Smart Planning Program
Reforming the Victoria Planning Provisions

Comments and submissions
24 January 2018

Introduction

Smart Planning is reforming Victoria’s planning regulation to make the planning system more efficient, accessible and transparent. Reforming the Victoria Planning Provisions (VPP) is at the heart of our rules and policy work.

Rules reform has already delivered a suite of improvements to the planning system, with several packages of reforms set to be delivered between now and mid-2018.

As part of the planning rules improvements, the Minister approved the first amendment package (VC142) under sections 8 and 20(4) of the Planning and Environment Act 1987, that was gazetted on 16 January 2018.

More substantial changes to improve the structure and operation of the VPP will be introduced in mid-2018. Given the nature of the proposed changes, the department sought feedback with the release of a Discussion Paper – Reforming the Victoria Planning Provisions.

Over 250 submissions were received when on public consultation from 16 October to 1 December 2017 and were received via:

- Engage Victoria submission form – which asked questions relating to each proposal in the discussion paper
- Emailed submissions – which organisations and individuals provided on the discussion paper, which took various forms and formats.

This document provides all verbatim comments and submissions received via the online submission form and via email. Some submitters requested their comments remain private and therefore are not included. The department will release a consultation summary, which will provide an overview of key feedback themes.
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Feedback on proposals

Of each proposal type, submitters were asked to indicate their overall views on the proposals and choices ranged from agree, disagree, unsure. The below table provides a snapshot of views provided.

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<th>Unsure</th>
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Proposal comments

The following section provides all comments provided on each Proposal (via the Engage Victoria submission form). Where comments were made via a separate submission, these are shown below.

Proposal One: A simpler VPP structure with VicSmart Assessment built in

1.1: Restructure and reform the particular provisions comments

<table>
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<td>See submission.</td>
<td>Knox City Council, Yarra Ranges Council, Manningham City Council, Moreland City Council, South Gippsland Shire Council, City of Casey, Urbis Pty Ltd, Red Hill Community Association (Mornington Peninsula), Metropolitan Waste and Resource Recovery Group, Green Wedge Protection Group</td>
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<tr>
<td>Wellington Shire Council</td>
<td>Support rationalisation of provisions.</td>
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<tr>
<td>Whitehorse City Council</td>
<td>A review of the Particular Provisions could help useability of the scheme. However, clarification is required on how the provisions would be allocated into the proposed assessment pathways and the format of the revised layout.</td>
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<tr>
<td>City of Greater Bendigo</td>
<td>Further detail needed.</td>
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<td>Maroondah City Council</td>
<td>The particular provisions are complex and difficult to understand for non-planners. Laypeople looking at the planning scheme often won’t know that they exist or their importance in determining development applications. The emphasis needs to be on making the scheme easier to read and understand. To this end, the MAV proposal in this regard should be considered.</td>
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<td>Yarra City Council</td>
<td>The reorganisation of the particular provision section to simplify the categories is accepted; improved usability of the scheme is encouraged.</td>
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<td>Melton City Council</td>
<td>The proposed simplification of the VPP Framework makes sense, and is consistent with findings in previous reviews of the Planning Policy Framework, including the Planning System Review (2011) and the Planning Policy Framework (PPF) review by the State Government in 2014. Councils across Victoria have committed substantial Council officer time to engage with multiple reviews of the PPF, components of the PPF, and State Government strategies. It is therefore considered critical that the recommendations of this review be implemented, albeit with the appropriate level of consultation, particularly with Local Government. Council officers at Melton City Council have noted that this discussion paper has indicated that a lot of the PPF should be reviewed, but has not gone into much detail on how the review will be conducted or the steps that will be undertaken following the review. Melton City Council is willing to commit Council officer time to help DELWP with the testing of the proposed PPF given the current stage we are at in respect of a wholesale review of our MSS. Council officers at Melton City Council have noted that this discussion paper has indicated that a lot of the PPF should be reviewed. Melton City Council is willing to commit Council officer time to help DELWP with the testing of the proposed PPF given the current stage we are at in respect of a wholesale review of our MSS.</td>
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Hobsons Bay City Council

- Council supports the initiative of simplifying the Particular Provisions to support a more useable and assessment focussed planning scheme. However, the scope of the proposed 'specific use and development provisions' that will be the focus of the proposed 'one-stop-shop' assessment clause has not been indicated. Some development proposals may suit a more streamlined approach, while other development proposals are already very simplified and relatively self-contained (e.g. service station, satellite dish).
- The VPPs are based on the concept of multi-faceted assessment of issues as they may not apply under different specialised provisions. Relatively simple proposals may involve multiple planning issues beyond those directly relating to the discrete use, such as a cafe located in a heritage overlay area on a site which is subject to inundation. It is unclear how this kind of multi-faceted merit assessment process can be distilled into a single provision, or how any kind of code assessment process can be achieved if other relevant permit triggers existing under zones or overlays or other particular provisions (e.g. car parking) still apply.
- In developing potential uses to be subject to new simplified self-contained assessment provisions there must be consultation with planning authorities to ensure that the assessment provisions will be workable and that efficiencies in process will be achieved without creating legislative conflicts or ambiguities that will only further delay approvals and result in further administrative burdens on Council planning departments.
- Integrating VicSmart into the particular provisions of the Planning Scheme will be positive as it will reduce confusion. The current VicSmart system is not ‘proposal’ based, but rather overlay or zone based which creates confusion for the user, particularly if they have little knowledge of the planning scheme. However, any integration of these provisions into the particular provisions will need to be in the first instance user orientated and easy to understand.

Collie Pty Ltd

- Although not directly related to this proposal, one of the problems with Schemes is that amendments seem to be authorised which move away from the intent of better standardisation / simplification without thorough testing of the need for such variations. This needs greater consideration although the politics in such cases is clearly a key issue.

Australian Institute of Architects

- Creating a 'one-stop-shop' to identify permit triggers would make designing proposals simpler. Some form of guide or direction (possibly online or digitally mapped) on how to find all relevant clauses and triggers for a specific proposal on a specific parcel of land would also be supported.
- Currently ResCode (Clause 54 and 55) is incorporated into the particular provisions section of the VPPs. Any review, rewriting or streamlining of these provisions would need extensive and careful involvement by architects and designers to ensure that best-practice, innovative design solutions are encouraged and supported by the ResCode provisions.

Cement Concrete & Aggregates Australia

- There is opportunity in this proposal to expand the definition of Extractive Industry to include ancillary works such as concrete batch plants, asphalt plants and the production of sustainable construction material in recycle and reuse plants. These ancillary works are becoming increasingly important for the industry as alternative land for these uses becomes scarce. It also reduces truck movements on the road, reducing traffic congestion and helps to reduce the overall footprint of the industry, helping to deliver a more environmentally friendly industry. Currently separate planning permission is required for the development of these ancillary works in a quarry. Previously these works were included within the definition of extractive industry, streamlining the approvals process and contributing to a more positive sustainability outcome. VPP Clause 74 and 52.08 may also have to be updated to reflect this change.

Small Change Design & Construction Pty Ltd

- Restructure and reform of VPP should include ideals to be cost effective and timely. Substantial amounts of money and time are wasted both with long delays during the application processing/decision making and then the often inevitable VCAT appeal process. This often translates into speculative ‘value adding’ to development property whereby a price is added to the end value simply for the cost/frustration/time involved in obtaining planning approval. Cost effectiveness and timelessness should be added to the top of the list of ideals for a modernised planning scheme.

Niche Planning Studio

- It is recognised that the current structure of the particular provisions appears disjointed, and causes for ad-hoc manoeuvring between various clauses of the planning scheme. Thus, Niche supports the proposal to restructure and reform this section of the VPP to pave the way for a more integrated PPF, and an overall more navigable planning scheme.

Surveying & Spatial Sciences Institute

- We generally support this proposal, in particular there are many subdivision applications which VicSmart could apply to and make a significant contribution to Land affordability which is an unappreciated component of Housing Affordability.

VPELA

- The Victorian Planning and Environmental Law Association is pleased to make a submission concerning the Smart Planning program.
- VPELA has been actively involved in the various working groups that have been established with industry in DELWP's consultation about Smart Planning and has been pleased to give many volunteer hours to assisting the Smart Planning team in this first phase of the program. VPELA notes that most, if not all, if its representatives' suggestions have been adopted or adopted in a modified form arising from the workshop discussions.
- VPELA was pleased to be involved in the various phases because while back of house IT aspects of the program will no doubt carry forward, one of the biggest achievements from the Smart Planning program and to offer a forum through which DELWP is able to easily communicate with the various professional disciplines that make up the planning, environment and property development sectors in Victoria.

Glenelg Hopkins CMA

- Clause 56.07-4 Urban Runoff Management Objectives is a significant clause with regard to attainment of objectives for floodplain and waterway management in Victoria and therefore the delivery of the Floodplain and Waterway management functions of Glenelg Hopkins CMA. Glenelg Hopkins CMA request that it be formally consulted about any proposed changes to the Particular Provisions which have potential to affect the attainment of Urban Runoff Management Objectives as provided for under clause 56.07-4. Glenelg Hopkins CMA would welcome such consultation as an opportunity to discuss concerns related to the adequacy of current minimum performance standards for pre/post development runoff detention with particular reference to accounting for projected increase in runoff volumes as a consequence of climate change.

Mounts Buller & Strirling, Howitham; and Falls Creek Alpine Resort Management Boards

- This proposal is generally supported. Area headings for the Particular Provisions should be carefully selected in order to minimise the use of jargon so as to facilitate use by non-planners.

Eltham Community Action Group

- It is vital to put in place appropriate policy to ensure the special characteristics of different places are not lost but rather strengthened. For example, in Eltham, where the history and cultural identity of its people are linked to environmentalism and where the built environment is secondary to the natural environment, do not allow tree removal to be considered a simple (VicSmart) application. Extending exemptions for tree removal in this area would, similarly, have a huge impact on the local character. One size does not fit all.
- Simply paying lip service to heritage and cultural identity will leave us all impoverished.
Wattle Glen Residents' Association
We are most concerned about the Green Wedge areas of Melbourne and more specifically the Nillumbik Green Wedge. This happens because those with pecuniary interests have been pushing for planning reform to enable development or subdivision not previously allowed. Whereas, rarely it seems these proficiencies change ever in the interest of strengthening our Green Wedge environmental values and protection.

Toxic Free Fawkner
It has been pointed out to Fawkner residents that the new proposed smart planning reforms are dumb. I disagree. I say the new planning reforms are draconian, malign and anti-democratic. A removal of rights in having a say in planning issues fits the three adjectives used above concisely. Likewise, the removal of resident’s elected representatives at a local council level from having a say in planning issues, fits my descriptions of the proposals in the same manner. To strip residents and their elected representatives of their rights to have a say in the environment in which they reside and possibly work would be a travesty not only natural justice, but justice in general. It would be political suicide for any government to do so.

Shoreham Community Association
While rationalisation and simplification are fine in principle, it is not possible for us to agree without further detail. We are concerned that the quality of planning decisions is not adversely affected by oversimplification or the unfair exclusion of stakeholders from decision making (and even the awareness of development proposals). We also have serious concerns about the implementation of the proposed changes in what seems to be an aggressive time-frame considering their scope and potential impacts. We are reminded of the inability of the Department and most local councils to meet the implementation schedule of the “Reformed Zones” changes in 2013 and the chaos that ensued. That overreach continues to have adverse impacts now.

Specifically, the department must take into account the costs and human resourcing needed - particularly at the local level. Plans also need to be in place to rapidly deal with any significant problems created by inadvertent drafting errors or incompleteness in the new provisions.

Flinders Community Association
Detail is lacking on the restructures proposed. Expansion of the VicSmart classes and increasing exemptions could have unintended and undesirable impacts. The Minister for Planning could do this by expansion of the various classes of application to which it applies. There is every indication that the emerging system will ignore inconvenient ecological impacts, the need to protect residential amenity and recreational environments as well as the conservation needs of heritage areas and cultural landscapes. Oversimplification of provisions and the removal of notification requirements will result in the exclusion of residents and other stakeholders from involvement in the Planning process.

Nepean Historical Society (NHS)
In this document, we refer on a number of questions to the submission of the Mornington Peninsula Shire Council (MPSC) dated November 2017. We support the MPSC comments on this.

We agree with the MPSC comment, "it is contended that in order for the planning system to be able to respond to future challenges that not all applications will meet a one size fits all approach and discretion is required to balance the competing objectives that are to be achieved in complex situations and landscapes such as the Mornington Peninsula."

Blackburn and District Tree Preservation Society Inc.
General Comments: The Blackburn & District Tree Preservation Society Inc. (BDTPS) agrees that the VPP is lengthy, unwieldy and not user friendly in its current iteration. However, any structural review that streamlines and simplifies the assessment pathways must not dilute the powers of councils to preserve and enhance the unique neighbourhood and natural landscape character within their domains for the benefit of their residents.

Specific Comments about Particular Provisions: In relation to the natural environment and landscape character in urban municipalities generally (and specifically in the City of Whitehorse), the BDTPS is adamant that the VPP restructure and reform process must not weaken the following particular provisions: Sections 52.01, 52.06, 52.16, 52.17, 52.34, 54 (in toto), 55 (in toto), 56 (in toto) and 58 (in toto).

Nilumbik Pro Active Landowners
Strongly agree. See submission.

Individual responses
Residents should have more say over development in their neighbourhood.

A restructure does appear to be warranted, but I am concerned that zoning needs to be handled delicately as each municipality handles it differently. We can’t average this out, if one municipality treats zoning with more weight then they need to be able to continue to do so.

There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago plan change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.

There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.

The VPPs need to be flexible and responsive to new development and changes.

As long as the provisions are clearly defined and enforced.

The proposed reforms to the Particular Provisions does not address changes required to Clause 52.23 - Shared Housing. Something needs to address the casualty of the design outcomes from the poorly written Clause 52.23 - Shared Housing.

In outer-metropolitan suburbs, like Frankston, multi-storey apartments being built without a need for a Planning Permit, and hence subject to nothing more than an assessment of the Building Code of Australia.

In the proposed reforms to Clause 60 - General Provisions, you should look at doing something about this loophole in Clause 61.05, through which clever developers apply for a Section 97N Certificate of Compliance.

The third paragraph of Clause 61.05 is pivotal to how this occurs. The result, which provides the best example of this can be visibly seen at this address, which was constructed with only a Building Permit; 24 Burns St, Frankston VIC 3199. Subsequently, the same developer replicated the same thing at; 3 Burns St. This is the link to the VCAT case: https://www.austlit.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT2017/390.html?context=1;query=VCAT%20Reference%20No.%20P2622%2016%20mask_path=au/cases/vic/VCAT

Attention needs to be paid to where land used for the following can occur:
- ‘Model Shop’ or ‘Hobby Shop’
  - These shops sell quite large remote control equipment and are quite often a ‘bulky goods outlet’ or sorts, which could have a specific listing in the ‘Restricted retail premises’. As this does not have a specific definition currently, this leads to problems.
  - Often Councils advise applicants that they should look for a tenancy in the CI2, however, these are not frequently visited shops with high profits or the need to display their goods to passing traffic.
  - These businesses often search for a large warehouse in the IN2 as is the case with ACS BrandCo, located at FACTORY 7/41-45 RAILWAY AVENUE WERRIBEE 3030.
  - The business owner was subject to a Planning Compliance Officer issuing him an infringement notice for undertaking a prohibited use in the IN2 as the use in the opinion of the Council was that of a ‘Shop’, not having a frontage to a road in a Road Zone or adjoining or being on the same Lot as a Supermarket.
  - In summary, pay close attention to how the drafting of the IN2 and Clause 74 definitions cause considerable disturbance to new types of land uses such as remote-control model shops who often sell large bulky goods that require a trailer for them to be moved.

There appears to be no provision for advertising a development, or for lodging of objections, or right of appeal or provision to notify neighbours of proposal. Tree removal is critical issue in Nillumbick.
• A restructure may change the nature and intent of the provisions. I think VicSmart should stand alone, otherwise it may become too integrated in provisions for which it is not really designed. VicSmart does not really allow for resident and ratepayer feedback and should be used for simple situations and to help businesses with red tape.

• I am concerned that under the proposal an applicant who ticks all the boxes will get a permit very quickly without notice to others and the right of appeal will be denied. Macedon is a village and needs a right of appeal to VCAT as evidenced last year.

• You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

• The proposed VicSmart approach is not smart it’s DUMB!!

• “The implementation of these initiatives would need a work program developed to draft, translate and test new restructured provisions in partnership with local government.” I have no faith in this proposal. Previous undertakings to partnership with local government means complete domination of that local government. Where is a demonstration of good faith by this State Government?

• “To strengthen the role of zones as a single point of entry in relation to the particular provisions, there may be a need to review some permit triggers in zones to achieve a consistent approach.” The government has significantly weakened the original intention of the zones, particularly the neighbourhood zone by weakening permit triggers. The notion of a consistent approach seems to imply a need for consistency in the schedules from municipality to municipality. This intention does not respect local planning objectives.

• I am concerned that the local character of where I live will be threatened if a simple VicSmart application will be allowed for certain types of plans i.e.: tree removal.

• Disagree – The reformed particular provisions would expand the classes of uses for which VicSmart applications would apply and increase permit exemptions in areas such as public open space, car parking, site layout and building massing, amenity impacts apartment development and residential subdivision. General performance standards would be developed but could not be successfully applied to particular provisions such as neighbourhood character.

• Firstly, it is Proposal 1 on page 4 of the work doc and not page 10.
• I do not see a significant change in what is proposed. Change for Change sake is not a good enough reason. Make it smaller, tighter, and more usable with less waffle and aspirational content. Refine the process even further and remove none relevant sections form planning schemes for particular areas. E.g. coastal and alpine sections from inland municipalities, make the planning provisions applicable to site by site cases when someone clicks on their land they then understand what needs to be addressed.

• As long as changes made can be made at Council level i.e. wasting your time if you make it simpler and easier for submissions to happen without Councils being obligated to make it happen.

• The future planning of Melbourne should not be decided by developers, the housing industry or real estate markets.

• It is timely to review the particular provisions, however, this should be an ongoing process.

• I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

• I think inadequate important is being given in the proposals to Green Wedge areas and existing Significant Overlays. I think the Green Wedge should be treated as a Zone and No VicSmart fast tracking (or one-stop-shop) procedures allowed at all, even for “minor” things. The Green Wedge is the lungs of Melbourne. It must be protected at all costs and the desires of residential homeowners and businesses given lower priority. People should know when they move to these areas that they have a responsibility to protect the landscape and character above their own desires.

