of land. MACS may decide that an alternate site, to what is identified in the PSP is more appropriate.
- If the SUZ is used it would not provide sufficient flexibility and a future planning scheme amendment would be required to enable development of the land for a different purpose.

Refer to E24/7446

Background

The current system does not provide adequate certainty of provision for the delivery of Catholic schools.

Government only plans for 66% of educational needs, the rest, 23% is left to Catholic Education and the remaining 11% to the independent education sector. Catholic education as a not-for-profit organisation works in partnership with state government to meet the educational needs of the State.

This is justification to find avenues to facilitate and introduce mechanisms to provide more certainty of provision for Catholic schools.

MACS has a long standing and demonstrated record of its commitment to the delivery of Catholic schools designated within Precinct Structure Plan in a timely manner. However, in more recent times it has faced practical difficulties in delivering schools.

Where sites have not been developed this has been outside MACS' control. This has largely been due to the cost of land. A summary of the designated school sites strategically justified for Catholic schools within approved Precinct Structure Plans intended for Catholic schools and lost is provided in **Attachment A**.

Catholic School Siting within Precinct Structure Plans – The Current Situation

It is VPA practice, in line with sound town planning principles, to locate non-government schools in high amenity areas close to public transport, shops, and other community facilities in line with adopted planning principles.

The MACS *Site Selection Criteria* document states that Catholic school sites should locate *in the vicinity of other community, sport and recreation facilities and services such as open space, libraries, or sport centres*.

The site selection criteria speak to MACS' wants for a school site in an ideal scenario.

The prohibitive cost of land has led MACS to opt for sites in low amenity areas. This is not a desirable outcome. However, in the current climate MACS is forced to adjust these criteria as it relates to Precinct Structure Plans. The recently exhibited Melton East PSP is a case in point. Here MACS identified alternate sites removed from other community facilities and outside amenity areas and high density areas. This is the only option available in the current climate to provide certainty of provision for the delivery of Catholic schools.

MACS' Position as to Why it is Appropriate to Apply the Special Use Zone-Education Over Non-Government School Sites

The planning process advocates for the fair and equitable access to land for the community. Schools, as community facilities, should be located close to other community facilities, transport nodes, activity centres and parkland.

Application of the Special Use Zone – Education as the underlying zone to sites identified for school purposes, as opposed to a General Residential Zone, can significantly assist with securing sites in desirable locations for Catholic schools.

MACS is forced to pay residential prices for land that may never be developed for residential purposes.

Once established a school will remain for decades, if not centuries. The high density residential development of the land may never eventuate.

However, the highest and best use of the land is always considered when striking a valuation and purchase price for a school site. With the underlying zone being residential MACS is forced to pay a price for the land as residential development site. Price increases

are also associated with schools accommodated in high amenity and/or high density areas in Precinct Structure Plans.

It is considered that the more appropriate zoning for a school site is Special Use Zone - Education (SUZ2). A study commissioned by MACS has indicated that zoning school sites as SUZ2 reduces the price tag of the land between 20% to 25%.

In the spirit of sound planning outcomes for the community, school sites should be excluded from designation as high density residential areas and/or high amenity areas even though located in prime high amenity areas surrounded by high density development.

This is considered a rightful and positive step forward towards enabling the delivery of essential community services whether delivered by government, the private sector or MACS as a not-for-profit organisation.

If in future a school site is redeveloped for residential purpose a rezoning to Residential would need to occur.

A point in case is the recent rezoning of land at 30-40 Athol Road, Noble Park rezoned from Public Use Zone Schedule 2 (Education) to the General Residential Zone by virtue of Amendment C240 to the Greater Dandenong Planning scheme to facilitate an inclusionary housing pilot study. The Amendment was gazetted and came into operation on 11 January 2024. This was a Ministerial Amendment which did not involve advertising.

Any windfall gains associated with any private development would be subject to the windfall gains tax.

Applying the General Residential Zone to Allow for Ease of Delivery for Residential Development if a School is No Longer Required

Applying a General Residential Zone as the underlying zone for a site strategically justified for education encourages the development of the site for residential. Should this occur the opportunity for accommodating a school on an alternate site is lost as it is difficult to find alternate large lots within an approved PSP to suit a school purpose. The purchase of numerous abutting residential lots would prove extremely costly and could not be realised.

It is important to deliver community facilities and education facilities to meet the needs of Victorians into the future.

