

Planning and building approvals

Fact sheet: NSS-FS15

This fact sheet provides information about how to demonstrate planning and building approval compliance when submitting a relevant application to the Non-State Schools Accreditation Board (the 'Board').

What is a development approval?

A development approval may need to be obtained prior to lawfully commencing development for an educational establishment on a site. There are various development approvals that can be granted depending on the development application process that is undertaken.

What are the different approval pathways for a non-State school?

There are a number of assessment pathways that a non-State school may pursue, to secure the appropriate planning and building approvals to lawfully undertake development of an educational establishment. The three development approval pathways include:

1. Council Development Approval Process under the *Planning Act 2016*
2. Economic Development Queensland (EDQ) Priority Development Areas (PDA) Approval Process under the *Economic Development Act 2012*
3. Infrastructure Designation Approval Process under the *Planning Act 2016*

1. Council Development Approval Process

The Council Development Approval Process is undertaken in accordance with the *Planning Act 2016*. When obtaining planning approval for an educational establishment under a local government planning scheme, the following levels of assessment may apply:



Accepted development (with or without requirements)

Accepted development refers to development that is considered consistent with the intent of the relevant planning scheme (including the zone in which it is located) and does not need a development approval, where there are no requirements.

Where development is identified as being accepted development subject to requirements then a development approval is also not required, provided that the development meets the relevant requirements, which will be stipulated within the planning scheme.

Assessable development (Code or Impact)

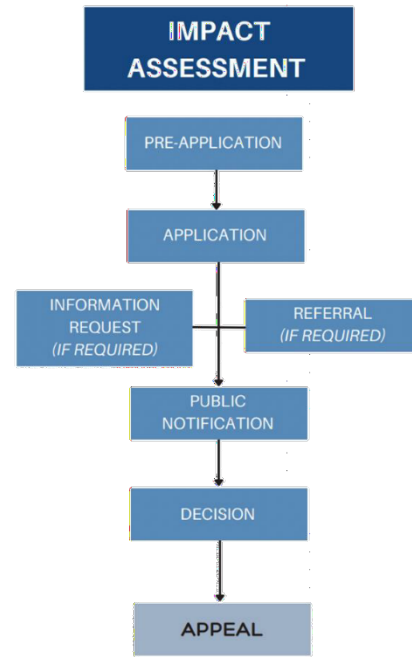
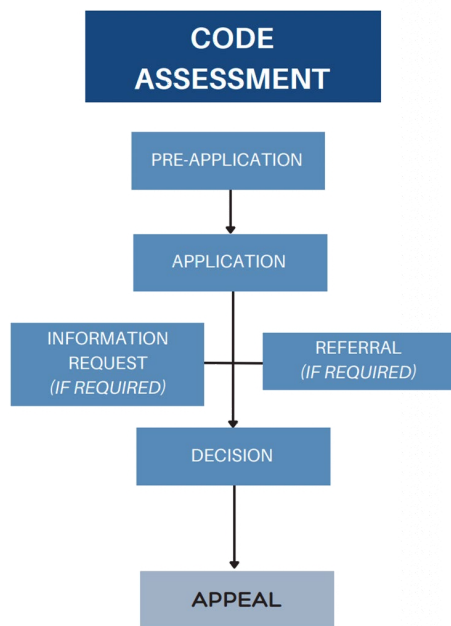
Assessable development refers to development that can only be carried out once development approval has been obtained. The two types of assessable development include:

- Code
- Impact

The development approval pathway of each level of assessable assessment is outlined below.

A code assessable application is assessed against the relevant assessment benchmarks in the applicable local planning scheme and there are no third party rights of appeal. This means that a submitter cannot appeal any decision made by Council with respect to this type of development application.

An impact assessable application is assessed against the entire planning scheme and public notification is required. These types of applications are potentially subject to third party appeals.



Prohibited development

Prohibited development refers to development that is not allowed under any circumstances. Schedule 10 of the *Planning Regulation 2017* sets out what development is prohibited.

2. Economic Development Queensland (EDQ) Priority Development Areas (PDA) Approval Process

The EDQ Development Approval Process is undertaken in accordance with the *Economic Development Act 2012*. An EDQ PDA approval refers to an approval for an educational establishment under a PDA development scheme. PDA development schemes apply to areas that have been declared as a Priority Development Area throughout the State. Note that in some instances, EDQ has delegated the responsibility of the assessment of development applications back to the local council.