• Nothing wrong with the principle of simplifying to make things more useable, however there is little detail provided to allow a proper assessment. Deregulation is almost always being demanded by commercial interests with a narrow view of whose interests should be looked after. They are never motivated by the public interest. We ask, how far will deregulation go?
Overarching comments

- These changes will be step backwards for the Victorian system because of the additional complexity they introduce, and the barriers they will create to future streamlining of the system.
- I would make the following comments about the proposed reforms.
  - The timing of the reforms – in particular the extremely tight timeframe between the consultation and gazettal of planning scheme changes – raises questions about the legitimacy of this consultation period.
  - There is little sense of diagnosis in the paper – i.e. determining with clarity what is not working and proceeding from those findings to a solution. It reads as a retroactive justification of a few initiatives that were decided at the start of the process (and the fact that many of these reforms were flagged in early Smart Planning announcements indicates that was the case).
  - The sequencing and organisation of the program give little sense of an organised reform program. There is little sense of what stage 3 will involve, and hence where the whole program is headed. That, combined with the lack of diagnosis, leaves to a grab-bag of disconnected (and even contradictory) ideas without a clear roadmap.
  - There is little focus on how to fix cultural and systemic issues at the Department (despite clear findings of two Auditor-General reports that have highlighted problems here) and little sense of how to genuinely empower local government. The paper unfortunately embodies the familiar approach of seeing our system problems as fixed through strong direction from a (problematic) central authority, rather than through a co-operative approach with the local government sector. At the same time, though, the paper also repeatedly favours approaches that will shift work to the local government sector rather than making simpler interventions at state level. (This structural tendency is an example of what I dubbed “centralised problems and delegated responsibility” in my book).
  - The above factors have, unfortunately, resulted in a set of reforms that is at once:
    - Overly familiar, in that most of these ideas have bubbled around the planning reform discussion in Victoria for at least a decade, without bearing much fruit in terms of productive improvements; and
    - Overly complex, with a much larger suite of changes proposed than is needed, and a very complex system architecture proposed that will introduce a great deal of counterproductive complexity into the system.
- My belief is that the problems with the Victorian system are deep-seated, because they lie in quite fundamental system issues, but at the same time relatively easily fixed. The potential of the VPP system can be unlocked with relatively simple changes. There is not the need for the “blockbuster” reforms proposed here.
- I have previously outlined what I consider to be more productive reforms, and concerns with these reforms, in several places:
  - My book The Victorian Planning System: Practice, Problems and Prospects, notably in the conclusion, and in the section discussing code assessment and VicSmart.
  - My article for December Planning News, which explains my overall concerns, which is also here: http://www.sterow.com/?p=4641
  - My comments to the Department in March [a version of which is at http://www.sterow.com/?p=4580] which were largely intended to avert this work program
- I note I have offered to demonstrate a more productive set of reforms, including by drafting key clauses and an overarching vision paper, but the Department has declined to provide me with copies of the current clauses so that I could demonstrate what such a package looked like. This is bitterly disappointing as I would have liked to have made a much more constructive contribution than I have been able to.
- The proposed system changes – in particular the complex system streaming architecture proposed – are counterproductive. They will complicate the system and hinder future reform efforts. I urge the Smart Planning program to focus on simpler, more surgical reforms as I have previously advocated. I remain willing to draft the key clauses to demonstrate what I have in mind. [Comments for 1.1]
- There is considerable merit in a clearer structure to the Particular Provisions (and specifically those currently bundled under cl S2). However the proposed structure doesn’t make much sense to me. Specifically, the first two sections should functionally be much the same. To the extent that they are not, it’s because the “specific use and development provisions” would actually just be the VicSmart clauses at clause 90 renumbered into the 50s. That’s not helpful.
- The idea of category-based exemption provisions (“one-stop shop” provisions), that seems to drive this extra group of particular provisions, is fundamentally misguided, as I have explained at length in my previous comments to the department (here: http://www.sterow.com/?p=4609) and here: http://www.sterow.com/?p=4609. It will add system bloat by focussing future system reform on myriad exemption provisions. This will intensify the structural problems and complexity created by VicSmart. This will slow future reform and complicate the system.
- This is a terrible idea. We don’t want centralisation. For healthy, connected communities - they must be informed, engaged and consulted. This proposal will work out badly for communities. I expect it will work well for developers, which is a terrible outcome.
1.2: Integrate VicSmart into appropriate particular provisions and overlay schedules

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wellington Shire Council</td>
<td>Support VicSmart provisions being better integrated into scheme for ease of use/application compared to current structure, but require further clarification of how this would be achieved.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>The current layout of the planning scheme is cumbersome in relation to VicSmart provisions. Council agrees with this proposal; however, it is suggested the references to the VicSmart classes be provided in the overlay header clause rather than in the schedules.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>Pros and cons for this change. Currently easy for applicants to find list in one spot, need to see detail. Could some VicSmart applications be removed from the P/S completely if they are largely administrative and don’t require any exercise of discretion?</td>
</tr>
<tr>
<td>Yarra Ranges Council</td>
<td>Please refer to the attachment for further comments.</td>
</tr>
<tr>
<td>Maroondah City Council</td>
<td>VicSmart can work well where used, however, applicants often don’t understand that an application might be eligible. The system needs to be better implemented so that these applications are identified early and don’t end up in the regular system by default. Integrating VicSmart into other parts of the scheme may assist.</td>
</tr>
<tr>
<td>City of Greater Geelong</td>
<td>We support the integration of the VicSmart provisions into overlays and particular provisions. A thorough assessment of what triggers a VicSmart permit should be undertaken. If a proposal requires a VicSmart or code assessment permit planners should be adding to value to the outcome or have a role in ongoing compliance. A current example of this is the permit trigger in the SBO when the flood level is sought by the applicant from the flood plain manager. The VicSmart permit process results in a permit with the flood level and no other conditions. The planning system does not add value in the 10 day processing time and this matter could be addressed between the flood plain manager and the building surveyor.</td>
</tr>
<tr>
<td>City of Kingston</td>
<td>More information or detail (such as a worked example) would be useful to assist in Council’s consideration of this matter. Whilst the principle of integration is sound, its success in terms of practical application is largely dependent on the manner in which the policy is drafted.</td>
</tr>
<tr>
<td>City of Greater Dandenong</td>
<td>Good idea, but needs to ensure it is clear what does and doesn’t qualify as VicSmart. Currently it is clear as they sit in separate clauses, however has the potential to become unclear if sitting in the existing provisions.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>This proposal is similar to that of Proposal 3.1 – refer to comments within that section.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>MCC agree that it is sensible to integrate VicSmart classes into the particular provisions and overlay schedules where appropriate. The VicSmart provisions are currently buried at the back of the Planning Scheme. Having them better integrated into the planning scheme is an improved outcome for ease of use by the public and planners.</td>
</tr>
<tr>
<td>Mitchell Shire Council</td>
<td>VicSmart is currently not being rolled out in a consistent manner so before expanding the scheme it may be a good idea to increase the knowledge within Council’s particularly amongst officers who are in senior statutory roles without experience of VicSmart. Otherwise you have cases of people being led down a VicSmart route which is extremely time and cost expensive compared to the 10 day permits for less than $200. Whether this is through a PLANET course or another initiative, it clearly needs addressing. Should the above concerns be addressed, there is strong support the proposed expanded VicSmart provisions to stimulate commercial and residential activity. VicSmart assessment timeframes should be slightly extended (e.g. 20 days) for more complex applications however in the case of the straightforward cases, having applications exempt altogether makes sense rather than adding to workload and delaying development. VicSmart offers a great introductory range of applications for inexperienced planners to assess applications, however, if as expected the take up is significant, it will place strain on Council resources.</td>
</tr>
<tr>
<td>Murrindindi Shire Council</td>
<td>Having VicSmart as a standalone provision does create issues by adding yet another trigger point, the set out of these provisions is useful, with all the information on one page. It is then easy to understand once the decision that an application is VicSmart has been made. Including VicSmart into the particular provisions and overlay schedules is supported in order to reduce trigger points, however, the use of these provisions will need to remain simple. VicSmart applications should not include applications that need referral. Previous changes to allow subdivisions in the rural zones without relating the decision guidelines back to the purpose of the zone, should be reviewed.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>This would be supported although see section 3.1 for concerns raised with the VicSmart changes.</td>
</tr>
<tr>
<td>Wyndham City Council</td>
<td>VicSmart should be removed from the VPP. See further comments below.</td>
</tr>
<tr>
<td>Maribyrnong City Council</td>
<td>VicSmart provisions could be listed under its own title in the overlay or particular provisions rather than having to go to the end of the Planning Scheme.</td>
</tr>
<tr>
<td>Greater Shepparton City Council</td>
<td>There is general support for the proposal to integrate VicSmart classes into the particular provisions and overlay schedules. At present the VicSmart provisions sit within a separate section at the end of the Planning Scheme. This is unwieldy and can cause confusion for inexperienced users of the planning process. At a recent VCAT case (Wittenbach v Cardinia SC [Red Dot] [2017] VCAT 793) Deputy President Gibson noted that an application must be made by the applicant as a VicSmart application to be considered under the VicSmart provisions. At paragraph 28 Deputy President Gibson states: I do not find there is any intention in the VicSmart provisions to make them the exclusive means of consideration of classes of applications that can be a VicSmart application. Rather, I consider that the VicSmart provisions provide an opportunity for a permit applicant to pursue the VicSmart fast track permit application process for assessing VicSmart applications as provided for by clauses 90-95 of the planning scheme if a permit applicant chooses to do so. If a VicSmart application is made, then the provisions of clauses 90-95 apply. But unless a specific VicSmart application is made, I do not consider that those provisions automatically apply to any other permit application notwithstanding it may be eligible for a VicSmart application to be made and so considered. In light of the above the application to be considered under this pathway, it is considered that applications should be VicSmart or not VicSmart to avoid confusion.</td>
</tr>
</tbody>
</table>

Comments and submissions

- Moreland City Council, City of Stonnington, South Gippsland Shire Council, City of Casey, Property Council of Australia, Urbis Pty Ltd
- City of Greater Shepparton
- Wyndham City Council
- Murrindindi Shire Council
- Yarra City Council
- City of Greater Dandenong
- City of Greater Bendigo
- Whitehorse City Council
- Yarra Ranges Council
- Maroondah City Council
- City of Greater Geelong
- City of Kingston

Please refer to the attachment for further comments.

- Moreland City Council, City of Stonnington, South Gippsland Shire Council, City of Casey, Property Council of Australia, Urbis Pty Ltd
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- City of Kingston

Please refer to the attachment for further comments.
Hobsons Bay City Council
- Integrating VicSmart into the particular provisions of the Planning Scheme will be improve its operation as it will reduce confusion for applicants. The current VicSmart system is not ‘proposal’ based, but rather overlay or zone based which creates confusion for the user, particularly if they have little knowledge of the planning scheme.
- It makes sense for the VicSmart provisions to be integrated into the particular provisions, along with the ResCode provisions and the Better Apartments Design Standards, as they provide specific assessment criteria for particular kinds of development types. This is supported in principle on the basis that it will make the scheme more logically structured and user friendly. Any integration into the particular provisions will need to be user orientated and easy to understand.
- However, this section on page 14 mentions that the reforms are aiming to ‘strengthen the role of zones as a single point of entry in relation to the particular provisions’. The restructuring mentioned previously throughout this section doesn’t discuss the role of zones. It only discusses the particular provisions and overlays as being needed to achieve integration with VicSmart provisions.

Collie Pty Ltd
- VicSmart should be a principle inherent in all parts of a scheme and not a tack-on. Agree with the proposal for this reason.

Jacobs Group (Australia) Pty Ltd
- Consider introducing VicSmart processes to permit requirements for minor development subject to zone permit triggers.

Planning Institute Australia
- There are fundamentally no concerns with this Proposal, although it is difficult to see how VicSmart can be integrated without further expanding the VPP. In this case, the Department should rely on the TRG to determine if the proposal is appropriate to roll out within the Smart Planning timeframes or if more consultation and time is required.
- The structure used should also provide for the expansion of VicSmart assessable applications.

Tomkinson Group
- I agree with the discussion paper that the implementation of these initiatives will be crucial, and would need a detailed and collaborative work program.
- If the reforms are to strengthen the role of zones, then it would be logical to expect that further restrictions and added application requirements are NOT included or implemented through the VPP but rather are incorporated at zone level - this would ensure the planning scheme remains accessible for all users, not just professionals.

Small Change Design & Construction Pty Ltd
- Build in ongoing review/feedback process to assess possible permit exemptions and VicSmart pathways.

VPLA
- They should be integrated in this way only if it means that the exactly same worded provisions do not have to be repeated throughout different parts of the planning scheme. Particular provisions are better suited to those types of clauses.

Corangamite CMA
- The Corangamite CMA supports the proposal to integrate particular provisions and overlay schedules and requests that it be consulted in this process to ensure that increasing exemptions are appropriate and do not inadvertently increase flood risk.

Coliban Water
- Provided the considerations of agencies managing infrastructure created or required to be created by development are integral to decision making.

Glenelg Hopkins CMA
- The Glenelg Hopkins CMA requests that it be formally consulted with regard to any proposal to integrate VicSmart into the Floodway and Land subject to Inundation Overlay. Permit exemptions relating to flood risk management (or any other natural hazard) need very careful consideration to ensure the objectives for minimising risk associated with floodplain development are met and that flood risk is not inadvertently increased. Exhaustive effort was expended by Ballarat City Council and GHCMA (in consultation with CCMA) on attempting to maximise permit exemptions under the newly adopted LSIO and FO for Ballarat – amendment C178. The schedules adopted via this amendment are considered exemplary. Exemptions over and above those provided for in the Ballarat LSIO and FO schedule are likely to result in degraded floodplain risk management outcomes.

Mounts Buller & Stirling, Hotham; and Falls Creek Alpine Resort Management Boards
- Currently the VicSmart pathways in the Alpine Resorts Planning Scheme are unutilised. Comment is provided at 3.1 around the opportunity to involve Alpine Resort Management Boards in low-risk decisions relating to construction of a carport, garage, pergola, verandah, deck, shed or similar structure; to undertake other minor works; or to construct a building or construct or carry out works with an estimated cost of up to $500,000. Alpine Resorts use Comprehensive Development Zones to distinguish between areas for settlement under CDZ1 Alpine Village; and for recreational development as CDZ2 Alpine Recreation.
- There is extremely limited freehold land within the Alpine Resorts, limiting the need to deal with subdivisions. Most land is offered on a leasehold basis and site boundaries are determined according to the CLR Act.
- BMO and EMO layers may require rationalisation in order to achieve this, as the overlays currently apply to the entirety of each Alpine Resort. As a consequence, the tools do not drive user decision-making in regard to site selection.

Eltham Community Action Group
- We are concerned that there will be no advertising, no opportunity for those affected to object and no right of appeal.

Wattle Glen Residents’ Association
- VicSmart should be kept well away from provisions and overlay schedules that (duplicating word) affect indigenous vegetation as it is often the ‘third parties’ that defend the environment as first and second parties either have a selfish personal interest or it is often difficult to object when it is a neighbour requesting the permit even if it affects one’s own property.

Toxic Free Fawkner
- I live eighty (80) metres from one of the most toxic sites in Australia (ex NuFarm site). This site has recently come up for redevelopment. If the planning laws the state government proscribes in this assessment were currently in place, Fawkner residents would be facing a possible ecological disaster with little or no checks and balances in place; with no say for residents in matters of re-mediation of a toxic site; inappropriate development of such a site, or any recourse to put a wrong to right after the development event. It would be an equivalent to having an ecological disaster like we have seen in other places - Japan, the ex Soviet Union, etc, on our residential doorsteps. That this site is up currently subject to VCAT is only due to residents have a democratic say in their own environment.
| Shoreham Community Association | • We infer that Government intends to progressively increase the scope of the VicSmart provisions.  
• While integration is logical, we believe:  
  o overlays must not effectively be watered down and, indeed, may need further strengthening to facilitate “code assess” processes (e.g. by being more prescriptive)  
  o “code assess” requirements should be mandatory, clearly understood and require strict compliance.  
• We have concerns about:  
  o unfair exclusion of stakeholders from decision making and even the awareness that proposals affecting them may exist  
  o protection against corruption due to inadequacies in oversight, audit or approval processes  
  o provision of strong compliance processes  
  o negative cumulative effects of “as of right” and “code assess” developments especially in our sensitive Green Wedge zones  
  o the transition process and its outcome leaving anomalies etc for exploitation. |
| Finders Community Association | • How VicSmart streamlined pathways are integrated into Overlays and specific provisions has yet to be revealed.  
• In the context of peri-urban areas such as the Mornington Peninsula, definitions need to be carefully treated. It is essential that Metropolitan Green Wedge areas retain clear and specific policy. Weakening of requirements for example for business activities to be in “in conjunction with” a productive farming enterprise and provisions relating to “land in two zones” pose the risk that rural areas will suffer increasing urban intrusion. Similarly, the arbitrary extension of primary produce sales to include “related goods” undermines the principle of the sale of farm-gate/farm-produced items and has the potential to promote out of centre retail activity and unfair competition with urban centres.  
• The introduction of code assessments (using codified sets of criteria) for applications are likely to be used to further reshape the approval system and diminish opportunity for public input. |
| Nepean Historical Society (NHS) | • Third party rights are critical in the planning process. Community organisations such as the NHS rely on these rights to make submissions on heritage status, historical importance and local significance. Third party involvement promotes balanced outcomes, and provides planners with more and better options. There is a long history in this shire of community groups such as NHS constructively contributing to planning outcomes. |
| Blackburn and District Tree Preservation Society Inc. | • Overlays in planning schemes provide protection for areas that are special in terms of their vegetation or heritage characteristics. Permit exemptions and VicSmart should have no application in overlays |
| Red Hill Community Association | • The local amenity and character of our village community should be maintained.  
• Generally, we do not want to see an extension to the VicSmart application system without proper community consultation. |
| Nilimbrik Pro Active Landowners | • Strongly agree. See submission. |

**Individual responses**

**Nepean Historical Society (NHS)**

- Third party rights are critical in the planning process. Community organisations such as the NHS rely on these rights to make submissions on heritage status, historical importance and local significance. Third party involvement promotes balanced outcomes, and provides planners with more and better options. There is a long history in this shire of community groups such as NHS constructively contributing to planning outcomes.

- Third party rights are critical in the planning process. Community organisations such as the NHS rely on these rights to make submissions on heritage status, historical importance and local significance. Third party involvement promotes balanced outcomes, and provides planners with more and better options. There is a long history in this shire of community groups such as NHS constructively contributing to planning outcomes.
- I have significant concerns about a tick box approach to planning, which removes requirements to advertise, objections, rights of appeal, neighbours having a say.

- It all depends on which particular provisions and overlay schedules will be affected and what integration means. VicSmart is a good idea for simple applications, but there appears to be an intention to give the Minister power to unilaterally expand classes of applications subject to VicSmart assessment further without consultation. Prior to gazettal the draft review proposal should go to consultation again.

- Repeal VicSmart. It complicates the system.

- Concentrate instead on consolidating traditional issues-based clauses and using a new standard permit-trigger clause to set various switches (notice, review, referrals, stat days etc) to customise. Strip back the ad-hoc bolt-ons like VicSmart, rather than adding more and further baking them into the system so that they become ever-harder to remove or review.

- This is a terrible idea. We don’t want centralisation. For healthy, connected communities - they must be informed, engaged and consulted. This proposal will work out badly for communities. I expect it will work well for developers, which is a terrible outcome.
### 1.3: Consolidate all administrative provisions

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submissions available</td>
<td>Year Ranges Council, Manningham City Council, Moreland City Council, South Gippsland Shire Council, City of Casey, Property Council of Australia, Urban Pty Ltd.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>It makes sense to have all these clauses in one section of the scheme.</td>
</tr>
<tr>
<td>Maroondah City Council</td>
<td>Refer to MAV comments.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>The consolidation of all administrative provisions into one section is generally supported.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>It is proposed to move all of the administrative provisions such as incorporated documents, administrative and operational provisions relocated to the General Provisions section.</td>
</tr>
<tr>
<td></td>
<td>This is a minor change and is supported by Council officers.</td>
</tr>
<tr>
<td>Mitchell Shire Council</td>
<td>Relocating incorporated documents into clause 60 from clause 80 seems logical and essentially tidies up the VPPs, however, the benefit is negligible from a usability perspective. Everyone knows where incorporated documents are at the moment and by merging them into clause 60 it might be perceived as making it easier to slip new ones in without drawing attention to them.</td>
</tr>
<tr>
<td></td>
<td>This is supported in order to provide for clarity and easier use of the schemes.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>What about the specific Local Area policies and how they are implemented as they are quite locally contextual, it would be difficult to break these up into the PFF themes as they can at times cover many items – e.g. Settlement (which has an impact on activity centres, urban design, infrastructure). Would this then sit outside the new Clauses 11-19? Or be located in Clause 11.03-S ‘Local Places’?</td>
</tr>
<tr>
<td></td>
<td>Are we placing the Reference docs/background docs at the end of each clause in the PFF? If we are, what if we don’t use all/refer to all the reference documents in the MSS? What if this then creates a hierarchy of importance for the Reference Documents?</td>
</tr>
<tr>
<td>Greater Shepparton City Council</td>
<td>There is general support for this proposal, there would appear to be no consequences to this reform on the operation of the planning scheme.</td>
</tr>
<tr>
<td>Hobsons Bay City Council</td>
<td>This is supported in principle on the basis that it will make the Planning Scheme more logically structured and user friendly.</td>
</tr>
<tr>
<td>Collie Pty Ltd</td>
<td>This would improve both transparency and efficiency of use.</td>
</tr>
<tr>
<td>Australian Institute of Architects</td>
<td>User-based entry points to access VPPs (i.e. fact sheets, user guides or online tools), are great initiatives and would enable designers to better use planning provisions to inform design decisions and design briefs – but we are concerned that this benefit alone should not be the basis for the entire re-structuring of the provisions themselves. Instead, they could be implemented alongside a more comprehensive restructuring.</td>
</tr>
<tr>
<td>PIA Victorian Young Planners</td>
<td>This would result in more functional and easily accessible documents. In order to be fully effective, the structure/contents of the Planning Scheme should be easily understood for a lay user. A contents page or ‘How to’ section should be clearly displayed at the top of each Planning Scheme to ensure that everybody can make use of this mechanism and understand where to find what.</td>
</tr>
<tr>
<td>Small Change Design &amp; Construction Pty Ltd</td>
<td>Aim for simplicity. If it can be said in one page don’t use two pages. Test on the general public - there is no reason why specialist planners should be required to understand and interpret our planning rules.</td>
</tr>
<tr>
<td>Niche Planning Studio</td>
<td>Niche agrees with the necessity to simplify the existing particular provisions, thereby making it more user-friendly. This may allow for planners to be attending to less administrative work, and more actual planning. The proposed structure is clear and comprehensive, and a much more simplified organisation of the provisions.</td>
</tr>
<tr>
<td>Surveying &amp; Spatial Sciences Institute</td>
<td>The introduction of the Subdivision Act was intended to complement the P&amp;E Act. Since that time there has been a tendency for Clause 56 matters being confused with Clause 55 matters. In the Particular Provisions, there needs to be reference to subdivision and perhaps the Subdivision Act Users Guide released by the former Dept. of Planning &amp; Community Development in November 2012 could become an Incorporated Document.</td>
</tr>
<tr>
<td>Corangamite CMA</td>
<td>The Corangamite CMA supports the proposal to integrate particular provisions and overlay schedules and requests that it be consulted in this process to ensure that increasing exemptions are appropriate and do not inadvertently increase flood risk.</td>
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<td>Coliban Water</td>
<td>Provided the considerations of agencies managing infrastructure created or required to be created by development are integral to decision making.</td>
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<tr>
<td>Mounts Buller &amp; Stirling, Hotham; and Falls Creek Alpine Resort Management Boards</td>
<td>Currently the ViSMART pathways in the Alpine Resorts management is unutilised. Comment is provided at 3.1 around the opportunity to involve Alpine Resort Management Boards in low-risk decisions relating to construction of a carport, garage, pergola, verandah, deck, shed or similar structure; to undertake other minor works; or to construct a building or construct or carry out works with an estimated cost of up to $500,000. Alpine Resorts use Comprehensive Development Zones to distinguish between areas for settlement under CDZ1 Alpine Village; and for recreational development as CDZ2 Alpine Recreation.</td>
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<td>MO and EM0 layers may require rationalisation in order to achieve this, as the overlays currently apply to the entirety of each Alpine Resort. As a consequence, the tools do not drive user decision-making in regard to site selection.</td>
</tr>
<tr>
<td>Eltham Community Action Group</td>
<td>It is vital to put in place appropriate policy to ensure the special characteristics of different places are not lost but rather strengthened. One size does not fit all.</td>
</tr>
</tbody>
</table>
Dunmoochin Landcare Group Inc

- VPP must borrow from DELWP science based studies on value of, and threats to, Biodiversity and Native Vegetation. It should demonstrate a commitment beyond motherhood statements to protection and enhancement of values. To quote from Biodiversity 2037, “Even today, decision makers in government, business and land management too often fail to fully consider the impacts of their actions on biodiversity - and are not routinely required to.” We submit that the authors of the new VPP Framework show no evidence of heed to this warning. The first step is to acknowledge the science and the trend to significant losses in the natural environment. A current example of poor understanding is with the current DELWP planning proposal on intensive animal industries allowing intensive industry at 50m from a neighbouring residence in a Green Wedge Zone without a permit!