Council's largely resist the subdivision for residential lots where the site is intended for a school. However, where a developer appeals to the Victorian Civil and Administrative Tribunal (VCAT) the decision can readily be overturned.

Applying the Special Use Zone-Education will potentially *deter* the pursuit of development for residential.

This can be demonstrated by the case of ID Woods Pty Ltd vs Wyndham City Council.

Case study - ID Woods Pty Ltd vs Wyndham City Council

Land at 203 Woods Road, Truganina strategically justified for a Catholic school and designated as a non-Government school on the approved Truganina Precinct Structure Plan.

The plan of subdivision as endorsed identified the non-government school.

The developer/owner ID Woods Pty Ltd approached Wyndham Council to amend the plan to allow for the residential lot subdivision of the school site.

On 3 April 2019 Wyndham City Council refused the application for the following reasons:

1. *The application will result in the transformation of the proposal and has consequence with regard to the purpose of the Urban Growth Zone and is inappropriate to be considered under secondary consent.*
2. *The proposal is not generally in accordance with the Truganina Precinct Structure Plan.*
3. *Development of the surrounding residential area has not commenced substantially and the application for an alternative use is premature.*
4. *The school site is still strategically justified.*
5. *The landowner has not made a reasonable attempt to finalise a satisfactory land acquisition with the relevant school provider.*

The Victorian Civil and Administrative Tribunal (VCAT) Planning Division **overturned** Council's decision on 8 September 2020.

[ID Woods Road Pty Ltd v Wyndham CC \[2020\] VCAT 969 \(8 September 2020\)](https://www.austlii.edu.au/au/other/dfat/special/idwoods.html)
([austlii.edu.au](https://www.austlii.edu.au))

The outcome was the loss of a Catholic school site.

Applying the Special Use Zone- Education is not warranted because the same outcome can be achieved by applying the Residential zone

Planning Practice Note (PPN 03) ***Applying the Special Use Zone*** states that:

*The Special Use Zone provides for tailored provisions for a wide range of purposes, such as showgrounds, freight logistics centres and tourism precincts. **Attachment B***

Attachment C provides a list of cases where the Special Use Zone-Education has been applied in Planning Schemes in Metropolitan Melbourne.

There is precedence where the Special Use Zone – Education has been applied to school sites within Planning Schemes in Victoria.

It is considered that a variation to PPN 03 is warranted in this instance where school sites are concerned. The current General Residential Zone applied does not guarantee that the school site will not be lost to residential subdivision.

Applying the Special Use Zone -Education (SUZ2) for school sites readily flags the long-term intended use of the land for education, securing land into the future to meet the future education needs of Victorians. The strategic intent for the use of the site is potentially lost with the application of the General Residential Zone. Over time the intended use of the site becomes less clear.

Residential Zone vs Special Use Zone

The practice of applying the Residential zone as the underlying zone over intended school sites raises issues of the affordability of land for schools.

It also raises the issue of **equity** in applying the Residential zone to school sites

School sites are valued on the highest and best use of the land. Applying the Residential zone to the school sites results in exorbitant costs in many instances.

With the underlying zone being residential MACS is forced to pay a price for the land as residential development site when it may never eventuate.

In addition, the price increases where the land is designated a high amenity and/or high density area within a PSP.

As a result, **MACS is forced to pay residential prices for land that *may never be developed for residential purposes.***

A study commissioned by MACS has identified that Applying the Residential Zone to a site intended for a school increases the land value between 20% and 25%.

In the rare event that a school site is redeveloped for a residential subdivision a rezoning to Residential would need to occur. Any windfall gains would be subject to the windfall gains tax.

Conclusion

The introduction of a SUZ for education would signal to the development market that education provision in residential growth corridors remains a priority for the State Government. This commitment is consistent with the stated objective of the State Government to make Victoria the Education State.

Prepared by:

[REDACTED]

Authorised by:

[REDACTED]



Content Manager_
Advice on SUZ and f

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Content Manager: Advice on SUZ and PAOs in PSP areas
Date: Tuesday, 16 April 2024 2:26:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Dear [REDACTED]

I hope this message finds you well. I am writing to update you on the progress we have made regarding your recent inquiry. We have undertaken an investigation of the planning provisions to determine if we can improve outcomes for the delivery of non-government schools. We have looked at the potential to use:

- the Public Acquisition Overlay (PAO) to reserve land for catholic school sites; and
- the Special Use Zone (SUZ) as an applied zone on school sites shown within PSPs.