The following levels of assessment apply within a declared PDA:

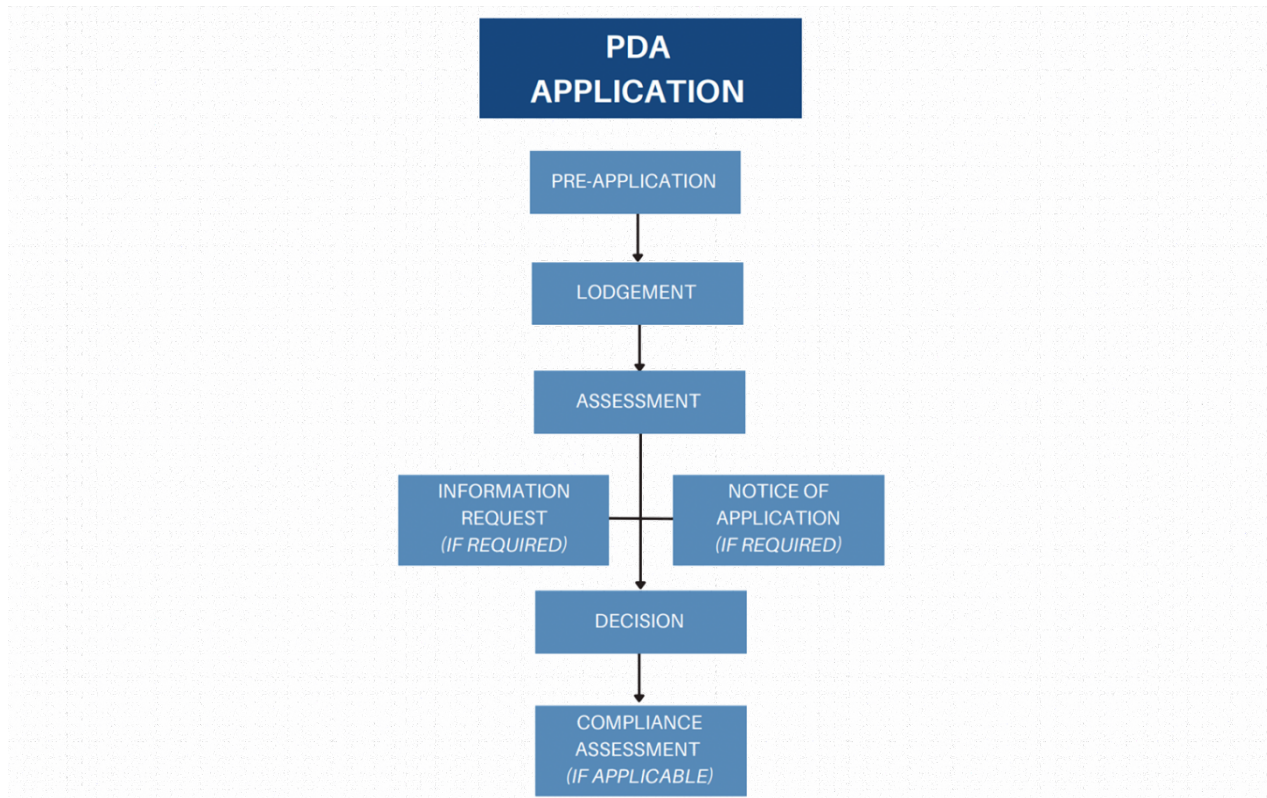


Accepted development (with or without being subject to requirements)

Accepted development¹ refers to development under a PDA that is considered consistent with the intent of an area and does not need a development approval, provided that the development meets certain requirements.

Assessable development

Assessable development refers to development that can only be carried out once a PDA development approval has been obtained. The PDA development approval pathway is outlined below.



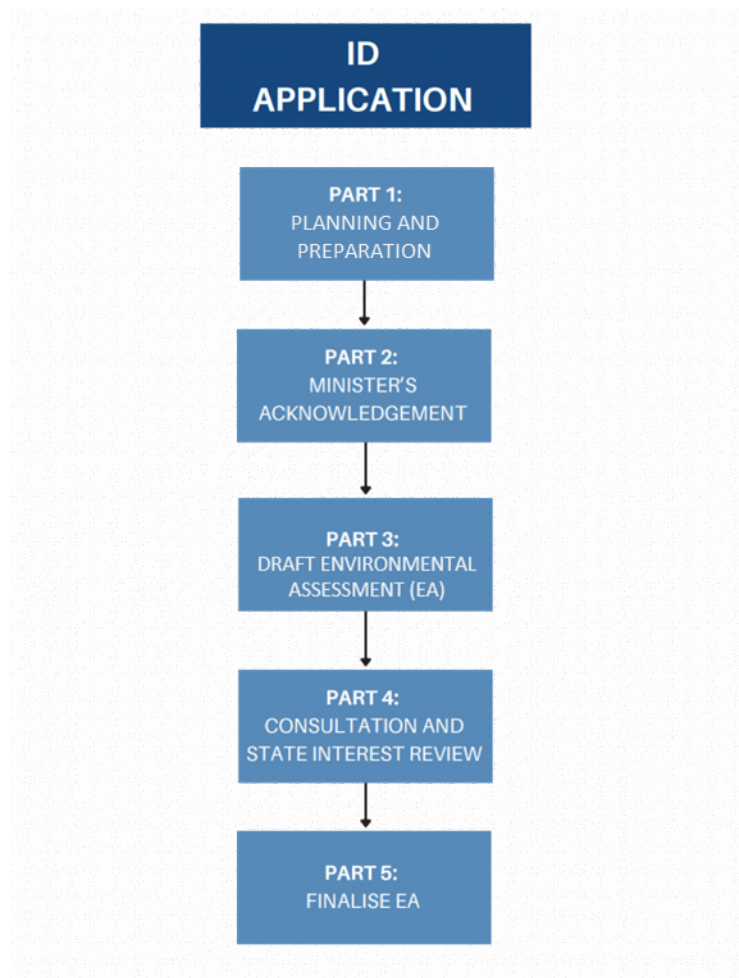
¹ Where a PDA Development Scheme refers to exempt development or self-assessable development, it is taken to be referenced as accepted development under section 226 of the *Economic Development Act 2012*.