Toxic Free Fawkner

- The consolidation provision is clearly at the heart of the undemocratic thrust of this position paper, a paper that is scant if not secretive on any real detail and devoid of any genuine consultation provisions for and with the broader residential community of Melbourne. The period for consultation is so short as to be laughable, were it not so serious in the amount of ground it seeks to cover. Bad policy is always rushed and the need for speed comes up more than one in this short on detail documentation - such as it is. Overnight changes in which protections in the REFORMED ZONES in March, where no draft provision was publicly exhibited, was a precursor to this draconian provision. Consult, consult, or proceed with this provision at the government’s peril.

Flinders Community Association

- Clarification of operational provisions in the VPP may be appropriate. Currently compliance processes are ineffective, inadequate and are invariably under resourced. Council compliance sections are under resourced and enforcement actions through VCAT too expensive for individuals and community organisations to access. This is a deficiency that must be addressed if planning permit requirements/conditions are to be taken seriously by applicants and developers in particular and is essential if the objectives of the planning scheme are to be realised.

Blackburn and District Tree Preservation Society Inc.

- Consolidating the LPPF into the VPP would involve adopting “a one size fits all” approach that ignores subtleties and differences between areas within municipalities. For example, in the Whitehorse Planning Scheme there are five schedules encompassing the Neighbourhood Residential Zone to reflect the neighbourhood character differences between, for example, the heritage values of Mont Albert and the natural landscape and native/indigenous treescape in Blackburn.

Red Hill Community Association

- The Mornington Peninsula Localised Planning Statement, although recognized by the State government, needs to be adopted.

Individual responses

- There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.
- There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.
- The VPPs need to be flexible and responsive to new development and changes.
- Streamline the bureaucracy at all levels, all levels of government should know the laws and regulations thereby closing any loopholes which can be exploited and used to pit one government department against another.
- Code based assessment and permits would likely lead to homogenisation of a specific area which has identifiable characteristics that are valued by residents. Local planners are needed who know the local characteristics of a particular area.
- You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.
- Property and professional groups have been represented on technical and advisory groups for the program but not residents. The following groups are represented on the advisory group:
- No members of relevant community groups of the public are represented on either the technical or the advisory group. We do not want to see an extension to the VicSmart application system without proper community consultation.
- So called consolidation of administrative provision is just another attempt to take control away from local councils.
- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
- Neither here nor there.
- This is a terrible idea. We don’t want centralisation. For healthy, connected communities - they must be informed, engaged and consulted. This proposal will work out badly for communities. I expect it will work well for developers, which is a terrible outcome.
Reforming the Victoria Planning Provisions – Comments and submissions

What other changes to the VPP structure do you think should be considered?

<table>
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<tr>
<th>GROUP</th>
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| Submissions available | Review of Clause 62
- A review of Clause 62 is encouraged. Clause 62 is sometimes difficult to interpret and does not lend itself to a simpler and more user-friendly planning system. Clause 62.02-2 fails to deliver on the presumed intent which is that minor buildings and works do not require a permit for development. For example, where there is an existing permit for development on the land that applies the standard condition relating to layout changes, the planning system still requires an amendment to the endorsed plans following the Supreme Court decision of Benedetti v Moonee Valley City Council (2005) VSC 434, even where the minor works listed in Clause 62.02.2 are exempt.
- There are minor variations to the wording of the condition across different Councils, however typically it comprises wording like: 
  - The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit must not be changed for any reason without the consent of the Responsible Authority.
  - The result is that if the permit holder wishes to build a structure that would otherwise meet the exemption from a permit for buildings and works, the above condition means they must apply for an amendment to endorsed plans (under the secondary consent provision of the condition on the permit). This is a minor application that nevertheless represents interaction with the Council planning department, additional cost for the proponent for both the revision of plans and the application fee. It can be time consuming and encourage works without the necessary approvals.
- A review should be undertaken to determine whether there is scope to clarify through the scheme that where something is exempt at Clause 62, no secondary approvals are needed on sites that have previous planning permission. However, management around this need to occur to ensure the original planning approval is not compromised and are complied with (for example, window screening to prevent overlooking).

- Structure of the PPF
  - The current structure seems to deal with environmental effects across a number of clauses (Environmental Risk; Environmental and landscape values; Natural Resource Management; plus, various elements within Urban Design; Transport; and Infrastructure clauses), this could possibly be improved/streamlined.

- City of Greater Bendigo
  - Some information about exemptions for Ministers and need for informal consultation. Reconsider exemptions due to potential impacts on local community.

- Mitchell Shire Council
  - None. Once the provisions within clause 80 have been consolidated into clause 60, there should be adequate streamlining of the VPPs.

- Murrindindi Shire Council
  - Council is concerned about the potential costs relating to digital platforms for Planning Schemes and amendments. These may be significant. Many of the proposals have the potential to create a cost and/or resource burden on Council and this needs to be addressed, particularly with smaller rural Councils.
  - While Council is generally supportive of initiatives which streamline processes, it is important to recognise the impact for rural councils which are spread across a large geographic area. For example, short time frames reduce the flexibility to schedule site inspections in an efficient manner as significant travel is required. This has a negative impact on officers’ ability to appropriately prioritise permit applications.

- City of Stonnington
  - Increasing VicSmart categories rather than increasing the number of assessment pathways would be more consistent with the intent to streamline planning schemes and planning processes. Refer to implications of code-based assessment in Attachment 2.

- Hobsons Bay City Council
  - A VPP based spatial planning response to managing the risk associated with Major Hazard Facilities and Pipelines and nearby ‘sensitive uses’ is currently missing from the VPPs. This reform has been the subject of a recent Ministerial Advisory Committee and still remains unaddressed by the planning system. The risk resulting from these kinds of facilities and infrastructure, particularly with regard to sensitive uses must be defined and spatially resolved so that planning authorities can provide greater certainty to industry and to the community.

- CS Town Planning Services
  - The ‘exempt and complying development codes’ in NSW work very well due to the clarity they provide to applicants. We feel that a similar code would work for Victoria, and expanding that to VicSmart seems a natural progression. So that basically, with a click of a button you will know definitively which way to proceed with minor developments in relation to the path to planning approval/exemption.

- Collie Pty Ltd
  - Ensure land use terms and where they sit in tables of uses, reflect new technology and best practice. If relevant this may require new terms or making use of the ‘minor’ category as used with some existing land use terms (although it is acknowledged elsewhere in the paper, this is being questioned in terms of minor utility installment).

- Lindsay Gordon
  - The fees on planning permit amendments were recently increased to be the same as for an initial application. In some cases the amendments are so minor (but have to be made) that the fee on the application was more than the actual cost of the works. There should be no fee where the amendment works are less than $5000 or where the works in the proposed amendment are “cosmetic” (e.g. a change in colour) and the fee for an amendment should be based on the value of the work required by the amendment if more than $5000.

- Australian Institute of Architects
  - The structural changes proposed seem not to respond to specific problems in the current planning schemes – we are of the view that any reform must carefully analyse what is actually making the system slow or complex at present, and change structure to respond to those issues specifically. This must be done before making overarching changes without reference to what issues they are addressing.
  - Timeframe – we are concerned that there will be little to no time for the Smart Planning working group to properly consider and implement changes/ideas put forward in these submissions, and therefore the VPP reform would not be as comprehensive or transformative as is required to effectively fix the issues of the current VPPs.

- Peet Limited
  - ‘Digital first’
  - Peet applauds the introduction of ‘Digital first’ as a new principle at Figure 1 ‘Principles of a modern planning scheme’. We encourage this principle to be built upon through mandating use of online tools such as SPEAR in the submission and review of all planning applications. The SPEAR service provides increased efficiency for users while it also has the benefit of a more transparent interface between Applicants, Referral
Authorities and Responsible Authorities. Through the introduction of SPEAR for all planning applications, common bottlenecks in the planning system can be identified and resolved in a timely manner.

'Standard permit conditions'  
- The discussion of an increased scope for VicSmart assessment pathways on page 26 raises the consideration of standard permit conditions being issued where code requirements are met. Increasing the scope of VicSmart and the introduction of standard permit conditions are both positive steps however DELWP must take steps to prevent local Councils from adding additional permit conditions which may result in conflict with applicants and contradict the overarching intention of codified assessment pathways. If standard permit conditions are modified by local Councils, a higher frequency of appeal processes will occur, thus losing the intended efficiency of VicSmart assessment pathways.

Tomkinson Group  
- As stated above, removal of application requirements and/or Clause 54/55 additions from VPP. Currently there are Clause 54/55 additions included in LPPP, which confuses and complicates zone and overlay provisions.

Bosco Jonson Pty Ltd  
- Consider moving the Operational Provisions and Definitions to the top of the structure of the VPP like is the case with the structure of Acts.
- Consider incorporating the General Exemptions, Existing Uses and General Provisions in Clause 62, 63 and 64 into VicSmart codes and standards to be inserted into the Particular Provisions.
- Consider incorporating the Small Lot Housing Code into the General Provisions so that it does not only apply in Precinct Structure Plan area in the Urban Growth Zone.

South East Water  
- South East Water seeks to deliver change and expedite its application process to make it more responsive to the needs and timing of the Development Industry. South East Water would welcome the opportunity to enter in dialogue with Responsible Authorities regarding the possibility of Planning Permits including specific conditions and fees relating to subdivisional developments. As part of the broader reform, this includes fees and conditions being detailed as part of a Section 55 referral rather than the mandatory conditions to enter into an agreement.
- South East Water wishes to obtain further information on building envelopes to assist in future development. That is, plans showing the extent of the building envelope on the Plan of Subdivision. and more importantly how we can obtain the details.

Coliban Water  
- There is an opportunity to go further with thematic themes within overlays such as allocating a specific overlay to issues, such as ESO’s being 42.01 – Air Quality, 42.02 – Vegetation, 42.03 – Water, 42.04 Landscapes... Regardless of which municipal planning scheme the theme is easily identified.

Wattle Glen Residents’ Association  
- Nibbling away at Green Wedge (as supported in Plan Melbourne 2017-2050. – there should be no opportunity to move the UGB within Nillumbik for any private development and no rezoning to enable more residential development in the Green Wedge area.

Dunmoochin Landcare Group Inc  
- DELWP should enable non-professionals with an interest in planning to obtain a greater knowledge of, and facility with, the application of the new provisions. There should be a link to this tutorial. It should reference background policy such as Protecting Victoria’s Environment - Biodiversity 2037 and the Flora and Fauna Act.

Toxic Free Fawkner  
- There is already an excess of avenues for planning approvals being fisted on residents for them to be involved in, let alone obtaining justice for having and maintaining a reasonable/livable environment. Under this government VCAT has become a virtual rubber stamp for developers and their residentially inappropriate and increasingly cheap, nasty and inappropriately sized buildings is the legacy. We have development at any cost - or so it seems - in many municipalities, particularly in inner city suburbs. The government may as well put up a whole state for sale saying open season for foreign investor/ developers with floods of money and don’t worry about current residents rights or concerns. Stream line the VPP? But of course, less hard work for the minister and the bureaucrats. Consolidation will increase the work at the top by an order of magnitude if decision making is consolidated. Or, planning will become totally unregulated and ungovernable.

Blackburn and District Tree Preservation Society Inc.  
- In terms of potential dilution of the VPP, the BDTPS is particularly concerned with the third dot point statement under ‘Considerations’ [Page 14]: 'To strengthen the role of zones as a single point of entry in relation to the particular provisions, there may be a need to review some permit triggers in zones to achieve a consistent approach.'
- ‘The VPP is too development and construction-driven with scant regard for the preservation and enhancement of the natural landscape that form the interstices between built structures. We are losing our trees and canopy cover, vegetation and open spaces to the human-dominated built-form. This is already compromising quality of life issues for people living in urban areas and shows signs of abatement. Many major review of the VPP must include tree and vegetation planning, preservation and enhancement provisions including a meaningful requirement for the provision of adequate open spaces for passive recreational pursuits on private property and the provision of low-stress, high connectivity links for walkers and cyclists on land in the public domain. The tree society committee fears that the VPP reform initiative has a barely concealed objective of providing open space to all types of inappropriate development in urban precincts.'

Individual submissions  
- The list of incorporated and background documents needs to be given a higher priority as these documents form the key to a municipalities reasoning behind approving or rejecting an application. There also needs to be a VERY CLEAR line as to what incorporated documents mean and what background or reference documents mean and the weight they control in the process. this at the moment is not done very well.

- There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.
- There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned I the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.
- The VPPs need to be flexible and responsive to new development and changes.
- I am elderly and I am unfamiliar with responding to such a document on line and I have typed in wrong spaces. However, I am a concerned citizen and have heard nothing of this proposal on the news or seen it in the papers. Will the public ever know ow this becomes law? It reads as though Govt is trying to appease developers in Victoria. In Nillumbick we have overseas born developers taking every legal shortcut to build, build build and make money. They then sell leave and locals are left with the results of their insensitive and ill-informed projects. Housing is in high demand so people accept lowered standards such as very small living spaces, limited privacy and noise problems.

- Elimination of vested interest making self-serving decisions and process changes.
- We do not want to see an extension to the VicSmart application system without proper community consultation.
- Don’t apply a ‘one size fits all’. i.e. there are some areas which have specific characteristics which will be severely impacted by loosening need for community consultation (i.e. tree removal in my area).

- CLIMATE CHANGE - There is no mention of climate change and foreseeable impacts on development anywhere is the planning scheme other than Clause 13. This needs to be included throughout all provisions and reflect other strategies trying to be achieved at other government levels, if the Victorian Climate Change act includes the P&E Act as a Schedule 1. How with planning schemes and the generalist planners include this in their decision making if you have not set measurable standards and policy settings and trigger points.

- The current VPP structure should be strengthened and supported. All planning applications should go through rigorous investigation and approval only be given when all provisions of the planning scheme are met.

- I think the outcomes being sought from planning are more important than the number of pages in the scheme. There are positives and negatives with the current structure and it will be the same with a different structure. Practitioners get used to working with documents regardless of the size or structure. Whilst it is important for planning schemes to be as user friendly as possible, they are subordinate legislation. You don’t hear Government saying that other legislation should be made simplistic to be user friendly for bush lawyers.

- I think inadequate important is being given in the proposals to Green Wedge areas and existing Significant Overlays. I think the Green Wedge should be treated as a Zone and No VicSmart fast tracking (or one-stop-shop) procedures allowed at all. The Green Wedge is the lungs of Melbourne. It must be protected at all costs and the desires of residential homeowners and businesses given lower priority. People should know when they move to these areas that they have a responsibility to protect the landscape and character above their own desires.

- As per: http://www.sterow.com/?p=4580

- Leave as is but include more environmental protections and make it easier for communities to be involved. It’s our community and we should have a decent say in what goes on. Genuine community engagement is something I’d have thought the Andrews government would favour. If you read Biodiversity 2037, one would have thought the Andrews government would favour better environmental protections, not worse. Shame!
### Proposal Two: An integrated planning policy framework

#### 2.1: Integrate state, regional and local planning policy

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<tr>
<td>Submissions</td>
<td>Yarra Ranges Council, Knox City Council, Moreland City Council, City of Stonnington, South Gippsland Shire Council, City of Casey, Property Council of Australia, Urbis Pty Ltd, Metropolitan Waste and Resource Recovery Group, Green Wedge Protection Group</td>
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<tr>
<td>Gannawarra Shire Council</td>
<td>• Tourism is a good example supported by Council.</td>
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<tr>
<td>Wellington Shire Council</td>
<td>• State policy should be more directive/meaningful (not just motherhood statements).</td>
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<tr>
<td>Whitehorse City Council</td>
<td>• The proposed PPF and simplified MSS structure will diminish the presence and comprehensiveness of local policy. The current policy structure provides a snapshot of an area by looking in one part of the planning scheme. This will be removed by the proposed PPF.</td>
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| Whittlesea City Council | • Support in principle  
• Clear guidance and some flexibility would be required to ensure local policies are clearly and logically translated to the new structure without undermining their intent. While most Council local policies are likely to translate logically to a theme based structure, there are some which will fall under more than 1 theme. (i.e. City of Whittlesea’s River Red Gum local planning policy (CI 22.10) which has both ‘biodiversity’ and ‘landscape’ objectives therefore it would be unclear whether it would fall under the environmental values or landscape values theme. There is a concern that a rigid translation to a theme based structure could potentially undermine the broader nature of this policy.  
• Suggested change to the title “Interface Provisions” to “Related Statutory Provisions” and incorporate “Other Provisions” as a sub-clause (if they are statutory). |
| City of Greater Bendigo | • Subject to retention of Local Area Plans  
The translation of the existing LPPF should be able to be done without needing to go through a formal amendment provided it is “policy neutral”. |
| Maroondah City Council | • This is a good idea in principle. The SPPF tends to be overlooked in the assessment of development applications because it is so broad. An amalgamated PPF may provide more assistance in assessing applications.  
• This should also be seen as an opportunity to address outstanding matters, such as the integration of Environmentally Sustainable Design requirements into the VPP. However, Council does note that this will be a resource heavy undertaking and anticipate significant support from DELWP in undertaking the changes. |
| City of Greater Geelong | • We support the principle of the proposed integration of state, regional and local planning policy into a thematic based structure. The proposal has significant resource implications for both the Department and councils.  
• The drafting of the new provisions will need to be carefully considered to ensure unintended consequences do not occur where policy that wasn’t intended to apply inadvertently applies. Or even worse that local policy or place based policy that councils have gone to significant time and cost to implement is lost or watered down.  
• Consideration should be given to the potential overlap in the new clause 11.04-1 and 12.02-2 that both apply to coastal settlements.  
• In addition, a policy neutral translation would be a missed opportunity to improve the planning policy framework. An example of this is clause 15 – sustainable development. This clause should be widened or integrated into existing policy to standardise incorporation of ESD assessment into the planning system to avoid councils pursuing their own approaches. |
| City of Kingston | • Provided existing local policy content can be transferred across to a new format PPF in a manner that does not alter policy intent or outcome, Council supports the integration of state, regional and local planning policy.  
• It is noted that there may be characteristics unique to an individual Council which do not clearly fit under the three levels of policy. It is critical that the integration of state, regional and local planning policy does not unduly restrict innovation or the extent to which local policy can be drafted to deal with uniquely local planning, environmental and land use issues. A ‘one size fits all’ approach to local policy is considered unlikely to work and would largely defeat the purpose of providing local policy context.  
• Council has lodged Amendment C132 to the Kingston Planning Scheme with the Minister for Planning for approval. The Amendment seeks to implement part of the recommendations of the Kingston Planning Scheme Review undertaken in 2012. The Amendment replaces the existing Municipal Strategic Statement with a new format MSS and amends Clause 22 of the Local Planning Policy Framework. Council has also begun to undertake the next review of the Kingston Planning Scheme. Once implemented, Amendment C132 will provide an up to date local planning policy framework for Kingston which could provide for a relatively straightforward translation into the proposed new PPF structure. |
| City of Greater Dandenong | • Concern as to who will have to do the work to re-structure this, and who determines if local policy consistent with state policy, as this could result in Council's losing significant important policies that have been in place and working for long periods of time. |
| Yarra City Council | • The proposed draft PPF forms a welcome streamlining of policy, with policies grouped by theme and presented in three levels of policy (state, regional and local). The policy structure as proposed should avoid duplication and/or conflict, make planning schemes easier to navigate, and more readable.  
• Proposal 2.1 states that under the new PPF regime, planning decisions would be required to “take account of and give effect to” all three tiers of policy - state, regional and local - whereas present local policies are only required to be “taken in to account”. This strengthening of local policy is welcomed.  
• With regard to the three tiers of policy, clarity is required with regard to the regional strand. It is not clear whether it is intended that consistent policies appear across Melbourne, or if sub-regional elements of Plan Melbourne and other policy documents be included. Plan Melbourne defines the Inner Metro Region as including: Melbourne, Port Philip and Yarra City Councils. The Inner Melbourne Action Plan (IMAP) however is a collaborative partnership between the Cities of Melbourne, Port Phillip, Yarra, Stonnington and Maribyrnong. These inner Melbourne Councils work together to strengthen the liveability, attraction and prosperity of the region. Clarity is required around how the regional policies and initiatives being developed as part of Plan Melbourne and IMAP will align. |
| Melton City Council | • The integration of state, regional and local planning policy is supported by Council. MCC made a submission to the State Planning Policy Framework Advisory Committee in 2014 that the alignment of state, regional

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and local policies together creates a clear line of sight for policy.