While we are committed to assisting MACS deliver schools in the PSPs that we plan, we must work within the planning framework set by the government. Unfortunately, after investigations neither of these options are available under the legislation and planning provisions, as discussed below.

Public Acquisition Overlay

When we met on the 25th of January, we undertook to investigate whether a Public Acquisition Overlay (PAO) could be used to acquire non-government school land. The Planning and Environment Act 1987 (the Act) sets out that the land can be reserved for a public purpose and designate a Minister, public authority or council as an acquiring authority. Upon review of the Act, our view is that MACS (and other Catholic School organisations) cannot be considered a 'public authority'. It is also our view that a Catholic School cannot be considered under the umbrella term of 'utility installation'. Therefore, implementing PAOs for the benefit of MACS to deliver schools is not an option we can pursue.

Special Use Zone

We understand that the current use of the General Residential Zone (GRZ) as the applied zone in PSPs for identified 'non-government school' sites has posed problems for MACS and the other dioceses. It is also understood that MACS' preference would be for the SUZ to be applied to catholic school sites within PSPs.

Our view is that the use of the SUZ would not be allowable under the planning provisions. [Planning Practice Note 3](#) (PPN03) provides clear guidance for the use of the SUZ. It outlines that the SUZ should only be used in circumstances where existing standard zones do not fulfill the specific outcome intended. The GRZ is used throughout Victoria as the most appropriate zone for school sites (regardless of whether public or private) as the use itself as an Education Centre is included under Section 2 of the zone, meaning that the use is allowed subject to a permit.

The use of the Urban Growth Zone (UGZ) with an applied GRZ provides a level of flexibility for the future development of land. At the time of acquisition and seeking a planning permit, MACS may decide that an alternate site is more appropriate. This is sometimes the case with regards to government education and other community infrastructure too. So, the use of GRZ gives those landowners a range of uses permissible within the GRZ. Should the SUZ be used (which again does not appear appropriate based on PPN03) it would not provide sufficient flexibility and a future planning scheme amendment would be required to enable development of the land for a different purpose.

Should you wish to discuss further, please do not hesitate to contact [REDACTED] by emailing [REDACTED]

Kind regards

[REDACTED]
[Infrastructure, Strategy & Planning](#)
Level 25, 35 Collins Street, Melbourne VIC 300 |
[REDACTED]



*The VPA acknowledges the Traditional Owners of Country throughout Victoria and pay our respects to them, their Elders past and present.
My personal commitment is to plan for great places that are welcoming and inclusive of all people.*

Disclaimer: This e-mail and any attachments may contain information that is confidential, legally privileged and/or copyright. You should only re-transmit or distribute the information if you are authorised to do so. If you are not the intended recipient, any use, disclosure, distribution or reliance on the information contained in this e-mail is unauthorised. If you have received this e-mail in error, please notify the Victorian Planning Authority (VPA) by return e-mail and destroy all copies printed or held on any computer. VPA does not warrant that this e-mail and any attachments are free of viruses.

ATTACHMENT A

Sites strategically justified for Catholic schools within approved Precinct Structure Plans intended for Catholic schools and lost

PSP	Catholic school sites identified on <u>Approved</u> Development Plans and lost by MACS
Merrifield West PSP 1064	P10
Wollert PSP 1070	P23 S7
Diggers Rest PSP 1073	P16
Rockbank North PSP 1079	P5
Rockbank PSP 1099	P15
Tarneit North PSP 1089	S8
Truganina PSP 1090	P39 S9
Mt Atkinson PSP 1082	S16

Summary of Catholic School Sites Strategically Justified for Catholic schools and Designated within Approved Precinct Structure Plans as non-government schools - Lost by Melbourne Archdiocese Catholic Schools (MACS)

Note: Review currently underway that may result in additional sites being added.

ATTACHMENT B

Applying the Special Use Zone

Planning Practice Note 03

May 2022

This practice note provides guidance about the appropriate use of the Special Use Zone in planning schemes.

What is the purpose of the Special Use Zone?

The Special Use Zone provides for tailored provisions for a wide range of purposes, such as showgrounds, freight logistics centres and tourism precincts. It forms part of a suite of special purpose zones in clause 37. The special purpose zones, including the Special Use Zone, are used when a standard zone cannot address the individual circumstances of a site.