3. Infrastructure Designation (ID) Approval Process

Infrastructure Designations (ID) identify land for infrastructure purposes to facilitate the integration of land use and infrastructure planning and the efficient and cost-effective provision of large infrastructure projects (including educational establishments). Requests for an ID can be made by a non-public sector entity to the Planning Minister.

Once land is designated for infrastructure, further development becomes accepted development, which does not require any further development approvals under the *Planning Act 2016*. However, an ID does not result in any exemptions for approvals required under other legislation, including building work required under the *Building Act 1975*.

The ID development approval pathway is outlined below.



Documentation required to demonstrate compliance

Table 1 outlines the applicable planning and building documentation required to be submitted to the Board, in order to comply with the *Education (Accreditation of Non-State Schools) Act 2017* and section 18(1) of the *Associated Education (Accreditation of Non-State Schools) Regulation 2017* for each of the three approval pathways. It is recommended that planning approval be obtained prior to making a new school, type of education or site application. A copy of the building approval should be provided as part of the Commencement Confirmation process (refer FS14 – Changes to student-intake day). The governing body must provide evidence to the Board that all land and building approvals are in place prior to commencement of the school.

CONSIDERATIONS	APPROVAL PATHWAY				
	Local Government Areas		Priority Development Areas		Infrastructure Designation
	Accepted/ Accepted Subject to Requirements	Assessable Development	Exempt or Self- Assessable Development	Assessable Development (permissible)	Full Process
HEAD OF POWER	<i>Planning Act 2016</i>	<i>Planning Act 2016</i>	<i>Economic Development Act 2012</i>	<i>Economic Development Act 2012</i>	<i>Planning Act 2016</i>
ASSESSMENT AUTHORITY	N/A	Applicable Local Government	N/A	Economic Development Queensland (EDQ) Minister for Economic Development Queensland OR Applicable Local Government.	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
RESULTING APPROVAL	<ul style="list-style-type: none"> Certificate of Classification. 	<ul style="list-style-type: none"> Development Permit (Material Change of Use). Certificate of Classification. 	<ul style="list-style-type: none"> Certificate of Classification. 	<ul style="list-style-type: none"> PDA Approval. Certificate of Classification. 	<ul style="list-style-type: none"> Infrastructure Designation Certificate of Classification.
REQUIRED DOCUMENTATION TO COMPLY WITH: EDUCATION (ACCREDITATION OF NON-STATE SCHOOLS) ACT 2017 EDUCATION (ACCREDITATION OF NON-STATE SCHOOLS) REGULATION 2017	<ol style="list-style-type: none"> Letter from Council or a Registered Planner to confirm the development is accepted. Certificate of Classification (Class 9b) to confirm that the building has been substantially completed and is suitable for occupation. 	<ol style="list-style-type: none"> Development approval to confirm the applicable lawful approval has been obtained: <ul style="list-style-type: none"> Decision Notice Conditions of Approval Approved Plans Certificate of Classification (Class 9b) to confirm that the building has been substantially completed and is suitable for occupation. 	<ol style="list-style-type: none"> Letter from EDQ/Council or a Registered Planner to confirm the development is accepted. Certificate of Classification (Class 9b) to confirm that the building has been substantially completed and is suitable for occupation. 	<ol style="list-style-type: none"> PDA Development approval to confirm the applicable lawful approval has been obtained: <ul style="list-style-type: none"> Decision Notice Conditions of Approval Approved Plans Certificate of Classification (Class 9b) to confirm that the building has been substantially completed and is suitable for occupation. 	<ol style="list-style-type: none"> Minister's letter of approval for the ID and any associated plans. Certificate of Classification (Class 9b) to confirm that the building has been substantially completed and is suitable for occupation.