- Large parts of the SPPF do not appear to have regional content. How is it envisaged that regional content be created? Would this be through initiatives such as the Regional Land Use Planning Frameworks? Council officers would like information on the transition arrangements to populate regional content if the integrated PPF model was adopted and how it will be ensured that this content is actually reflective of the entire region not just the issues of a subregion within that region.

- Is it proposed that the existing content in the SPPF will be used to populate the State content in the revised PPF? Council officers are of the view that this would be the simplest way forward.

- A section will need to be created in the revised PPF to allow the insertion of local policies that may not fit neatly into the current SPPF.

- Melton City Council over the past six years has created a suite of strategies, plans and guidelines that respond to current State Government policy, these adopted documents include:

- These adopted strategies, plans and guidelines have been used to inform the content of Council’s revised Municipal Strategic Statement (MSS), which Council is in the process of finalising. Council intends to submit this revised MSS for authorisation shortly.

- Council would be concerned if the review of the VPP’s resulted in any delays for the authorisation or exhibition of the MSS. MCC believes it should be allowed to proceed in its current form whilst acknowledging that changes to format may be required following the outcomes of this review.

- Given the recent nature of Council’s strategies, plans and guidelines, Melton City Council is well placed to be a pilot project to demonstrate how a growth area Council’s local content can be redistributed into the streamlined PPF if this approach was adopted by the State Government.

- Council would be happy to partner with DELWP to assist in the translation of the Melton Planning Scheme into a revised PPF.

Murrindindi Shire Council

- This is generally supported as it will streamline the planning framework and provide clarity in relation to the policies on each level. Some policies may not fit neatly within the proposed provisions and there is no demonstration of how those existing and future policies may be altered to align with the proposed framework.

Cardinia Shire Council

- If this approach was adopted when will the ‘regional’ areas be determined as Cardinia Shire is located in the peri urban with rural areas and would question whether Cardinia straddles two regions or will it be incorporated into Metropolitan Area. This raises concerns with some areas within the municipality particularly the area in the municipality that is noted for state agricultural significance, if Council is located with the Metropolitan area and no regional policy direction is provided for the policy would a local section be able to be populated?

- What strategies does DELWP have to implement the changes for each Council’s PPF? What will be the transition timeframes for each Planning Scheme?

Wyndham City Council

- Integrating State, regional and local policy should be a fundamental tenet of the planning framework. However, there is a case to be made for separating the many state, regional and local policy from the decision-making criteria for considering permit applications.

- Many applications for permit simply require an assessment against use or development conditions and should not require reference against state, regional or, in some cases, even local policy. It should be implicit in the zones and overlays that permit required uses and developments are consistent with policy; what is required is an assessment to ensure amenity or built form outcomes are achieved.

Maribyrnong City Council

- There is merit to integrate these provisions, however further consideration is required of how local planning policies are revised, when will they be revised, and how to make it “fit” under a state title.

Greater Shepparton City Council

- The three levels of policy would be grouped by general themes, allowing for all corresponding regional and local policy to be accessible by theme. This would allow users to access all of the relevant information, policies and objectives from one location.

- There is merit in placing all relevant policy in one location. One element of the proposal which has not been fully considered is that all regional and local policy would have to be appropriately reviewed to ensure that it appropriately corresponds to the theme.

- It is difficult to see how this would occur in instances where State policy has not managed to keep abreast of local/ regional policy. For instance, the implementation of environmental sustainability, solar policy, gambling policy, infrastructure design requirements, all these have been included in policy as part of local government led reform. Council officers consider this requires further consideration as how these policies will be balanced.

- It may also require further consideration of the ‘weighting’ each relevant section is given, and in turn, the weighting afforded to potential policies that may conflict when assessing the merits of a planning proposal.

- Council officers participated in the previous review, the bulk of our comments are now included.

- In this regard officers consider that the Infrastructure Design Manual should be included in proposed Clause 19.03 of the draft Planning Policy Framework as identified in the draft contents page for the PPF shown in Appendix 1 of the discussion paper.

Hobsons Bay City Council

- The concept of an integrated Planning Policy Framework (PPF) is supported on the grounds that it will better align local policy with corresponding regional and state level direction and strengthen the role of local planning outcomes. It is agreed that planning authorities need to uniformly give effect to all policy within the Planning Scheme and that policy should be operating coherently across different levels to provide effective direction for permit applicants and planning authorities. However, there is little discussion on the implementation of this reform. If it is left up to each individual Council to go through an individual planning scheme amendment process to translate local policy content in to the PPF structure creating additional work for which resources will unlikely be available in the short term. It is suggested that each Council make a submission to a Ministerial amendment which is exempt from exhibition. This would result in essentially a policy neutral change, although it has been noted within the discussion that there may be slight changes to existing policy which could be guided via new practice or advisory notes.

- Additionally, in attempting to merge existing local policy and state level directions, it must be understood that local policy is far more specific than its state counterparts and occasionally incorporates policy issues that are unaddressed at the state level. For example, Hobsons Bay, like many other municipalities, has put significant work into addressing issues like licensed premises and gambling. These issues are not explicitly referenced within the current State Planning Policy Framework, although there are some related themes, such as ‘healthy neighbourhoods’. It is noted that local policy in the MSS will be reviewed and integrated into a PPF. As such, this reform is supported provided that the specific intent and policy direction adopted by Council is able to be faithfully translated into the PPF. These issues are further discussed under proposal 2.3.

Frankston City Council

- I agree. This will better connect State and Local planning policy allowing for policies themes to be grouped and unified.

CS Town Planning Services PL

- Again, in NSW the overarching State policy seems to provide for a more consistent approach to decisions and less variation region to region. There is concern that some Local Government policy would become
embedded in State policy when perhaps it isn’t relevant across the board. And that Local Governments may have too big a role in setting legislation if combined. But, having a clearer and more consistent approach to planning can only be a positive.

Collie Pty Ltd  
• Great idea as it will lead to less doubling-up of often very similar provisions, which should result in more efficient assessment times.

Lindsay Gordon  
• There is no good reason for the existing fragmented system with Local Councils essentially causing a barrier to proper and appropriated development through a myriad of minor local considerations.

Australian Institute of Architects  
• An integrated, theme-based policy would help designers to more clearly understand the strategic vision for an area, and ensure their design addresses a unified vision.
• We have some concern that particular places or spaces may lose policy backing for some of the intricacies, local characteristics or qualities that may inspire outstanding design responses for that particular area, if policies are integrated at local and state level.

Jacobs Group (Australia) Pty Ltd  
• We emphasise the importance of strong policy support for the development of essential infrastructure, currently at Clause 19.03 (Development infrastructure) and consider that any future “transformative initiatives” must not compromise the efficient and timely provision of infrastructure.

Peet Limited  
• Peet is wholly supportive of efforts to create a streamlined approach of more clearly aligning local policy objectives within the overarching State Planning Policy Framework (SPPF). Stronger integration of SPPF objectives in the local context will reduce conflict and areas of confusion, ultimately resulting in reduced delays across the development industry and benefitting all users.
• This approach will ensure that implementation at a local level remains in accordance with sound planning principles developed at a state level. One example of a common area of conflict for urban development proposals is car parking. There is an ongoing push for increased density in mandated growth areas which is often contradicted by instances of local Councils mandating higher car parking requirements than those required under Clause S2.06. Clearer alignment with the state policy on issues such as these should provide greater clarity for users while lessening the burden of appeal processes through the VCAT system.

Planning Institute Australia (PIA), Victoria  
• As per our overarching submission, there is merit in this approach and PIA supports reduction in the length of this section of the Framework however, it comes at a considerable resource cost and needs to be prioritised and timed accordingly. There are also matters that need further consideration:
  o How this ties into Plan Melbourne 2017-2050 without duplication
  o The Planning and Environment Act establishes a hierarchy using the existing Planning Policy Framework that assists in statutory interpretation (Section 7, Part 4). In particular, it clearly differentiates between ‘State’ and ‘Local’ policy. It is unclear how the proposal relates to these Act requirements, including how the ‘Regional’ policy is to be read.
  o As the details of the Transform phase are unknown, we cannot comment on how it relates to the outcomes of that phase or if it will still provide an appropriate structure.
  o Some matters identified in Appendix 1 of the Discussion Paper might be more appropriately dealt with as particular provisions.
  o Clarification is required as to who is responsible for reviewing and updating the ‘Regional’ policy section.
• In summary, it is considered that more consultation on, and testing of, the content of the Planning Policy Framework is required before this proposal is implemented. If implementation for the process commences, consideration needs to be given to how local governments can be supported: be it through direct funding, a flying squad model, review or writing process, noting that the needs and preferences will vary between local governments.
• A realistic timetable also needs to be prepared to achieve this outcome, noting that Councils are currently undertaking planning scheme reviews.
• Please see attached letter

PIA Victorian Young Planners  
• The VYP broadly agrees with this proposal. The need to simplify and remove policy contradictions within the current layout of the SPPF & LPPF is important. There is a concern, understanding the realities of implementing policy and the push and pull between State and Local government that the introduction of a new ‘layer’ policy (being Regional) will further complicate the system and add tensions.
In addition, with the ‘umbrella’ policy headed from the State there needs to be mechanisms in place to ensure that when new planning issues emerge there is a means for them to be addressed. Traditionally, within Victoria it has been Local Government that has pushed for innovation/more relevant controls within the planning system (ESD, better apartment design etc), if DELWP pursues this need model of policy layering then it needs to fully commit to other initiatives associated ensuring that planning policy is updated to address relevant and current issues.

Bosco Jonson Pty Ltd  
• Can you please expand on the example in Figure 3 of the discussion paper? It would be helpful to see the content of an integrated clause as it would help to identify potential strengths and weaknesses of such an approach?

Australia Pacific Airports (Melbourne)  
• It is noted within the proposed Table of Contents for the new Planning Policy Framework (p.44) that Clause 18.04: Airports is retained, but the sub-clause pertaining to Melbourne Airport (currently 18.04-1) has been deleted.
• If the Melbourne Airport sub-clause is proposed to be moved to the regional policy level, it is requested that this is applied to Planning Schemes beyond simply the boundaries of the Melbourne Airports Environments Overlay. In light of the Minister’s recent direction requesting that Councils refer noise-sensitive proposals on land affected by the N Contours to Melbourne Airport, it is imperative for consistency that the importance of airport safeguarding is also recognised in the PPF within regions affected by these contours. Further, this provides for greater weight to be given to the protection of Melbourne Airport in planning decisions.
• It is also requested that the content of Clause 18.04-1: Planning for airports be revised to either: (1) be generalist and not refer to specific airports; or (2) recognise Melbourne Airport (currently only Avalon, Essendon, Moorabbin and Point Cook are mentioned).

Small Change Design & Construction Pty Ltd  
• Integration of all three levels of policy is imperative with the State policy setting the direction. Regional and local policy should then support and give form to implementing this overarching strategic direction with accountability built in to the system.

Niche Planning Studio  
• The integration of state, regional and local planning policies allows for a positive state-wide approach to planning, whilst still maintaining the significance of each specific region or area.

Surveying & Spatial Sciences Institute  
• Supported in principle, but needs to be well resourced. Needs a little more clarification on who has input into the Regional Policies

VPELA  
• Integration and streamlining is one thing; writing them with meaning is quite another. The policy frameworks are way too repetitive and need to be worded consistently across schemes where possible. Regional
Reforming the Victoria Planning Provisions – Comments and submissions

Glenelg Hopkins CMA
- Improved Integration of State, Regional and Local Policy is supported. Again, with specific regard to clarification of the strategic objectives and policy settings for Floodplain Management in Victoria, this proposed change has potential to better integrate State through to local level floodplain management policy, taking into account the states broad objectives for management of floodplain development (as conveyed by the Victorian Floodplain Management Strategy) through to development of appropriate local policy.
- Further to this, it is encouraging to see recognition within the discussion paper of the current overlap of Local Government regulatory mechanisms with those administered by other authorities. As indicated under the "land Use Focussed" principle on page 7 – examples of significant overlap exist with regard to a range of environmental approvals and earth resources development approvals. This overlap creates regulatory burden of questionable value and needs review with the view to potential for creation of "One-stop-shops" for some approvals with particular reference to matters where the expertise to make proper judgements lies outside local government. Examples of such matters include approvals for vegetation management in waterways and farm dam construction.

Mounts Buller & Stirling, Hotham; and Falls Creek Alpine Resort Management Boards
- This proposal is supported in principle. The current 12.03 Alpine Areas clause could be supplemented by laying out the goals of the Alpine Resorts Strategic Plan as Regional policy, guided by the Alpine Resorts Co-Ordinating Council.
- The Boards can further formalise their strategic plans by including objectives and key themes from Master Plan documents in the PPF.
- The fee for Planning Scheme Amendments necessitated by this or any other proposal should be waived for at least the first 24-months to allow Boards to make required updates without passing on substantial costs to residents.

Eltham Community Action Group
- Local special characteristics must be recognised and protected or we risk homogenisation of Melbourne and regional Victoria and the loss of our individual communal identities.

Dunmoochin Landcare Group Inc
- The proposal should describe how the integration between state, regional and local government regulation would be achieved for each local government body. Presumably each would have an issue specific to the particular local government.

Bellbird Residents Advocacy Group
- It is essential that local policy effectively represents the wishes of that local community. If subsumed in state and regional policy, this representation will get greatly diluted.

Toxic Free Fawkner
- To remove any all input from community residents and their elected representatives at a council level would be unconscionable. To give only council CEO's on council a final say in planning matters would be even worse. CEOs are un-elected. The CEO at the Moreland council, the council within which we reside, is already a self appointed law. The CEO is unresponsive to resident's concerns on zoning, planning, and enforcement of by-laws. To give this CEO - who does not live in the municipality in which she works and seems to have limited regard for it, save for performance payments - total say in planning matters would add insult to what is already severe injury. Where is the court of redress in this proposed integrated planning framework? Where is the broad community consultation in handing out this kind of power over resident’s environment and lives?

Shoreham Community Association
- We were pleased to read that an intent of the Integrated Planning Policy Framework is to enable "stronger local policy" (page 13). However, as a smaller, village-based community on the Mornington Peninsula, we are concerned that there seems to be no guarantee that intent would be delivered. Another scenario might be central control overwhelming local policy through over-generalization or ignorance of local considerations – either initially or by unforeseeable changes at the State level in future.
- Current State Government policy encourages growth and urban consolidation so as to accommodate planned population growth especially within metropolitan Melbourne. Such policies are simply not generally applicable to the Western Port villages and the conservation of our Green Wedge hinterland.
- The planning statements for both the peri-urban Mornington and Bellarine Peninsulas already occur at State level. We are anxious that the importance of those statements is not weakened through over-simplification or generalization. The Mornington Peninsula LPS et al must be given prominence. As an integral part of the Mornington LPS, there will be a Green Wedge Management Plan and a Housing and Settlement Strategy both of which will finalised fairly soon. If no prominence is given, then all three of these proposals could be 'lost' to the demands of Melbourne's urban growth and tourism aspirations.
- We have been alarmed by recent state-level decisions threatening local character / values and the subsequent indifferent Ministerial responses to those concerns. A prime example is the “as of right” permission for three storey buildings in the GRZ. Far better consultation at the local and community level is needed in future in regard to significant changes to the VPP such as the above.
- We believe it is too inflexible to require that local policy “would need to be derived from state planning policy” (page 17). We are also not convinced all local concerns would fit a preconceived set of “Themes”. For the flexibility to cope with local issues, we believe this would be better expressed as “consistent with”.

Flinders Community Association
- It is critical that the Mornington Peninsula Localised Planning Statement be given due prominence. Local policy is essentially derived from and related to local needs and developed with active community participation. “One-size fits all” State planning statements will be unacceptable. State policies may provide an overall framework but will not be sufficiently well tuned to provide local policy guidance. Themes specifically identifying and protecting Neighbourhood character, Heritage and Green Wedge (environment and farming issues) need special policy attention.

Nepean Historical Society (NHS)
- We note the proposal (p17 Discussion Paper) that planning authorities would be required to "uniformly take account of, and give effect to..." all tiers of policy-state regional and local. This is prima facie positive. However, we agree with the emphasis of the MPSC on the importance of MP’s “specificity within its local policy”, and the warning of the risk "that policies under the current scheme may not readily fit within the new themes.” Local planning discretion and local specificity are essential and are recognised as such in key parts of the Discussion Paper.

Blackburn and District Tree Preservation Society Inc
- It is apparent, from the comments on page 15 (i.e. the list of issues that characterize the current policy framework and discussion of the inadequate policy review and upkeep) that emphasis in any VPP reform must be given to:
  - Creating, managing and continuously reviewing a quality management/document control system to ensure the integrity and relevance of the VPP at all times
  - Fostering a mutually-beneficial collaboration between State and Local Government Planning staff in the administration of the VPP with regular community collaboration and review
  - Providing adequate training and ongoing professional development for Planning staff at both State and Local levels of government
- There is also a concern with the statement (page 17, third-last para):
  - "To implement the new PFP, existing regional and local planning policies would need to be reviewed and appropriately redistributed under the relevant planning policy themes.”
  - Of particular concern is the potential for dilution of the regional and local planning policy themes under ‘the weight’ of state policy planning policy themes.
<table>
<thead>
<tr>
<th>Red Hill Community Association (Mornington Peninsula)</th>
<th>Localised planning policies need to be ratified.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual responses</td>
<td>The findings of the various reviews into the VPP confirm that the clear majority of local planning policies as currently drafted are not suitable to be “redistributed” or “translated” into proposed PPF.</td>
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<td></td>
<td>New rules and guidelines for policy will need to be strictly applied and enforced to ensure inappropriate content in the current LPPF is not “translated” into the proposed PPF. It is anticipated that many local Councils will to resist the loss of “local content” that is inappropriate in the proposed PPF but which is nonetheless perceived as being important / relevant.</td>
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<td>Accordingly, if it is not already planned, it is suggested that the proposed Business Unit, if it is established in DELWP “dedicated to protecting the integrity and usability of the VPP and planning schemes” be responsible for vetting all local planning policies proposed to be translated into the PPF by local councils.</td>
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<td></td>
<td>I think this is a very smart move. All of this should have been done right at the start. Mt only suggestion would be a differentiation of the state, regional and local policy. The example is 17.03 Tourism with 17.03-1 STATE, 17.03-1 Regional and 17.03-1 local. If we are going through exercise of renumbering and consolidating items, this needs to be clearer for all. My suggestion would be 17.03 Tourism, 17.03-1 State, 17.03-3 Regional and 17.03-5 local. This separates the 3 levels of policy and allows for updates to be inserted with the most space being allowed for Local where the work is needed to be done.</td>
</tr>
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<td></td>
<td>There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.</td>
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<tr>
<td></td>
<td>There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.</td>
</tr>
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<td></td>
<td>The VPPs need to be flexible and responsive to new development and changes.</td>
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<td></td>
<td>Implement and maintain Council building regulations/guidelines that are unambiguous and contradictory. Councils have to know what the regulations/guidelines are in the first place so that they can enforce them and stop the waste of money in legal proceedings against developers.</td>
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<td></td>
<td>I applied for a home permit in Nillumbik. DELWP approved but the Council grasped at straws to disapproved. Their unconscionable behaviour has been disgusting. So, I disagree with the statement “insufficient weight being given to local planning policy” I’d like to see better power from the top that can eliminate or overrule terrible local council behaviour when it does occur. Councils vary tremendously and I find it is rarely in a good way. Otherwise, I generally agree with this section that the State and Shires should be more inline.</td>
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<td>If all these are incorporated, local planning policy will be swamped within the other provisions and lose its local value.</td>
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<td>A recurring theme in statutory planning is the ongoing conflict between state planning policy and local planning policy. Some of this is deliberate, as municipalities go with their constituents in seeking planning outcomes different from those in State policy. However, much is inadvertent, where local policy drafted in a specific manner is held on appeal to be inconsistent with State policy which is invariably worded in a broader, more general manner. In principle, the vetting mechanisms in the amendment process are supposed to identify and resolve any such inconsistencies. In practice, such inconsistencies remain in planning schemes and can cause much dissatisfaction within the community when it is perceived that State policy is riding roughshod over local interests. This suggests inadequate assessment of local policy at State level when planning scheme amendments are submitted for approval by the Minister, rather than an inadequacy of new planning scheme layout.</td>
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<td>Laying out policy content so that state and regional policies should make it much easier to ensure consistency between the different levels. It is reassuring to see the proposal for State policy to be expanded to accommodate local policy, but care should be taken to ensure that such expanded State policy is broad enough to accommodate not only existing local policy but potential new policy on new planning subjects which might not be currently subject to local policy.</td>
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<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
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<td>It amazes me that this proposal is coming from an ALP State Government, with developers all over the State doubtless being in a state of euphoria. Councils are far from perfect in their planning approaches and decisions but at least they are close to and aware of the planning isssues under review. The proposed shift to a central “integrated” authority and process is strongly opposed.</td>
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<td></td>
<td>Proposal 2.1 seeks to introduce a regional policy. Local policy seems to be further diminished and will be even less subject to local council input of any significance. I believe any new review of the planning scheme should strengthen local input and allow for strong controls to be implemented locally. The new regional policy level will be used to override local concerns and allow the development industry even more influence on overall policy.</td>
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<td></td>
<td>The future planning of Melbourne should not be decided by developers, the housing industry or real estate markets.</td>
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<td></td>
<td>Provided that clear statement are indicated of which state/regional policy are intended to be applicable for DA assessment vs. policies intended to be solely for guiding/support in strategic/structure planning for a municipality.</td>
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<td></td>
<td>I am not confident that adequate provision will be made for Local Planning Policy objectives, and that they would be truly local to particular areas (not broad brush across say a whole council area). I live in South Eltham, in the heart of the Green Wedge in a semi-bush environment. This locale is very different to central Eltham and needs much more stringent environmental overlays and building siting and design constraints if it is to be protected for future generations to enjoy. How can we be guaranteed that there will Council staff of adequate calibre to draft the Local Planning Policy objectives? How will the local population be consulted on the formation of their “local” policy.</td>
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<td>This is a low yield reform that generates enormous quantities of work for very marginal benefits. It also is limited to the use of local policy to drive policy innovation. We don’t have regional planning authorities so elaborately creating regional planning policy rather than just including statements about regions in state policy seems especially pointless. It is vital that the integrated PPF does not proceed until much more work is done on improving drafting practices, so that the benefit from such widespread redrafting can actually be realised. Sequencing of reforms is therefore crucial. The clause 11/12 and 21/22 structure I have outlined previously would be much more helpful.</td>
</tr>
</tbody>
</table>
- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

- Making it simpler with clearer rules across the state makes it easier to know “what works here”

- This improvement is the best suggestion from the whole program. Some of the following proposals may be saying the same thing backwards.