The standard suite of zones in clauses 32 to 36 of the *Victoria Planning Provisions* provide consistency and certainty for planning system users, while catering for a range of different purposes. These zones should form the basis of a planning scheme's zones.

When can the Special Use Zone be applied?

The Special Use Zone can be applied when:

- a standard zone or a combination of zones, overlays and local policies cannot give effect to the desired objectives or requirements
- the site adjoins more than one zone and the strategic intent for a redevelopment of the site is not known.

Application of the Special Use Zone is not appropriate when:

- an alternative zone can achieve a similar outcome with support from the Planning Policy Framework or an overlay
- future use or development enabled by the zone may cause land use conflicts with the surrounding area.

What should a Special Use Zone contain?

The Ministerial Direction *The Form and Content of Planning Schemes* prescribes the structure for a schedule to the Special Use Zone. It is important that a schedule clearly identifies the local purpose(s) of the zone and that the schedule's content is consistent with those purpose(s).

Where a strategic basis has been established, the prescribed schedule provides flexibility to cater for a wide variety of land uses to ensure orderly development outcomes for the site and surrounds. In addition to land use provisions, the schedule can include subdivision, buildings and works and sign provisions. The provisions should be uncomplicated and proportionate. If detailed development conditions are necessary, they should be included in a planning permit rather than in a schedule.

Other planning scheme tools, such as overlays and the Planning Policy Framework, may also be used to complement the Special Use Zone.



What are the alternatives to the Special Use Zone?

Apply a standard zone

Other zones may contain sufficient discretion and flexibility to achieve a desired outcome. Before using the Special Use Zone, consider if one of the land's surrounding zones is suitable.

Apply a local policy

In some circumstances, a local policy within the Planning Policy Framework may be used to guide or promote decisions about a specific use or development on land, either to complement the Special Use Zone or as a substitute for the zone. Refer to the *Practitioner's Guide to Victoria's Planning Schemes* for advice about applying a local policy.

Apply an overlay

An Incorporated Plan Overlay or a Development Plan Overlay may also be used to help achieve specific outcomes for a site. These overlays are the preferred tools to give effect to master plans for uses, such as schools and hospitals, and to provide exemptions from third party notice and review for subsequent permit applications.

© The State of Victoria Department of Environment, Land, Water and Planning May 2022



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment, Land, Water and Planning (DELWP) logo.

To view a copy of this licence, visit creativecommons.org/licenses/by/4.0/

First published February 1999, updated June 2015, May 2017, May 2022

ISBN 978-1-74146-610-2 (pdf)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

If you would like to receive this publication in an alternative format, please telephone DELWP Customer Service Centre 136 186, email planning.systems@delwp.vic.gov.au, via the National Relay Service on 133 677 www.relayservice.com.au

This document is also available in accessible Word format at www.planning.vic.gov.au

ATTACHMENT C

Cases where Special Use Zone- Education applied in Planning Schemes

City of Knox

St Joseph's College 5-Brenock-Park-Drive-Ferntree-Gully

Special Use Zone Clause 37.01 Am VC148 31/7/2018.
 Clause 37.01-1 Table of Uses Am VC37 19/1/2006.

Schedule 1 Am C180Knox 05/11/2021
 Table of Uses Am VC227 14 November 2022

City of Greater Geelong 1 Epworth Place, Waurin Ponds

Special Use Zone Clause 37.01 Am VC148 31/7/2018.
 Clause 37.01-1 Table of Uses Am VC37 19/1/2006.

Schedule 14 Am C396ggee
 Table of Uses Am VC227 14 November 2022

City of Boroondara

Scotch College 1 Morrison Street Hawthorn

Special Use Zone Clause 37.01 Am VC148 31/7/2018
 Clause 37.01-1 Table of Uses Am VC37 19/1/2006.

Schedule 2 Am C313boro 28/7/2022
 Table of Uses Am VC227 14/11/2022

City of Stonnington

St Kevin's College 31 Moonga Rd, Toorak VIC 3142

Special Use Zone Clause 37.01 Am VC148 31/7/2018
 Clause 37.01-1 Table of Uses Am VC37 19/1/2006.

Schedule 1 Am C297ston 13/5/2022
 Table of Uses Am VC227 14/11/2022