- Disagree – The integration of the LPPF into the VPP would involve adopting “a one size fits all” approach ignoring the nuances and differences between areas within municipalities and within municipalities. For example, in the Whitehorse Planning Scheme there are 5 schedules covering the NRZ to reflect the differences for example between Mont Albert and Blackburn. Overlays are in planning schemes because of the need to provide protection for areas that are special, because of for example vegetation or heritage, and permit exemptions. Specific Whitehorse policies built on extensive community consultation on trees and neighbourhood character must be retained.
2.2: Simplify the Municipal Strategic Statement

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Submissions</td>
<td>City of Greater Geelong, Knox City Council, Moreland City Council, City of Stonnington, South Gippsland Shire Council, City of Casey, Property Council of Australia, Urbis Pty Ltd, Yarra Ranges Council, Green Wedge Protection Group</td>
</tr>
<tr>
<td>Wellington Shire Council</td>
<td>Needs to be flexible enough to respond to local policy considerations/issues commensurate with local needs.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>The proposed PFP and simplified MSS structure will diminish the presence and comprehensiveness of local policy. The current policy structure provides a snapshot of an area by looking in one part of the planning scheme. This will be removed by the proposed PFP. Clarification is also required as to whether Section 7 and 12A of the Act will be amended to address these proposed changes to the format of the MSS. Officers are not supportive of the proposal to significantly simplify the MSS by relocating parts to the PFP. The MSS provides integral direction to numerous Council documents, such as the Council Plan and should not be simplified.</td>
</tr>
<tr>
<td>Maroondah City Council</td>
<td>As per MAV comments</td>
</tr>
<tr>
<td>City of Kingston</td>
<td>Council supports the simplification of the Municipal Strategic Statement provided that any such streamlining is policy neutral in nature and does not restrict Council’s ability to deal with locally specific issues. It is noted that there may be characteristics unique to an individual Council which do not clearly fit under the three levels of policy proposed under the restructured VPP. It is critical that the integration of state, regional and local planning policy does not unduly restrict innovation or the extent to which local policy can be drafted to deal with uniquely local planning, environmental and land use issues. A ‘one size fits all’ approach to local policy is considered unlikely to work and would largely defeat the purpose of providing local policy context.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>The proposed structure of the municipal context and vision (the Municipal Strategic Statement as it is presently known) is supported. Also, sighting this at clause 10 of planning schemes is considered logical to provide local context at the beginning of each planning scheme.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>If the streamlined approach in 2.1 above was adopted and there was a clear line of sight between state / regional / local PFP most of the local content of the MSS and the LPPF would be dealt with in the PFP. This would result in strengthened local policy that is easy to find and use. If most of the MSS / LPPF was paired with relevant state policy in the streamlined PFP, it would be sensible for the new MSS component in the VPP to be streamlined to a new ‘municipal context and vision’ that provides an overview of Council’s strategic planning direction. Further information on how the MSS will be captured is requested.</td>
</tr>
<tr>
<td>Murrindindi Shire Council</td>
<td>This is supported and is in line with our current MSS.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>What resources does DELWP have to implement the changes for each Council’s PFP and clear direction to the content and format of this section and if the if the legislative reviews will also be incorporated into the Act if this is to be introduced to define the requirement to be ‘regularly reviewed’. Also consider introducing a streamlined amendment process for amendment to the MSS that is amended to update Council Plan.</td>
</tr>
<tr>
<td>Wyndham City Council</td>
<td>Initiatives to simplify the LPPF including the MSS are supported in principle. However, the MAV suggestion may provide a more streamlined policy framework than that suggested in the Discussion Paper. Any proposal to simplify the MSS should not preclude local government initiatives on initiating policy where there are policy gaps at State level – ESO, apartments etc.</td>
</tr>
<tr>
<td>Maribyrnong City Council</td>
<td>A model MSS or template from the Department would greatly assist local governments in drafting a ‘simplified’ MSS.</td>
</tr>
<tr>
<td>Greater Shepparton City Council</td>
<td>This reform is partially supported by officers; however, it is unclear how it will be implemented and there is some question as to whether it will particularly reduce content and specific policy direction. It is difficult to see how this will differentiate from some aspects of the local policy in the tiered section. The proposal to move to a more concise MSS would be beneficial to all users of the planning scheme. However, officers query what value will then be placed on MSS content, while it is noted that a review process already exists, by the planning scheme review process, which occurs every four years. It is considered that, if parts of the MSS are removed, the role of the reference document in the scheme may be lost, where is the narrative as to why is this? Further there would be more reliance on reference documents to provide background on policy formulation. Therefore, appropriate weight would need to be given to reference documents to allow them to be used in the consideration of statutory applications as the Planning system cannot rely solely on Incorporated Documents to perform this function. Ordinarily this is not the case.</td>
</tr>
<tr>
<td>Hobsons Bay City Council</td>
<td>Simplifying the Municipal Strategic Statement (MSS) is supported as is the relocation of the MSS to the front of the PFP, to establish the local context of each planning scheme. This measure is supported on the grounds that more concise and consistently structured MSSs will result in a more user-friendly planning schemes which more clearly articulates the established context for local policy direction. It is noted that a process of reviewing existing MSS content which is not part of the existing Strategic Vision for the municipality – i.e. the objectives and strategies – are to be reviewed for their ‘appropriateness’ and ability to be included in the PFP under the nominated policy themes. The degree of flexibility provided in adapting adopted local policy content is crucial for councils in navigating this process.</td>
</tr>
<tr>
<td>Frankston City Council</td>
<td>I agree. This would set the scene and allow a direct message at the start of the PS.</td>
</tr>
<tr>
<td>Colliie Pty Ltd</td>
<td>Hopefully this will also mean more real descriptions of the unique characteristics for a municipality - at present for example, you lose count of the number of MSS that talk about a special treed garden character.</td>
</tr>
<tr>
<td>Australian Institute of Architects</td>
<td>Local government resources – the amount of time, money and effort required to redraft entire local policy provisions is immense. We aren’t convinced that this effort and use of resources justifies the benefits of this particular proposed reform. Very hard to implement – the political nature of councils could prevent changes or simplification of local policies. Valuable local council resources could be being put to better use (e.g. to improve and develop a more collaborative approvals process for exemplary designs – please see response to ‘what else could be done to make planning policy easier to apply and understand’ for more information).</td>
</tr>
<tr>
<td>Planning Institute Australia</td>
<td>PIA reserves the right to comment until further information is provided as to how this will work in practice. There is inadequate detail about this proposal.</td>
</tr>
</tbody>
</table>
Reforming the Victoria Planning Provisions – Comments and submissions

PIA Victorian Young Planners

There is an opportunity to partner with the ABS to ensure that census data is accessible from this section of the Planning Scheme. With particular information regarding population growth and household composition.

Tomkinson Group

The MSS does not need to reiterate, in different words, the LPFP. It only needs to provide additional local detail, and hopefully a reform will ensure that MSS does not contradict of confuse state and local policies.

Niche Planning Studio

Niche is supportive of the proposal to simplify the MSS, as it has the potential to only provide relevant and succinct information.

Coibain Water

There is an opportunity to support short context and vision statements from government agencies that assist in delivering planning outcomes, Vic roads, Water Corps etc.

Glenelg Hopkins CMA

It is submitted that that the proposed “municipal context and vision” should ensure that there is recognition within the MSS of the need to recognise that constraints should and do apply to the development of floodplain land.

Mounts Buller & Stirling, Howtham; and Falls Creek Alpine Resort Management Boards

The Boards note that there are currently six distinct Resort Strategic Statements at Clause 21. The current level of detail provided is too small to determine how it is envisaged that the unique urban and natural form and requirements of each Resort area will be reflected within a unified Municipal Strategic Statement, as the scheme encapsulates more than one municipality.

Mount Buller & Stirling, Falls Creek and Mount Hotham currently have Clause 22.01 – Local Planning Policies dealing with sustainable development, car parking, and Aboriginal heritage. The fee for Planning Scheme amendments that the Boards will be required to undergo in order to make proposals should be waived.

Eltham Community Action Group

Yes, simplify the MSS, after purposeful community consultation, but not to the point of it being meaningless.

Dunmoochin Landcare Group Inc

Regular review of municipal context and vision is important, given that there can be radical shifts after an election. The local vision can be a divisive issue in the population and although this is democracy at work it would be hoped that state legislation, based on the most recent science on the health of the environment, would have a modifying effect. If aspirations of state and local government are polarised are we likely to have conflict between the hierarchy of regulations. Or does DELWP set the tone and if this is so it should be clearly stated.

Bellbird Residents Advocacy Group

It is essential that local policy effectively represents the wishes of that local community. If subsumed in state and regional policy, this representation will get greatly diluted. The MSS is essential to providing policy guidance in locally relevant issues - e.g. the importance of landscape character.

Toxic Free Fawkner

Simplicity breeds contempt and could easily prove a pathway to short cutting due process and sophisticated, proper and appropriate planning decisions being considered and taken. It would appear from the scant outline of this statement that planning in this state will become a rubber stamp to anything goes as long as it has a healthy price tag attached that will fill government coffers. We will undoubtedly see local municipalities robbed of much need infrastructure revenue as state government hoovers up a consolidated development money pot. This is Bad Politics!

Shoreham Community Association

To cite a quotation attributed to Einstein - “Make things as simple as possible, but not simpler.”

Flinders Community Association

Grouping and consolidation of policies has merit. Clear indexing of policy topic and subject matter is necessary to increase awareness of possible policy overlaps. However, care will be needed to ensure that the comprehensiveness of the MSS is not diminished. Each municipal district is different with its own character and situation. Special/unique policy guidance aspects of MSS policy should not be lost in any attempted simplification.

Nepean Historical Society (NHS)

The proposed new “municipal context and vision” providing a “concise description of the municipality and an overview of Council’s strategic planning direction” is recognition in this paper of the centrality of local planning. What should logically follow from that is concomitant recognition of the importance of local specificity and discretion.

Blackburn and District Tree Preservation Society Inc.

It is important to make sure that, by striving for a ‘concise format’ and ‘a more focused and direct message’ in simplifying the MSS, the resulting reform does not dumb down or dilute the MSS to the detriment of residents (and benefit developers).

Individual responses

I agree. The MSS is a foundation statement but reading so many of late I have found some are so in precise that you cannot make out the point and some are so detailed you need a book and a light and all night to decipher them. The purpose of the MSS should be much better defined and anything that is not needed should be removed.

It is a little unclear where the simplified MSS would sit and how it would talk to the Local Planning Policy within the amended PPF.

It is unclear how local policies will be integrated. It would be a shame for them to be taken out or broken up to ‘fit’ into set themes as they have very specific and often site-specific policy. East Gippsland has seen the negative outcomes from having all local policies taken out of the planning scheme.

There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.

There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.

The VPPs need to be flexible and responsive to new development and changes.

As long as the strategies within the Municipal Strategic Statement are clearly defined, easy to understand and not open to interpretation.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

I welcome the concept of a MSS which provides a concise description of the municipality and an overview of council’s strategic planning direction and that such would set the scene for the planning scheme and establish the policy basis. The MSS must be the product of the local council without undue interference at the state or regional level. State Government must support Local Council planning policy. Any “regional
policy” must take local policy into account in overall planning.

- It needs to not be so generic that it’s pointless.
- Simplification of the MSS must not be at the expense of local character, policy guidance, vision or the strategic direction as articulated in the current MSS.
- The current Municipal Strategic Statement should be strengthened and supported, not simplified and weakened. All planning applications should go through rigorous investigation and approval only be given when all provisions of the planning scheme are met.
- What this means is not clear. Is it referring to the whole Clause 21 or only a ‘municipal context and vision’. If it referring to the whole Clause 21, unless there is better and more responsive State policy and much more flexibility by VCAT on what is included in the scheme, this will not suit Councils. If reference documents can be given similar weight to incorporated documents by the planning system, then it might work.
- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
- The simplification process must not downgrade the importance of the MSS.
- There is almost no detail about what you envisage here. It reads as a vague gripe about current MSS drafting – which would have some basis – but without any clear idea of how you are actually going to help improve it.
### 2.3: Expand policy themes

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<tr>
<th>GROUP</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Wellington Shire Council</td>
<td>Needs to be flexible enough to respond to local policy considerations/issuses commensurate with local needs.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>Council acknowledges that an expanded set of policy themes would be required to support the proposed PPF structure. However, flexibility is needed within the broad themes to ensure existing and future specific local policy content can be captured, rather than potentially requiring a state-wide amendment to introduce a new theme. In the absence of a complementary theme, the ability to put forward specific local policies will be restricted. In addition, the clauses in the proposed table of contents should be ordered to place the most commonly used clauses at the beginning.</td>
</tr>
</tbody>
</table>
| Whittlesea City Council | Support in principle. Consider the following suggestions:  
  o Under Clause 15.02-2 Aboriginal cultural heritage  
  o Consider identifying landscape attributes known for containing Aboriginal subsistence and settlement patterns which are likely to contain Aboriginal cultural heritage sensitivity (for example riverine environments, former swamps)  
  The sub-clauses for Clause 15.02 Sustainable development should be broadened in scope. Since 2012 various Victorian Councils including the City of Whittlesea have worked towards Environmental Sustainable Design principles. A number of Victorian Council’s currently have stormwater and/or Environmental Sustainable Design (ESD) local planning policies with objectives under the following themes:  
  o Energy performance, Water resources, Indoor air quality, Stormwater management, Transport, Waste management, Urban ecology  
  Currently Clause 15.02 provides no overarching objective, with 15.02-1 Energy and resource efficiency focussing on encouragement of “land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.” In some cases (e.g. clause 14.02-3 Water conservation) there are direct links to the objectives of ESD Local Planning Policies while other themes are addressed (e.g. clause 13.04 Air quality) though the objectives are not aligned to the scale of ESD LPP (households). The proposed structure continues to keep these elements separated across the PPF which does not reflect how sustainable development is now considered and limits the consideration of environmental functions to aspects such as risk or landscape values.  
  Clause 13 Environmental Risk and Amenity  
  A review of Clause 13 Environmental Risk and Amenity should be considered:  
  o Climate change adaptation is the field of limiting the risks from impacts of climate change. As such it should sit alongside the concept of environmental risk rather than as a subclause. Separating climate change from climate related risks such as bushfire, flooding diminishes the link between the two. In essence, if coastal inundation is considered a climate change risk (as in the current SPPF) why is flooding only considered a broader environmental risk?  
  Preferred option:  
  o The title of the section is changed to climate change adaptation and environmental risks  
  o Coastal inundation sits alongside the current clauses of bushfire, flooding etc  
  Other option: That adaptation is properly recognised within the climate change subclause (13.01) as the proper name for the field of dealing with climate change risks.  
  Other concerns: The purpose of including “Amenity” in Clause 13 is not clear. |
| City of Greater Bendigo | Agricultural should go in economic development as a major contributor in rural councils and focus needed on development and growth of the industry with a sub heading of intensive agriculture. Forestry could have own heading under economy or under resource extraction.  
  Need Health and Wellbeing separate theme. It’s more than just infrastructure. |
| Maroondah City Council | As per MAV comments. |
| City of Kingston | Care must be taken to ensure that restricting the range of policy themes that can be addressed in the planning scheme does not restrict the ability to innovate, adapt and/or address new or emerging themes.  
  A requirement for all local content to fit within predetermined themes could restrict a Council’s ability to address issues unique to their local area. Similarly, in the event that a new, previously unidentified, issue or theme arises there would be no category within which to place it. Council does not support an absolute restriction on the number or type of policy themes that can be addressed in local policy. |
| Yarra City Council | It is understood that the implementation of the PPF is intended to be policy neutral, and that its contents would broadly reflect the existing SPPF. However, some changes are proposed and Council makes the following comments on the proposed table of contents for the PPF:  
  o There is not a consistent or logical sequence of clause headings across different policy areas. For example, clause 17.03: Industry includes three sub-clauses addressing supply, sating and state-significant precincts. However, other employment uses (i.e. office, retail) are seemingly grouped together under one general clause 17.02: Business, where both spatial and thematic policy would need to be addressed. Council considers there should be a consistent approach to clause headings across policy themes;  
  o More information is required regarding the intent of certain new clauses. For example, clause 11.03: Planning for Places includes new sub-clauses 11.03-3 Settlements, 11.03-4: Neighbourhoods and 11.03-5: Local places and clause 17.01: Diversified economy includes sub-clause 17.01-1: Employment. The purpose / spatial definition of these should be made clear;  
  o Clause 13.06: Amenity includes two sub-clauses 13.06-1: Amenity and 13.06-2 Noise abatement. Council questions whether it is sufficient to cover all amenity concerns except noise in one clause, and reiterate that a consistent and logical sequence of clause headings is required;  
  There are a number of local policies in the Yarra Planning Scheme (YPS) that could not easily be distributed under the proposed PPF themes, or easy to locate for users for the scheme. These include:  
  o Advertising signs (clause 22.04);  
  o Caretakers Houses (clause 22.06);  
  o Licensed Premises (clause 22.09) and the liquor licencing policy (Amendment C209);  
  o Gaming Policy (clause 22.15); and  
  o Environmentally sustainable development (clause 22.17). |
<table>
<thead>
<tr>
<th>Council</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>Melton City Council</td>
<td>The proposed table of contents for the PPF appears to be sound.</td>
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<tr>
<td></td>
<td>It is difficult to comment on whether the proposed table of contents is appropriate or not without knowing what the content of the clauses will be.</td>
</tr>
<tr>
<td>Murrindindi Shire Council</td>
<td>This will require further consultation. It is difficult to see how all local issues will be aligned within the one state-based version of the PPF.</td>
</tr>
<tr>
<td>Carindia Shire Council</td>
<td>It is confusing why Air Quality has been removed from the new ‘Amenity’ section at 13.06 and is provided as a separate clause – does the policy direction not link with the new amenity policy?</td>
</tr>
<tr>
<td>Sustainable Development section (Clause 15.2) is a bit limited, it is not just about energy and resources in its current form – also about Water efficiency, Waste management, transport, building materials, Indoor Environment Quality (Amenity) – perhaps it should have its own Clause? Or will it be better integrated in other parts of the PPF?</td>
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</tr>
<tr>
<td>Wyndham City Council</td>
<td>Need to have tangible planning outcomes. Often SPPF policy difficult to apply and measure (i.e. assessability).</td>
</tr>
<tr>
<td>Maribyrnong City Council</td>
<td>The way proposed policy themes are grouped in Appendix 1 seems to suit regional councils more than urban councils.</td>
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<td></td>
<td>This can be seen in the issue of Environmental Sustainable Design (ESD). Many inner-metropolitan councils have adopted local ESD policies. ESD policies are primarily meant to address impacts arising from the built environment. However, in the proposed thematic framework, not only is there no ESD theme, major topic areas that would normally appear under a local ESD strategy have been ‘broken up’ and assigned under parent clauses like ‘13. Environmental risks and amenity’ and ‘14. Natural resource management’.</td>
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<td>For example, when someone from an inner-metropolitan council thinks about an issue like water quality (subclause 14.02-2) or water conservation (subclause 14.02-3), he or she usually associates that with ‘15. Built environment and heritage’ rather than ‘14. Natural resource management’.</td>
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<td>Given the increasing importance of ESD to planning, it would make more sense to expand the proposed subclause 15.02 ‘Sustainable development’ so that water conservation, stormwater treatment, air quality, and other ESD issues could be nested under it, rather than be placed under themes like ‘Natural resource management’ and ‘Environmental risks’. Currently, the only subclause proposed under 15.02 is 15.02-1 Energy and resource efficiency. ESD issues are much more than saving electricity.</td>
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<td>In regard to clause numbering, it seems more sensible to list themes common to all councils ahead of themes applicable only to regional councils. For example, Economic development (Clause 17) and Transport (Clause 18) should appear in the table of contents ahead of The Great Ocean Road Region (11.04-3) and Coastal Crown land (12.02-3).</td>
</tr>
<tr>
<td>Greater Shepparton City Council</td>
<td>This reform is partially supported by officers; however, it is unclear how this reform would be implemented as there are no practical examples.</td>
</tr>
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<td></td>
<td>It is considered important that any updates should be considered in light of the proposals set out in proposal 5.1 of the discussion document which seeks to amend and improve specific VPP provisions. Further to this, any improvements made as a result of VCAT or Panel recommendations should be considered in this.</td>
</tr>
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<td></td>
<td>This proposal may also require further consideration of the relative importance of each policy intention and how a conflict between opposing policies may be dealt with (i.e. solar policy and agricultural land).</td>
</tr>
<tr>
<td>Hobsons Bay City Council</td>
<td>This reform is supported on the basis that the specific intent and policy direction adopted by Council can be translated into the PPF. The inclusion of commentary indicating that the proposed policy themes are to be expanded to accommodate local issues is encouraging. However, the details of implementation of this process and what type of policy might be deemed to be ‘appropriate’ is crucial to better understanding the implications of this reform. It is expected that the Department of Environment, Land, Water and Planning will provide clear advice and guidance around this issue and support to councils in undertaking the process of migrating their existing policy work into the PPF structure.</td>
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<td>Without seeing the detail of any proposed subclauses that might be accommodated within the PPF, the proposed framework provided within Appendix 1 appears to be appropriate. However, within this draft framework there are a few observations that can be provided at this stage to indicate where further clarification of purpose should be provided.</td>
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<tr>
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<td>These are as follows:</td>
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<td>o 11.02 Urban Growth – It is unclear whether this clause applies to all forms of urban growth - including infill development and urban consolidation - or is only relevant in the context of greenfield areas where the Urban Growth Zone has been applied.</td>
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<tr>
<td></td>
<td>o 11.03 Planning for Places – It is unclear how existing Activity Centres policy should be allocated with regard to the proposed Activity Centre Network and Activity Centre Planning subclauses. It is also unclear where the divisions between ‘settlements’, ‘neighbourhoods’ and ‘local places’ lie. What constitutes a ‘local place’ and how this is different from a ‘neighbourhood’ needs to be further resolved especially with reference to the concept of the ‘20 minute neighbourhoods’ discussed under Plan Melbourne. Guidance needs to be provided over whether these areas are to be strictly spatially defined or are to be defined by the particular aspects of their functionality or connectivity.</td>
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<td>Clause 15 Environmental Risks and Amenity – currently this section of the SPPF addresses only ‘environmental risk’. It is unclear how the inclusion of ‘amenity’ adds further clarity of purpose. The addition of a separate clause related to amenity at Clause 13.06-1, being distinct from the following clause on noise abatement, is also confusing as amenity is commonly associated with noise issues particularly in relation to traffic impacts. If amenity is an issue separate from noise abatement it is difficult to anticipate what it is seeking to address. Furthermore, it is debateable whether the issue of amenity is a genuine environmental risk when compared to perhaps sea level rise, flooding, bush fire, or land contamination. Further clarity over the specific nature of amenity based policy measures would be needed to guide the development of local policy responses on this issue.</td>
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<td>Clause 15.01-6 Cultural identity and neighbourhood character – it is unclear how the addition of ‘cultural identity’ provides further clarity on or assists policy direction regarding neighbourhood character.</td>
</tr>
<tr>
<td>Frankston City Council</td>
<td>I agree subject to: Embedding local policy under a head State provision may not be as obvious to the user. Currently grouping Local Policy in Clause 22 allows for the user to skim over the contents page and become immediately familiar with the key local policy themes. If these are grouped in a thematic tiered manner, then it may not be as obvious to the user.</td>
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<td></td>
<td>In addition, some local policies deal with multiple ‘themes’ or have a site specific or region flavour. It is unclear how these will be placed under a singular broad State theme as shown in Figure.</td>
</tr>
<tr>
<td>Collie Pty Ltd</td>
<td>Not opposed per se to expanding policy themes PROVIDED they meet (and future amendments meet) proper tests of essential need / cutting red tape / not variations on a theme already in place.</td>
</tr>
<tr>
<td></td>
<td>This means it is incumbent also on DELWP / the Minister to be subject to these tests, before authorising an amendment.</td>
</tr>
<tr>
<td>Jacobs Group (Australia) Pty Ltd</td>
<td>We consider that it is necessary to ensure that new policy themes such as proposed Clause 12.03 (Waterways and water bodies) or Clause 13.06 (Amenity) support infrastructure operators ability to operate, maintain, upgrade and extend existing facilities and do not unduly restrict the ability to use and develop new facilities or infrastructure.</td>
</tr>
<tr>
<td>Planning Institute Australia (PIA), Victoria</td>
<td>PIA reserves the right to comment until further information is provided as to how this will work in practice.</td>
</tr>
</tbody>
</table>
The discussion paper notes that current project may result in changes to the proposed PPF. As outlined above, it is considered more consultation on the detail and testing is required. As noted in the discussion paper, PIA does not support expansion where this may relate to unnecessary items covered by other legislation and regulation beyond the auspices of the Planning Act.

**Sharp design p/l**
- Provided that policy is succinctly stated and supported by quantifiable measures.

**Tomkinson Group**
- Implementation will be key.

**Bosco Jonson Pty Ltd**
- Ensuring that they are not repeated and being mindful of the nesting.
- For example, Urban Design and Urban Design Principles can be a single theme. Neighbourhood and Subdivision can be nested under Urban Design.

**Small Change Design & Construction Pty Ltd**
- Avoid expanding anything in our PPF. Succinct and efficient wording should be a priority. The one exception would be to add housing sustainability.

**Niche Planning Studio**
- The expansion of specific policy themes allows for each planning scheme to prioritise the growth and place-based policies of its own municipality. Further, it ensures that the user understands which policies are more important and significant.

**Coliban Water**
- Coliban Water strongly supports proposal 2.3 and the benefits this will look to provide through better linking of state wide issues at a local level. We would like to suggest that draft PPF contents 12.03-1 should be reworded to provide a clearer understanding of the policy themes.

**Glenelg Hopkins CMA**
- It is noted that a specific policy for “Floodplains” is identified which is supported. This is currently nested beneath clause 13 – Environmental Risks and amenity. Consideration should be given to simplification/clarification of the program logic behind grouping of specific issue policies provided at appendix 1 of the discussion paper – with particular reference to the matters currently grouped under clauses 13 and 14. The structure of this information would be clearer if policy relating to maintenance of Soil and Air quality are grouped beneath Natural Resource Management. Policy for minimizing soil degradation should be linked closely to policy for Agriculture.

- Further to this, and as per the comments under 1.3 above – policies for Bushfire, Floodplains and Coastal Erosion should be grouped under the heading – NATURAL HAZARDS. Presently, coastal erosion and coastal inundation are grouped together. Consideration should be given to dealing with the coastal inundation (floodings) issue under the Floodplains Policy with a separate policy for Coastal Erosion Management.

- Coastal Erosion and Coastal flooding are both present day risks regardless of projected change in risk as a consequence of climate change. Current lumping of these issues together is hindering practical action both now and into the future (from the perspective of adaptation).

- As per the comments under 1.3 above – coastal inundation is simply another form of flooding that can logically be addressed via application of LSIO, Floodway Overlay or even UF2 (with relatively minor adjustments in wording of these controls). Consideration should be given to the development of a specific COASTAL EROSION OVERLAY in order to establish practical arrangements for effective management of this issue via the planning system. Such an overlay would clearly be based on coastal erosion hazard mapping.

**Mounts Buller & Stirling, Hotham; and Falls Creek Alpine Resort Management Boards**
- The principle of increasing usability of the scheme is supported. In the proposed Planning Scheme hierarchy, it is proposed that there are Clauses for Alpine areas under both 11.04 – Planning for Areas of State Significance, along with 12.04 - Alpine Areas. The specific requirements for environmental management, housing, water, etc, will also be dealt with in later clauses of the Scheme. The ARMBS believe that their planning staff should be included in the conversation around 11.04, 12.04, and the balance of the scheme to minimise duplication of objectives.

- It will be important for the Resorts to have input into the form of these policy themes to ensure that Alpine requirements are appropriately reflected under the new structure.

**Eltham Community Action Group**
- We agree subject to recognising the importance of unique individual characteristics specific to local areas.

**Dunmoochin Landcare Group Inc**
- It is good to see 11.02-4 Peri-urban areas introduced. There should be recognition, of course, that there are major differences in the development priorities between peri-urban municipalities.

**Toxic Free Fawkner**
- Expand them to what and in which ways? So, short on detail in this statement.

**Shoreham Community Association**
- The scheme should be sufficiently flexible to allow for increased “Themes” as the need arises in particular during the transition phase when local policy is being pulled apart and integrated into State policy. Although we have an imperfect understanding of what should constitute a theme, we are inclined to think the current Mornington Local Planning Statement could become a “theme”. Perhaps this concept should be generalised to other peri-urban areas – “serving the city without becoming part of the city”.

- Protection of the environment is conspicuous by its absence in the current project documentation. This seems to show an imbalance and would be a major concern if overlays are to be weakened. Suitable themes might be Protection of Areas of Environmental significance, provision of Green Corridors/Biolinks, and Protection of Wildlife habitat.

**Flinders Community Association**
- Expanded themes may be appropriate as local policies are reviewed. It is essential however that the review process include community organisations and opportunity for public input.

**Nepean Historical Society (NHS)**
- We note that the “proposed thematic structure” starts with a “municipal context and vision”. We support this as the starting point of the policy themes: it puts the local context in the appropriate position.

**Blackburn and District Tree Preservation Society Inc.**
- The BDTPS contends that Active Transport and associated infrastructure be incorporated as a co-located policy theme in the proposed PPF thematic framework. Viable local and regional transport alternatives to the motorized vehicle and public transport need to be given the highest priority in any meaningful reform to the VPP.

- In addition, it is crucial that adequate open space provision with the incorporation of treed and otherwise vegetated landscapes, people-friendly linkages, low-stress walking and cycling infrastructure and human-scaled built forms be incorporated thematically within the VPP.

**Nillumbik Pro Active Landowners**
- Agree. See submission attached.
Individual responses

- I support the addition of a 'place' theme.
- There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.
- There needs to be a general heading titled "New issues" to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.
- The VPPs need to be flexible and responsive to new development and changes.
- You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process that doesn’t serve the people and regions it is in place to protect.
- While a simpler, more efficient and certain planning scheme is long overdue, the waffle in this proposal hints at weakening local policy. For example, "where a state policy and a regional policy are essentially equivalent, they may be standardised as a single state policy."
- And, "Any policy will also need to avoid including provisions that act as controls. These are properly implemented in appropriate zones, overlays or particular provisions, and their associated local schedules." The State Government has demonstrated their ability to change these controls at their whim.
- If future stages of these attempts are to further deregulate the planning process and radically change the system, then the government is hiding its intentions, locking out community groups from the process.
- The key issue is the statement that any PPF policy 'will also need to avoid including provisions that act as controls' (p.19). The discussion paper continues to advocate for policy guidelines and strategies to be included ‘in appropriate zones, overlays or particular provisions’.
- There are reservations about this approach of moving local policy into zones and overlays and considers that this should not necessarily be the default position. I understand the intent of this approach is to strengthen local policy content by including it in those controls that have traditionally been afforded more weight in the assessment and decision-making process. However, it is concerning that it also has the potential to weaken local planning policy.
- Councils have been set a limit to the number of objectives that can be included in the schedules to a number of zones or overlays through recent updates to the Ministerial Direction on the Form and Content of Planning Schemes. These updates (introduced quietly without any notice to councils) state that council can only include a maximum of five local objectives (in the case of the landscape and environmental overlays the maximum is only one objective). This severely restricts councils’ ability to set local planning objectives through these controls. The limited number of objectives means that objectives will have to be much broader to cover the issues that need to be addressed thereby being less effective. It is unclear why only five objectives can be nominated and how the Minister and the Department have determined that that is an appropriate number in all circumstances. Combined with the weakened approach of the SPPF and LPPF there is a real danger that local policy content will be significantly weakened. The system should allow for a balanced approach that allows local councils to appropriately implement local planning policies. In order to be relevant, the new PPF needs to provide clear guidance and direction to those assessing and determining planning permit applications. It needs to provide genuine assistance in the day-to-day assessment and decision-making process. If it were to be simply a repository for high-level vision and objectives, it would not be relevant. Instead it must provide clear strategies and guidelines on how and where use and development should or should not occur.
- The merging of the SPPF and LPPF therefore should not be an exercise in simply cutting out content with the intention to ‘streamline’ the policy framework. Such an approach would be counterproductive. It needs to be a clear decision-making tool for all participants to see that development outcomes meet the local context.
- The merging of the SPPF and LPPF would also allow the state government to finally introduce those guidelines contained in various reference documents into the planning scheme to afford them the weight they should have. This includes guidelines on urban design, heritage places and safer design. These documents have for too long been kept outside the planning scheme and formal assessment process. Importantly, the creation of an integrated PPF also offers an excellent opportunity for the Victorian Government to finally establish meaningful direction on a number of policy issues that have been largely ignored to date. Most notably, this relates to environmental sustainability on which the SPPF provides very little useful guidance. Local councils have therefore, been forced to step into the void left by successive state governments and developed their own policy guidance and the targeted approach.
- There is no mention of climate change and foreseeable impacts on development anywhere is the planning scheme other than Clause 13. This needs to be included throughout all provisions and reflect other strategies trying to be achieved at other government levels. If the Victorian Climate Change act includes the P&E Act as a Schedule 1. How with planning schemes and the generalist planners include this in the day assessment and decision
- The merging of the SPPF and LPPF would also allow the state government to finally introduce those guidelines contained in various reference documents into the planning scheme to afford them the weight they should have. This includes guidelines on urban design, heritage places and safer design. These documents have for too long been kept outside the planning scheme and formal assessment process. Importantly, the creation of an integrated PPF also offers an excellent opportunity for the Victorian Government to finally establish meaningful direction on a number of policy issues that have been largely ignored to date. Most notably, this relates to environmental sustainability on which the SPPF provides very little useful guidance. Local councils have therefore, been forced to step into the void left by successive state governments and developed their own policy guidance and the targeted approach.
- This sounds like an attempt to confuse and confound ordinary citizens in an attempt to exclude them from decisions on planning issues.
- The SPPF is getting left behind by some MSSs in relation to gaming, ESD, etc.
- The development and retention of local policies is paramount for the adequate assessment of DA as its guides the specific local discretion. Without it, too many decision guidelines are just meaningless concepts.
- The State should consider an approach providing more flexibility to local planning controls provided that these controls are accompanied by a relevant developed and approved local policy with any scheme amendment. This will give a more local flavour that protects local character which is the main purpose of Planning (example: allowing flexibility in display signage controls for a municipality to develop, pursuant to such control be accompanied by a policy showing a rationale, purpose, objective and specific on variations).
- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
- This section is vague and wanders off onto discussions about unrelated planning drafting grips (such as the comments about provisions that act as controls).
- It is true that the integrated PPF structure makes it very important that the PPF thematic structure doesn’t exclude valid areas of policy. That isn’t nearly as serious a problem if you don’t pursue this reform, however, as the existing structure doesn’t curtail local policy being used to fill gaps in the way the proposed PPF will.
- You state "Any policy will also need to avoid including provisions that act as controls." I disagree. We need more, not less, control. Who wrote this? Developers?

Reforming the Victoria Planning Provisions – Comments and submissions
### 2.4: Create a clear and simpler structure for policy making

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Submissions</td>
<td>Yarra Ranges Council, Knox City Council, Moreland City Council, City of Casey, Property Council of Australia, Urbis Pty Ltd, Green Wedge Protection Group, South Gippsland Shire Council</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>Council is of the view there is not sufficient information to comment on this proposal. Further information is required on what aspects of Council’s policy will be allowed in the new structure under the proposed headings.</td>
</tr>
<tr>
<td>Whittlesea City Council</td>
<td>The nesting of planning provisions will allow Council to review and strengthen its local policies.</td>
</tr>
<tr>
<td>Maroondah City Council</td>
<td>As per MAV comments.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>Having a standard format for PPF policy writing is supported. The proposed policy composition in Table 2 is broadly supported, however it is recommended that it includes a further sub-heading “Decision guidelines” between the “Strategies” and “Policy documents” sub-headings; this would specify the criteria against which Councils would assess planning permit applications, and make expectations of applicants clear. Further rationale for including this sub-heading is given in the Council’s response to proposal 2.5.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>The proposed format for the PPF includes at the local level, two new headings ‘policy application’ and ‘policy context’. This appears to be a logical sequence of policy. As indicated in 2.1 Melton City Council would be happy to partner with DELWP to assist in the translation of the Melton Planning Scheme into a revised PPF.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>A number of policies in their nature are contradictory. Council has concerns with objectives and strategies that have been strategically justified and are contrary to State or Regional Planning Policy, at a local level/local context. Would it be pertinent or more appropriate to then provide a separate policy or guideline, then this raises concerns that this format will not provide the weight required under the planning scheme to ensure compliance with the policy. Council is concerned about the resources DELWP have to implement the changes for each Council’s PPF and the transition timeframes for each Planning Scheme.</td>
</tr>
<tr>
<td>City of Stonnington</td>
<td>Refer to ‘Support for Proposed Changes’ and ‘Areas of Concern’ in Attachment 2.</td>
</tr>
<tr>
<td>Maribyrnong City Council</td>
<td>At the local level, two new headings, ‘policy application’ and ‘policy context’ have been proposed in the discussion paper. The stated intent for adding ‘policy context’ to local policies is to give a brief background to the issue that generated the local policy. It is recommended that drafting guidelines be put in place to ensure a brief ‘policy context’ does not become a long-winded exposition on policy history.</td>
</tr>
<tr>
<td>Greater Shepparton City Council</td>
<td>This reform is partially supported by officers; however, it is not clear how opposing policies would be dealt with by implementing this reform, for example the conflict between solar panels and agricultural policy. A more detailed proposal is required to allow council officers to provide a more detailed response. Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. They are not listed in Clause 81.01 or schedule. Different types of documents may perform this role. They may be wide-ranging in their content and contain information not directly relevant to specific decisions under the planning scheme. Reference documents provide guidance and compliance is discretionary and not mandatory as is the case with incorporated documents. In light of the above, it is considered that documents such as the Infrastructure Design Manual should be included as part of the new policy documents where appropriate, as it is increasingly relied upon by responsible authorities in specifying infrastructure requirements and has been included in the previous PPF model.</td>
</tr>
<tr>
<td>Hobsons Bay City Council</td>
<td>This is supported on the basis that duplication of policy direction should be avoided so that local policy direction is building on and adding value to the State and regional directions. A consistent approach to structuring policy across State and local provisions should also be adopted to improve clarity of overall policy direction for planning scheme users.</td>
</tr>
<tr>
<td>Frankston City Council</td>
<td>I agree subject to (see comments for 2.3).</td>
</tr>
<tr>
<td>Australian Institute of Architects</td>
<td>State sections of the PPF wouldn’t guide decision making as effectively as local sections given their broader application and themes – perhaps instead a new policy could include a ‘state decision making clause’ (Similar to LPPF Clause 22) in the SPPF.</td>
</tr>
<tr>
<td>Planning Institute Australia (PIA), Victoria</td>
<td>The proposed structure is generally supported. Strategies should specify how the objectives, rather than policy as referred to in the discussion paper, are to be achieved. Some examples need to be tested.</td>
</tr>
<tr>
<td>Bosco Jonson Pty Ltd</td>
<td>State and regional level of policy should also explain policy application in addition to the area where it applies.</td>
</tr>
<tr>
<td>Australia Pacific Airports (Melbourne)</td>
<td>Subject to the retention of relevant policy documents associated with the Melbourne Airport in any new regional policy, being the National Airports Safeguarding Framework, the current Melbourne Airport Master Plan, and the Melbourne Airport Strategy.</td>
</tr>
<tr>
<td>Mounts Buller &amp; Stirling, Hotham; and Falls Creek Alpine Resort Management Boards</td>
<td>There is a significant opportunity for this proposal to create a more easily interpreted Planning Scheme, depending on implementation. It is understood that the proposal would create a structure where objectives could be read as a nested hierarchy of State, Regional, and Local objectives.</td>
</tr>
<tr>
<td>Eltham Community Action Group</td>
<td>We agree subject to recognising the importance of unique individual characteristics specific to local areas.</td>
</tr>
<tr>
<td>Dunmoochin Landcare Group Inc</td>
<td>The text of the VPPF should clearly state that it should be assumed that Local planning policy aligns with State policy and only an expansion on the State policy needs be expressed. In other words, it is implied that...</td>
</tr>
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</table>
there should be no conflict between policy at State and local level.

<table>
<thead>
<tr>
<th>Comments</th>
<th>Details</th>
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<tbody>
<tr>
<td>Toxic Free Fawkner</td>
<td>Yes, and let’s have dumber policy makers employed and a dart board to determine what passes as development and what does not, that should do the trick.</td>
</tr>
<tr>
<td>Shoreham Community Association</td>
<td>To again cite a quotation attributed to Einstein – “Make things as simple as possible, but not simpler.” Regional and local authorities must be able to make significant contributions to policy. We believe it is too inflexible to require that local policy would always need to be derived from state planning policy.</td>
</tr>
<tr>
<td>Flinders Community Association</td>
<td>Provided that the policy intent is preserved clearly a simpler structure for policy making has appeal. However, such a process, for example, in the context of Green Wedge policy, must not be allowed to blur the necessary distinction between urban and rural areas and undermine the integrity of GWZ.</td>
</tr>
<tr>
<td>Blackburn and District Tree Preservation Society Inc.</td>
<td>Great care must be taken not to dilute or dumb down the planning policy structure in so doing – simple and elegant rather than merely simplistic!</td>
</tr>
<tr>
<td>Nillumbik Pro Active Landowners</td>
<td>Strongly agree. See submission attached.</td>
</tr>
<tr>
<td>Individual responses</td>
<td>There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue. There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme. The VPPs need to be flexible and responsive to new development and changes. Involve Councils and ratepayers in the process of policy making. Creating a clearer and simpler structure for rules for policy making will be beneficial, but there is a risk that it might result in generic ‘cookie cutter’ policies that are insufficiently detailed to function properly. You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect. Centralising does not equal simplifying... especially when it concerns individuals affected by planning and not those with power, money and organisational support. This proposal would be acceptable only if the heavy hand of the State Government was removed from local planning policy and the implementation of local controls. Simplicity equals progress, the opposite of red tape. This is just another attempt to weaken the current planning scheme. I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways. Much the same comments as 2.2. Disregarding the aspects relating to the integrated PPF (addressed at 2.1), this seems only marginally different to existing VPP best practice. NO! Clearer and simpler is development-ese for “Fast Track” and “cut green-tape.” We need better and more stringent controls on land use and development.</td>
</tr>
</tbody>
</table>

Reforming the Victoria Planning Provisions – Comments and submissions 32
2.5: Set new rules and guidelines for writing policy

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yarra Ranges Council, Knox City Council, Moreland City Council, City of Casey, South Gippsland Shire Council, Property Council of Australia, Urbis Pty Ltd, Nillumbik Pro Active Landowners, Green Wedge Protection Group, APA Group</td>
<td>Renewable energy should be expanded given the recent level of interest in solar farms in northern Victoria.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>As above – Health and wellbeing, heat waves.</td>
</tr>
<tr>
<td>GTA Planning Council, Yarra City, North Metropolitan Regional Council, Frankston City Council, City of Greater Dandenong, City of Kingston, Whitehorse City Council</td>
<td>Council supports clear rules and guidelines for local policy however believes it is critical that such an approach does not result in local policy being restricted in terms of its scope or application. It is understood there is work being undertaken to reform matters of ‘shared housing’, ‘crisis accommodation’ and ‘community care units’, however, in the absence of knowing the final form of this work, ‘shared housing’ is missing from the list in Appendix 1. Council seeks clarification as to whether this is covered under housing affordability at Clause 16.01-4?</td>
</tr>
</tbody>
</table>
| Yarra City Council | Standard rules for policy entry and development are supported as a means of ensuring consistency across PPFs. The Council suggests that this guidance be included in the VPP user manual, rather than via a ministerial direction. This would consolidate the user manual’s role in policy development. The Council supports renaming reference documents as “background documents”, to better reflect their purpose and status. The paper states that “any policy will also need to avoid including provisions that act as controls”, noting that such controls should be included in zones, overlays, particular provisions, and their schedules. Proposal 2.5 expands on this, stating that policies “should not contain controls or prescriptive standards”. Council has reservations that prohibiting prescriptive standards would prevent a number of local policies from having effect. It should be noted that local policy has been developed over many years through evidence-based planning and community consultation. The Council is concerned that the PPF format as proposed has the potential to erode local policy.

- Solar PV: In addition, the removal of decision guidelines must be carefully reviewed against the opportunities to include them elsewhere in the VPPs, noting not all overlays allow for decision guidelines (i.e. the Development Plan Overlay). As such, it is again recommended that the PPF policy composition in Table 2 includes the sub-heading “Decision guidelines” between the “Strategies” and “Policy documents” sub-headings. |
| Melton City Council | Is it proposed that the PPF be amended so councils can embed local policies that relate to matters in the ‘Particular Provisions’ e.g. advertising signs, car parking, licensed premises, gaming? If not, the themes should be broadened to include reference to matters in the ‘Particular Provisions’, so local policies that relate to these matters can be embedded into the PPF. DELWP should review local policies that are current in planning schemes across the State and provide guidance on which part of the revised PPF the local policies would be added to. If there are thematic gaps where there is no logical place for existing local policies to be attached to, these gaps in the PPF should be addressed. Given that many local policies in planning schemes across Victoria relate to matters in the Particular Provisions, it may be appropriate to relocate local policies to sit with the ordinance that it relates to e.g. signage signage local policy moved to Clause 52.05, car parking policy to Clause 52.06, licensed premise policy to Clause 52.27 etc. |
Mitchell Shire Council
- No – The list appears sufficient.

Cardinia Shire Council
- Although agriculture is provided in the Natural resources and management section of the integrated PFP, the restructure has included an ‘Economic Development’ section which has included commercial, industrial and tourism given the economic importance of agriculture particular in our municipality. Strong policy support for agriculture in this section is considered vital. In the current Cardinia Planning Scheme agriculture is underpinning in the economic development which supports a number of provisions within the scheme and we are concerned that this structure misses the opportunity to acknowledge the economic importance of agriculture.

Wyndham City Council
- New rules and guidelines should not preclude local government responding to issues.

City of Stonnington
- Cl.22.03 – Advertising policy.
- Cl.22.10 – Licenced premises policy.
- Cl.22.18 – Stormwater Management – (Water Sensitive Urban Design).
- Cl.22.21 – Awning policy.
- Cl.21.04-1 - proposed Responsible Gambling Policy.
- Accommodate cl.21.06-2 ‘Landscape character’ in new e.g. ‘Landscape character within Melbourne metropolitan (or inner metro) urban areas’ under cl.12 Environmental and landscape values.
- Accommodate cl.21.06-6 Solar access and wind protection under new sub-clause or new heading for wind protection under cl.15 BUILT ENVIRONMENT AND HERITAGE.
- Accommodate 21.08-5 social impact assessments under new ‘Major Development’ sub-clause or heading under cl.17 Economic development.

Maribyrnong City Council
- Yes, subclauses under ‘15.02 Sustainable design’ should be expanded to take in all ESD topics. The proposed subclause 15.02-1 Energy and resource efficiency only covers energy.

Greater Shepparton City Council
- This reform is supported, the proposal is considered to provide a key component in providing the necessary structures to implement the VPP. This reform should provide clear rules which would be relevant to each policy level and assist all agencies why it is necessary to include material in the State policy.

Hobsons Bay City Council
- The following themes should be added to the proposed PFP structure:
  - Licensed Premises / Sale of Alcohol
  - Electronic Gaming Machines
  - Major Hazard Facilities
- The importance of these themes to Council is explained further in this response.

Collie Pty Ltd
- Refer comments under 2.3.

Beacon Town Planning Pty Ltd
- Not that I can think of at present however needs to be flexible as development changes and seems to take enormous unnecessary effort to change and update planning system.

Australian Institute of Architects
- Exemplary design solutions have the potential to address and solve key planning goals and achieve strategic visions. Currently, good quality design is mentioned in various provisions of the VPP, without expanding on or setting out the detail of what defines quality design. There is potential to work collaboratively with planners and architects on more complex design proposals, to identify and analyse ‘what is good quality design’ – early in the design process, well before a planning proposal is submitted for assessment.
- The AIA would support a more thorough transformation of the VPPs, which has design-focused approval pathways and planning scheme drafting at the forefront.

Planning Institute Australia (PIA), Victoria
- New rules should not be so prescriptive as to limit local expression. While rules are appropriate to ensure consistent uses of terminology to assist in interpretation, other matters, such as the number of objectives or strategies, should generally be addressed as guidelines.

PIA Victorian Young Planners
- The VYP believe that this is very worthwhile. However again, appropriate resources need to be provided within DELWP to ensure that the writing policy is adhered to and that grammatical errors are avoided. A number of our members have articulated that this proposal has caused them angst and they believe it will result in the Department having an over representative influence on local policy, result in the reduction of Local Government influence and experience in policy writing.

Surveying & Spatial Sciences Institute
- Housing Affordability theme gives little acknowledgement to the role of land affordability and easier access to land. The cadastral system is fundamental to land ownership and managed sustainability of land, but is given little recognition in the planning scheme. One of the basic principles in the implementation of the Subdivision Act was to provide for a system which gives approval to the subdivision of land at the earliest possible opportunity and with the minimum of expense. The founding principles of the Subdivision Act and the principles of Cadastre 2034 released by the Intergovernmental Committee on Surveying and Mapping (ICSM) should be included to provide some strategic direction.

South East Water
- Clause no. 15.02 Sustainable development: Would be useful to include additional clauses to cover water efficiency, recycled water and integrated water management. Currently, it only cover energy and resource efficiency.
- Clause no. 19.03-2 Development Infrastructure/ Water supply, sewage and drainage: Suggest to change to “potable and recycled water supply, sewage and drainage”.

Coliban Water
- Coliban Water believes a theme of ‘Water security’ should be included under section ‘13.01 Climate change’, this would complement ‘14.02-3 Water conservation’ but will better reflect the decreasing resource and increasing demand.

Glenelg Hopkins CMA
- Yes. See comments provided under 2.1 above. Logic behind themes and grouping of information under “Environmental Risk and Amenity” and “Natural Resource Management” need re thinking in light of inclusion of a new theme called NATURAL HAZARDS.

Mounts Buller & Stirling, Hotham, and Falls Creek Alpine Resort Management Board
- This proposal is supported in preference over recommendation 4.2. Guidelines and rules are helpful tools for allowing local Strategic Planners to utilise their expertise while maintaining policy-writing skills.
Eltham Community Action Group
- There needs to be recognition of the fact that not everything within a category is the same, e.g. Nillumbik Green Wedge is very different to Frankston Green Wedge.

Dunmoochin Landcare Group Inc
- The subject titles do not make it clear at 12.03-1 as to whether "creeks" as well as "rivers" are included.
- Intrusive recreation practices in peri-urban areas such as target shooting and motorised trail bike riding should be included, for example under 13.06-2 Noise Abatement.

Toxic Free Fawkner
- Bravely employ policy makers who actually know how to draft policy in plain, understandable English - without jargon - having first consulted widely. Policy makers who are educated enough and sensitive enough to understand and take on broad community concerns in respect of planning issues and the current serious lack of natural justice in this area.

Shoreham Community Association
- Referring to our response to 2.3:
  - Protection of peri-urban areas
  - Protection of Areas of Environmental significance
  - Provision of Green Corridors/Biolinks
  - Protection of Wildlife habitat.

Nepean Historical Society (NHS)
- We note the discussion section in the paper, in particular that "since the introduction of the VPP a number of reviews have identified the need to make planning policy more effective and to make local policy stronger". We welcome measures that would strengthen local policy but have reservations about the proposals set out in the paper to achieve that objective they may weaken the practical influence of local policy.

Blackburn and District Tree Preservation Society Inc.
- (Please note that the following is a ‘further comment’ for Section 2.5 as there is no text box for this response in the on-line survey).
- It very much depends on the definition, nature and extent of the so-called ‘new policy rules of entry’ and ‘new drafting rules’ and whether they are forced on local government or established in a collaborative context with local government, community groups and the community at large.
- See also further comments for Section 2.3 for themes to be added to the PPF thematic framework.

Individual responses
- It is very comprehensive and potentially some could be consolidated.
- Potentially a separate theme around social issues such as: gaming and liquor premises.
- There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.
- There needs to be a general heading titled "New Issues" to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.
- The VPPs need to be flexible and responsive to new development and changes.
- Heritage and Vegetation Protections are weak and are flouted by developers. Heritage and Vegetation protections should be included in the Planning Ministers portfolio. Submissions for Heritage and Vegetation protections should be made to the Planning Minister and submitted by the Minister to a panel made up of Heritage/Historians and/or Horticulturist specialists for approval.
- You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.
- Leave the current system the way it is and protect the Macedon rangers as promised by the state Government.
- Absolutely disagree. This proposal just further entrenches the status quo: absolute State Government domination of local community input in respect of economic, social and environmental outcomes when planning for their communities.

When we see these amended rules and guidelines? Is there a draft to review?
- Really that is it?? The same as before??
- Clause no. 13.01 – Clause title: Climate change impacts
- Clause no. 13.01-1 – Clause title: Climate change and natural hazards
- Clause no. 13.01-2 – Clause title: Coastal inundation and erosion
- No extreme weather events including Heat waves which kill more people than all other natural hazards. Make the planning system about what is coming in 20-100 years’ time so we can make our city’s and rural areas more resilient to changing climates and give them resilient and adaptable infrastructure including housing improving health and wellbeing of communities.

Tree planting and protection of open spaces for passive recreation within urban developments.
- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
- [I am ignoring your headings here as they seem designed to steer away from critique of the concept itself.
- There isn’t much here and, again, this seems only a light revision / restatement of existing planning drafting orthodoxy. It misses opportunities to make more meaningful changes to how policy is written (or outline a path to such change).
- Certain existing assumptions (i.e. that policy should contain no prescriptive standards) should be interrogated here, as they just reinforce the existing aversion to specificity in policy. I wonder if you really mean “prescriptive” here. I would agree with no purported mandatory standards, but there should be no aversion to actually outlining outcomes that is still subject to discretion. Replace the words “prescriptive standards” with the words “clear guidance” and you start to see the problems with Victorian drafting dogma. For example, on page 20 “... a policy should not contain... prescriptive standards”
basically just means "a policy should not contain clear guidance." If they don't purport to be mandatory, why not have policies that outline clear guideline standards?

- There is little sense here that the authors have properly grasped the deficiencies of existing VPP practice or have a developed idea of how to go forward.

- There has not been enough (read *any*) community consultation for these dramatic changes, so I can't agree to any proposal here.
### What else could be done to make planning policy easier to apply and understand?

<table>
<thead>
<tr>
<th>GROUP</th>
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<tbody>
<tr>
<td><strong>Submissions</strong></td>
<td>Property Council of Australia, Yarra Ranges Council, Moreland City Council, South Gippsland Shire Council, City of Casey, Urbis Pty Ltd, Nilumbik Pro Active Landowners, Green Wedge Protection Group</td>
</tr>
<tr>
<td>Gannawarra Shire Council</td>
<td>- Consistent language throughout planning schemes and positive language.</td>
</tr>
<tr>
<td>Wellington City Council</td>
<td>- Prescriptive policy should have a role in guiding and directing land use planning at the local level.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>- It is very difficult to comment on rules of entry and drafting rules that are described, but not provided in full. Council has further concern that the rules may lead to the inability for some topics to be considered at a local level (as could have previously been done via the LPP) as the change would not be allowed to the legislatively governed PPF.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>- Encouragement of local area plans, place based planning, visuals, maps in policy.</td>
</tr>
<tr>
<td>City of Greater Dandenong</td>
<td>- Consistency through comprehensive Practice Notes including templates and examples.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>- Council notes that clause 22.02 of the YPS includes definitions that relate to heritage. Consideration should be given to where they should sit within the VPPs, particularly if there is standardisation across planning schemes in Victoria.</td>
</tr>
<tr>
<td>Mitchell Shire Council</td>
<td>- All policy documentation must be made available online, free of charge and for all users of the VPPs.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>- Consistent and concise language.</td>
</tr>
<tr>
<td>City of Stonnington</td>
<td>- Many Planning Practice notes could be improved with references to VCAT decisions (e.g. 'Red Dot'), as appropriate.</td>
</tr>
<tr>
<td>Hobsons Bay City Council</td>
<td>- Further specific guidance, particularly around DELWP support at the policy drafting stage, should be provided to ensure that policy is being written so that it is as effective and clear as possible for the end user of the scheme. Consistency across planning schemes in terms of permit application requirements and mandatory versus discretionary provisions should be addressed across the State.</td>
</tr>
<tr>
<td>CS Town Planning Services PL</td>
<td>- Consistency in general and more coded legislation where there is less room for interpretation that is not useful and more focus on compliance.</td>
</tr>
<tr>
<td>Collie Pty Ltd</td>
<td>- Delete existing policy that does not meet the new tests.</td>
</tr>
<tr>
<td>Australian Institute of Architects</td>
<td>- A more collaborative process (perhaps in the form of a formalised pre-application process?) whereby a planner is involved in the design team at inception of a project to define the design brief, similar to what occurs in the Dutch planning system, would better achieve the goals of the VPPs. This process would ensure a better understanding of the strategic vision and the design intent of a proposal very early in the design process. A joint understanding at such an early phase would ensure that key planning objectives are being fully met through innovative design solutions. It would reduce the combative nature of planning cause by submitting designs for approval at such a late stage, and allows greater certainty from the beginning of the design process that the design intent sets out to best achieve planning policy goals (i.e. planning goals may be included in the design brief).</td>
</tr>
<tr>
<td>PIA Victorian Young Planners</td>
<td>- The ESD requirements for housing and commercial development.</td>
</tr>
<tr>
<td>Small Change Design &amp; Construction Pty Ltd</td>
<td>- Less pages, clearer language, assuming people other than planners will be using the documents. You shouldn’t need to be a planner to understand our planning rules. Test this on the general public before finalising.</td>
</tr>
<tr>
<td>Glenelg Hopkins CMA</td>
<td>- See comments provided under 2.1 above.</td>
</tr>
<tr>
<td>Mounts Buller &amp; Stirling, Hotham; and Falls Creek Alpine Resort Management Boards</td>
<td>- Planners should be provided with more resources and training around dealing with community members and people with non-technical knowledge of the scheme. The rationale for new requirements and overlays should be carefully explained in order to persuade people of the value of their adoption.</td>
</tr>
<tr>
<td>Bellbird Residents Advocacy Group</td>
<td>- Ensure that dedicated Local Policy does not get subsumed into regional or state policy.</td>
</tr>
<tr>
<td>Toxic Free Fawkner</td>
<td>- The fast tracking of planning permits already exists. CEOs already have decision making authority to approve planning permits. Why is this provision being broadened and resident representatives decision making powers being destroyed?</td>
</tr>
<tr>
<td>Blackburn and District Tree Preservation Society Inc.</td>
<td>- There must be a transparent and well-defined local emphasis within the planning policy to make it easier to apply by local government and easier to understand by all parties including the layperson. Defined and quantifiable objectives and decision guidelines must be included in the PPF in addition to clear details of sanctions for non-compliance.</td>
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</tbody>
</table>

**Individual responses**

- My only other suggestion would be to guarantee that changes to policy and to the Planning Scheme be mandated to municipalities to advise their constituents. At the moment this is not happening and confusion...
Reforming the Victoria Planning Provisions – Comments and submissions

- Make sure state provisions are actually effective rather than simple motherhood statements. This can be done by including performance measures on statement of policy and linking these back to regular state of the environment reporting and PAP planning permit measures. Simple really.
- There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.
- There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.
- The VPPs need to be flexible and responsive to new development and changes.
- Engage stakeholders which will be affected by these policies.
- I think that planning policy should be written in such a way that a lay person should be able to understand it.
- An additional measure to aid interpretation of Council’s MSS is to ensure that any Strategic Framework Plan is legible or (preferably) interactive so a specific site or area can be accurately identified. Some SPP’s are at a scale or are black and white which makes it impossible to locate a site and/or see where it sits in terms of high-level strategic policy.
- Any SFP should also be ‘live’ or updated regularly to accommodate updates to the UGZ (if any), activity centres etc.
- You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.
- Make local policy an expression of real local aspirations.
- I suggest an increased use of 3D modelling where preferred development outcomes are being encouraged. This was an enormous gap in the recent Box Hill MAC C175 amendment for residents in making submissions and all participants at the subsequent panel hearing. This would improve the ability to understand and assess a proposal’s impact.
- Site by site planning not city or regional area based planning. When someone clicks on their land they are made very clear about what they have to consider and address to apply for a permit.
- Offer workshops and courses for lay people to attend and be instructed in how the policy applies to their neighbourhood and local environment.
- Ensure that gobbledegook is removed and plain English is used.
- The Minister and Department need to properly review planning schemes and amendments as they are prepared. The current planning scheme review process does not appear to be properly monitored and little assistance is provided to Councils to rectify ‘problems’.

**Statement**

- Most of the current SPPF is drafted so the wording intends to guide the strategic/structure planning of a municipality (by utilizing, drafting, and applying relevant zones and overlays) to create relevant controls across the municipality.
- The wording intends to guide the strategic/structure planning of a municipality (by utilizing, drafting, and applying relevant zones and overlays) to create relevant controls across the municipality.

**For example:**

- 13.01 Coastal inundation and erosion
- Objective: To plan for and manage the potential coastal impacts of climate change.
- Cannot envisage that such State Planning Guideline intends to influence a specific use or development. It is vague and ambiguous and it is sometimes unclear whether statutory planning should give it any weight when assessing a DA.
- It seems clear that such policy is intended for Council to undertake relevant studies to determine affected areas, so that a relevant planning control can be developed and applied on relevant land (whether specified or not) with the objective relied on when applying for a Scheme amendment. If the intent of policies was clearly stated, it would remove ambiguity in interpretation/missinterpretation.
- Consequently, planning policies should clearly indicate if the aim is for strategic planning; or the statutory assessment of Development applications.
- I have written extensively on drafting principles - see for example http://www.sterow.com/?p=4580.
- However, this needs much more thought and space than I can give it here, and its own consultation, as you are trying to shift two decades of entrenched practice.
- There has not been enough (read *any*) community consultation for these dramatic changes, so I can’t agree to any proposal here.
### What will be needed to support a transition to a new PPF format?

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</tr>
<tr>
<td><strong>Wellington Shire Council</strong></td>
<td>• State resources and ‘best practice’ examples should be provided.</td>
</tr>
</tbody>
</table>
| **Whitehorse City Council** | • Council requires the following further information in order to understand the transition to the proposed PPF format:  
  o An understanding of the scale and timelines for this process, particularly as Council’s MSS review is currently underway.  
  o An indication of the ‘rules of entry’ for the new PPF format.  
  • There will be a significant amount of work and resources required to re-draft provisions to ensure they fit into the proposed PPF structure, including distributing some current policies across a number of Clauses. For example, there will be aspects of Council’s current Clause 21.08 (Housing) that will belong in the following proposed Clauses Context and vision, Planning and Places and Heritage and Housing.  
  • Determining where particular Clauses sit and ensuring there is no duplication or fragmentation across themes will be a time consuming task. DELWP will need to consider this in the timeframes for the process and in the resourcing and guidance it provides Councils to complete this task. |
| **Whittlesea City Council** | • It is not clear from the Discussion Paper as to the timing of introducing these reforms, the resource and training implications on local Councils and the assistance provided by the Department of Environment, Land, Water and Planning.  
  • A reasonable time frame for implementation must be determined taking into account the impact, timing and capacity for Council’s to resource the implementation of the reforms. The transition period should be in line with Council’s planning scheme review processes.  
  • Ensure that there is ongoing access to DELWP contact responsible for implementing the reforms. |
| **City of Greater Bendigo** | • Don’t force the changes on to Council through a VC amendment but work with them and allow them to do changes as part of the PS review. In the North West Region nearly all Councils are doing their review at present. It will be a large amount of work for Councils to translate some of their policies into this format. Get technical support from DELWP. |
| **Maroondah City Council** | • Transitional arrangements – Please bear in mind that moving to the PPF and all other changes to the VPP that Councils will have been working on strategic work and planning scheme amendments potentially for years in advance of any changes. In these circumstances, Councils may be relying on a given element of the current policy environment or working towards implementing a given control, that may end up being substantially changed or even deleted through Smart Planning. The Department will need to work closely with Councils on these matters and be tolerant of changes that may need to be made while a project (or Amendment) is already underway.  
  • Funding will also be a key issue. The complexity of the task shouldn’t be underestimated nor should the level of resourcing required for Councils to redraft their schemes in the new format. Mentoring and support from DELWP will be critical.  
  • Engagement with Councils on all of the proposals should continue. |
| **City of Kingston** | • Clear guidelines and templates for Council particularly for those that are midway through a Planning Scheme Review;  
  • Assistance from the Department as Councils progress the translation of existing schemes into the proposed new format;  
  • Clarification as to next steps in the process and confirmation that there will be an opportunity for Council to comment on the draft PPF;  
  • Workshops and briefings to Council officers as the new format is implemented. |
| **City of Greater Dandenong** | • The new PPF format proposes major structural, format and content changes to the Planning Scheme and as such will require significant resourcing to achieve its successful implementation. Council will require a number of resources to achieve this including but not limited to:  
  o Financial support, training and information sessions.  
  o Assistance from the Department as Councils progress the translation of existing schemes into the proposed new format;  
  o Comprehensive Practice Notes, including templates and examples.  
  o Sufficient time to prepare (i.e. clear / re-prioritise existing work plan) and to undertake the re-write of the PPF.  
  o Clear guidance as to when a Local Planning Policy will be determined as ‘needed’. |
Yarra City Council
- The consultation states that implementation of the proposed PPF structure would require transitional arrangements, including reviews of local planning policy and redistribution under relevant planning policy themes in the new PPF. It also states that mechanisms would need to be in place to make this transition.
- Council is currently rewriting clauses 21 and 22 in the YPS, which is programmed to be drafted by June 2018. As such we require clear direction on:
  - The structure of the PPF;
  - The regional policy to be included in the PPF's clauses;
  - How local planning policy should be written; and
  - Transitional arrangements whilst Council is the process of rewriting its MSS and local policies.
- Council wishes to ensure that the changes it is making to its planning scheme are fit for purpose when the proposals in the Discussion Paper are implemented. Following the close of this consultation on 24 November, we request the Department of Environment, Land, Water and Planning provides feedback on its intended way forward and how Council's should respond to it.
- Council considers that implementation must be robust to ensure local policy is not weakened through transitional arrangements. The arrangements should provide for flexibility (to allow Councils to undertake the translation in stages) and supported by adequate resources. The consultation does not give Council any clear understanding of the implementation process. The Council recommends implementation arrangements includes:
  - A thorough legal review to identify any unintended consequences of the PPF, such as policy dilution or conflict;
  - The publication of advisory and practice notes to support policy transitions;
  - Dedicated human resources within the Department of Environment, Land, Water and Planning to provide advice and assistance to Councils;
  - Funding (i.e. grants) to Councils to support the implementation of this State Government led project; and
  - The consideration of an Advisory Committee to support a consistent transition to the new PPF structure state-wide.
- These initiatives and resources are paramount given the challenges associated with transferring existing local policies to the proposed PPF regime, and the need to ensure state-wide consistency as all Councils will be affected.

Melton City Council
- Council officers would appreciate the opportunity to review and comment on the proposed state and regional content of the PPF before it is approved. DELWP should provide guidance to councils on where existing local policies in planning schemes should be relocated.
- Councils should be provided with transition arrangements to adapt the existing local policies in their planning schemes to the new format. This may be through the retention of a local policies section in the planning scheme until the translation period for a council is finished.
- Councils should be provided with guidance on the process to translate their local policies into the new format PPF.
- Councils should be provided with financial assistance to translate local policies into the new format PPF, and should be provided with a minimum of a year to undertake the work.
- Provided the translation of local policies into the new PPF is policy neutral, the translation process should be exempt from notice and review rights.
- DELWP should partner with a range of councils (a minimum of one each from the inner ring of Melbourne, middle ring of Melbourne, growth areas of Melbourne, regional city, and rural council) to translate existing local policy into the new PPF to demonstrate to other councils how the new PPF operates. DELWP should put out an expression of interest to allow councils for this process.
- As stated previously in this submission, Melton City Council would be willing to work with DELWP to translate the Melton Planning Scheme into the new format if this was useful for DELWP given the current stage MCC is at in respect of wholesale review and update of the MSS and LPPF.

Mitchell Shire Council
- Council are supportive of the integration of state, regional and local policy. This simplified approach will ensure that policy is easier to understand.
- Clear guidance on how this could be implemented by Council will be required as well as transitional arrangements.
- We would recommend a minimum time period for Council to transition into the new format or the requirement be as part of the next available Planning Scheme Review.
- There are currently limited local policies within the Mitchell Planning Scheme and the most recent MSS review was deliberately structured to align with State Policy in December 2013.

Cardinia Shire Council
- Additional funding for Council’s and appropriate funding of the new business unit to allow for open consultation and assistance to Council to implement the changes.

City of Stonnington
- Training (and new/updated Practice Notes) will need to be provided to Council and other planners by DELWP on the interpretation and appropriate application of new provisions. The State Government will also need to allocate sufficient funding and lead up times for the policy translation work to minimise the potential financial burden on municipalities. Councils need more clarity on how proposed gazettal in mid-2018 will affect current strategic projects and workload in addressing the VPP reforms.

Maribyrnong City Council
- A model PPF or template and clear drafting guidelines for the MSS and new elements like ‘policy application’ and ‘policy context’ would be needed to support the transition.

Hobsons Bay City Council
- DELWP will need to support councils in translating their existing local policy content into the new structure. Most of the work will likely be in revising existing policies to comply with new writing guidance and consistent language directions. It would be a significant burden on councils if a standard amendment process was to be used and if the Minister’s powers of intervention were not used to fast track this reform process as it should be largely a policy neutral relocation of policy content.

CS Town Planning Services PL
- A strong, leading State Government with a very clear outcome in mind. Input from Local Government that is working towards one, simple goal of ensuring consistency and clarity in planning across the board.

Collie Pty Ltd
- Education workshops. Clear instructions to local government that policy must be based on good and essential planning approaches and not on topical / ad hoc political issues. If it fails the test, it will not get in / will be removed.

Beacon Town Planning Pty Ltd
- Information train sessions question hotline advice.

Australian Institute of Architects
- Resources and support for local governments
- Input and collaboration from designers and architects to guide a design-focussed PPF format and approvals process/pathway.
There has not been enough (read *any*) community consultation for these dramatic changes, so I can’t agree to any proposal. You aren’t even pretending to ask perhaps consult genuinely on whether it is worth doing rather than treating it as an inevitability? Considerable support will need to be given to Councils, including proven expertise in statutory drafting and not just a wide list of consultants like the previous “Flying Squad” program. You are not trustworthy enough to have such responsibilities when you have too many vested interest involved in a process change that doesn’t serve the people and regions it is in place to protect. The introduction of the new process will need significant material support from Councils and their planners.

- A cross over period of 6 months with a defined end period for applications to be lodged to be covered by the old system otherwise everyone else will follow the new system.
- Experienced strategic planners who know what does and does not work.
- Resources for Councils. Very clear guidelines, advisory notes and rules for policy writing (standard terms etc.).
- Funding to allocate one staff member full time for one year to transition the Planning scheme into the new format and make sure that all content is captured within the scheme.
- The following will be needed:
  - Increased support and resources – staff and other, for local authorities and the department in the transition period.
  - The flexibility to extend deadlines where they cannot be met. Please do not compromise planning in the State as was done with the “Reformed Zones” in the futile attainment of “stretch goals”.
  - Contingency plans to deal with drafting errors, conflicts or incompleteness in the new provisions.
- Work through the current rules and guidelines and replace the ones that are outdated and irrelevant. Change guideline’s and rules which better reflects the way, where and speed the population is growing now and into the future, does not favour a particular group or organisation/s.
- There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.
- There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.
- The VPPs need to be flexible and responsive to new development and changes.
- Work through the current rules and guidelines and replace the ones that are outdated and irrelevant. Change guideline’s and rules which better reflects the way, where and speed the population is growing now and into the future, does not favour a particular group or organisation/s.
- You are not trustworthy enough to have such responsibilities when you have too many vested interest involved in a process change that doesn’t serve the people and regions it is in place to protect.
- This is not simply about a new PFF format. It is also about insert VicSmart into the current PFF which is a far more contentious issue.
- More community consultation. More willingness to consult and take notice.
- Money and skills.
- Considerable support will need to be given to Councils, including proven expertise in statutory drafting and not just a wide list of consultants like the previous “Flying Squad” program.
- Perhaps consult genuinely on whether it is worth doing rather than treating it as an inevitability?
- You aren’t even pretending to ask if this one is a good idea!
- There has not been enough (read *any*) community consultation for these dramatic changes, so I can’t agree to any proposal here.
### Proposal Three: Assessment pathways for simple proposals

#### 3.1: Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules

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<tr>
<th>GROUP</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Wellington Shire Council</td>
<td>Support VicSmart provisions being better integrated into Scheme for ease of use/application compared to current structure, but require further clarification of how this would be achieved.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>Council agrees with this proposal; however it is suggested the references to the VicSmart classes be provided in the overlay header clause rather than in the schedules.</td>
</tr>
<tr>
<td>Whittlesea City Council</td>
<td>Expand relevant VicSmart components to be included within the Zone as well as overlays and particular provision as listed. Many of the triggers in VicSmart relate to certain applications types within zones. Why not list them within the zone so you are only looking in one area?</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>Need to see further details.</td>
</tr>
<tr>
<td>City of Kingston</td>
<td>At this stage, it is unclear how this would be structured. Council seeks clarification as to whether there will continue to be overlap between the newly created particular provisions and the zone. For instance, how would the new provisions seek to deal with exempt use and development - something that is also dealt with in the zones.</td>
</tr>
<tr>
<td>City of Greater Dandenong</td>
<td>Provided VicSmart qualification remains clear, as per previous comment.</td>
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</tbody>
</table>
| Yarra City Council                         | It is not clear if it is proposed to repeat the VicSmart triggers in the varying overlay controls or to group them in to category based used i.e. café. This could be an efficient way to group some VicSmart eligible applications into one process rather than multiple.  
|                                           | The paper is unclear where the decision guidelines for each of the categories will be placed, if they are proposed to be located separately under each overlay, they may become cumbersome and of little benefit to simplifying these provisions. |
| Melton City Council                        | MCC agree that it is sensible to integrate VicSmart classes into the particular provisions and overlay schedules where appropriate.  
|                                           | The VicSmart provisions are currently buried at the back of the Planning Scheme. Having them better integrated into the planning scheme is an improved outcome for ease of use by the public and planners. |
| Murrindindi Shire Council                  | This is generally supported however adequate consultation with local government authorities is required as what might seem to be a logical and beneficial enhancement in metropolitan areas may have unexpected consequences in small rural areas. |
| Cardinia Shire Council                     | Embedding VicSmart assessment pathway in the particular provisions and overlay requirement is supported although careful wording and clear detail on the relevant applications is crucial to avoid confusion.  
|                                           | Council has concerns with circumstances where an application might fit into the VicSmart pathway in the overlay although other permit triggers under a Particular Provision and does not fit within VicSmart, clear direction in this regard would need to be incorporated in each of the ‘embedded’ section.  
|                                           | Additionally, the overlay and particular provision changes should be simple and clear where an application applies and where it does not.  
|                                           | The changes must ensure a process to transfer an application from VicSmart to normal or vice versa. For example, if the applicant tries to argue for VicSmart and it does not appear to fit within this pathway, it would be important that it be at Council’s discretion to change the required pathway with some limited ability to question or challenge this decision making. Careful consideration of this issue would need to be incorporated in the embedded changes. |
| Wyndham City Council                       | If VicSmart is to continue, it is preferred that it is embedded into existing VPP provisions and not as stand-alone process.  
|                                           | However, as stated in our general comments, we consider VicSmart is of questionable benefit because it is not highly utilised in Wyndham; it complicates the VPP framework because it has a different approach to decision-making which has legal implications [as identified by VCAT in Wittenbach v Cardinia SC [2017] VCAT 793]; and there is a general misunderstanding that applications made under VicSmart must be approved. This misunderstanding can result in unacceptable outcomes (see Portland Historic Building Restoration Committee Inc. v Glenelg SC (Red Dot) [2017] VCAT 515).  
|                                           | It is preferable that VicSmart is deleted from the VPP and decision-making pathways for minor, intermediate and major applications are developed instead (see General comments). This approach is akin to the decision-making pathways in Clause 52.17 that provide risk-based pathways of low, moderate and high in relation to native vegetation removal. |
| City of Stonnington                        | Refer to ‘Support for Proposed Changes’ and ‘More detail required’ in Attachment 2.                                                                                                                                 |
| Greater Shepparton City Council           | This reform is partially supported by council officers.  
|                                           | While officers generally support quick and efficient decision making where practical, the removal of third party rights and review rights is a very serious matter and a step that should not be made lightly.  
|                                           | It is considered that there is a need to clearly define the role of VicSmart and to clearly define when an application is VicSmart and when it is not.  
|                                           | A more detailed proposal is required to allow Council officers to provide a detailed response. |

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| Hobsons Bay City Council | • The way each application type calculates statutory timeframes should be amended. Currently, VicSmart applications count business days whilst regular planning applications count calendar days, this creates unnecessary complexities for planning systems when calculating these days. The method of calculating the timeframe should be consistent and should use business days as its basis.  
• The classes of VicSmart applications have increased in recent times which has placed more pressure on the Responsible Authority to make decisions within shorter timeframes. The most recent classes, including applications up to $500,000 in commercial areas and $1 million in industrial areas have placed unreasonable pressure on councils to determine these types of applications within ten business days.  
• As an example, with regard to industrial development applications of less than $1 million in value will still almost certainly present a range of design and landscaping issues that need to be appropriately resolved in support of councils adopted policy positions on industrial development. This work can be complex and requires merit based consideration and negotiation with permit applicants to ensure good outcomes for the community.  
• As such, classes of VicSmart applications should not be increased without careful consideration of the impacts on the Responsible Authority.  
• The discussion paper has also suggested increasing timeframes for more complex VicSmart applications, however this will only create greater complexity in the planning scheme. If these kinds of applications cannot be satisfactorily resolved via a code assess process under the VicSmart model then this clearly indicates that they are too complex and require a standard merit assessment. |
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<tr>
<td>Frankston City Council</td>
<td>• As long as the planning controls are clear on what is VicSmart, including them in the overlay or schedule would provide for a more straight forward way to identify a VicSmart proposal.</td>
</tr>
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</table>
| CS Town Planning Services PL | • As referenced above, having an overarching list of appropriate applications for the VicSmart pathway is key. Embedding VicSmart in to an overlay or provisions will avoid applicants not knowing they have VicSmart as an option which is a definite issue at the moment. It will also ensure that Council are also aware of what can be applied for through VicSmart. But ensuring that there are very clear and precise coding for what is appropriate.  
Queensland has a change to footprint rule in regards to minor works or replacing like for like and I think having a specific trigger point between what is VicSmart and what is not is very important.  
This is not the case now and allows for too much inconsistency from Council to Council in how they interpret what is applicable under VicSmart. |
| Collie Pty Ltd | • We have an example at present with a client who has developed a self-contained container-like pod that is used for the minor repair of scratches on cars / re-painting - with zero emissions. The pod can be placed in any car park, warehouse, shopping centre and the like - but if it is assessed under the present 'motor repairs' land use term, it is relegated to a lengthy planning process / prohibition in various zones when it has none of the nuisance issues associated with motor repairs / panel beaters. Scheme controls have not kept up with technology. |
| Jacobs Group (Australia) Pty Ltd | • While we agree with the intent of the proposal, we suggest that this be extended to apply also to relevant zones. |
| Planning Institute Australia (PIA), Victoria | • As identified in our overarching comments, it is difficult to see how this can be achieved without further expanding the VPPs. However, subject to achieving this and a robust structure, it is supported. |
| Sharp design p/l | • The triggers for a Smart application should be really clear. |
| PIA Victorian Young Planners | • The VYP broadly supports this initiative to reorganise the particular provisions and overlays to include the VicSmart. The VYP agrees that having VicSmart provisions located at the back of the VPP can lead to it being forgotten and operationally difficult to use.  
The VYP are however concerned that there is no draft schedules or additional information to review and therefore cannot accurately comment on the proposal.  
There is a risk that by bringing all of the VicSmart provisions into the overlays and particular provisions that there could be repetition and clashing of the existing clauses. |
| Bosco Jonson Pty Ltd | • More complex VicSmart applications should have increased timeframes for decisions to be made, 20 or 30 days as suggested. This does not over burden Council whilst providing the user of the system a realistic timeframe for a decision - making it a more user friendly system as they know what to expect from the beginning. |
| Australia Pacific Airports (Melbourne) | • No changes to the Melbourne Airport Environs Overlays to enable VicSmart pathways. |
| Small Change Design & Construction Pty Ltd | • Strongly support a faster and more efficient approach via VicSmart but there should be an ongoing review process to look at what applications can be removed from permit process altogether and incorporated into the building permit process. |
| Surveying & Spatial Sciences Institute | • We support the factors listed in Proposal 3.1 in the discussion paper to support such a pathway. |
| Corangamite CMA | • The Corangamite CMA supports the proposal to restructure particular provisions and overlay schedules to identify exempt use and development and VicSmart applications, and requests that it be consulted in this process to ensure that increasing exemptions are appropriate and do not unintentionally increase flood risk. |
| Metropolitan Waste and Resource Recovery Group | • MWRRG has prepared a detailed written submission that is attached below. |
| Glenelg Hopkins CMA | • The potential impacts of "Embedding VicSmart" into flood related planning controls are not clear. It is considered that the objectives of the VicSmart concept are already provided for in the existing structure of the flood related planning controls – in particular via the proper use and application of the Flood Advice provision function of CMA's, and proper application and use of the LSIO and FO in combination with Local Floodplain Development Plans (LFDPs). Notwithstanding the issue raised above with regard to public accessbility of LFDPs, this structure already provides the required mechanisms for expedited assessment of permit applications and decision making with regard to development of flood-prone land. In addition to addressing impediments already mentioned, clarification of how the process should operate is required and can be achieved via minor revision of the process diagram provide din planning practice note 11. Again, the Ballarat C378 documentation (including expert witness reports) provides a template. |
| Mounts Buller & Stirling, Howtham; and Falls Creek Alpine Resort Management Boards | • For any amendments for the VicSmart assessment pathway to deliver improved outcomes in the ARPS, an amendment to clause 61.01 is required.  
• If there is too high of a perceived risk in making the ARMBs the responsible authorities for VicSmart applications, a more restricted 'AlpineSmart' application category should be created to deal with at least:  
  o Planning applications arising out of changes to liquor licence arrangements;  
  o Plans to extend and undergo works including recladding, decking, and other minor works;  
  o Advertising signs; and  
  o Utilities and environmental management works undertaken by the Resort Management Boards when fulfilling their role as a CoM for the land.  
• The Schedule to Clause 66.04 will also require amendment to rationalise the referral triggers. Currently, any application that involves alteration to the topography of a resort requires referral to the Secretary to
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<tr>
<th>Association/Group</th>
<th>Comment</th>
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<tr>
<td>Eltham Community Action Group</td>
<td>• There is a significant likelihood that simplification of the VPP with VicSmart, code-based assessments and the increasing of exemptions for permits will have an enormous impact on the livability of our city. Without safeguards to regulate ‘simple’ things like signage, front fences and individual tree removal, our city could end up looking like the worst bits of cities like Los Angeles. We may gain a planning system with more certainty and expediency, but we stand to lose a beautiful city. The reforms must be considered with the long term consequences in mind.</td>
</tr>
<tr>
<td>Dunmoochin Landcare Group Inc</td>
<td>• Small lot standards should not apply to Rural Living or Rural Conservation Zones or Green Wedge Zones.</td>
</tr>
<tr>
<td>Toxic Free Fawkner</td>
<td>• Why is the state government ploughing through simpler pathways - so called - without consultation and clear and detailed guidelines. Is simplicity all it understands in a societal set-up that is anything but. Why are the planning laws being amended when no provision amendments details published? Residents and resident’s groups are supposed to have a say in this society but none that I know have been notified or informed of the current secretive, overnight decision making processes of this government. Shame on you!</td>
</tr>
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</table>
| Shoreham Community Association                        | • We infer that Government intends to progressively increase the scope of the VicSmart provisions.  
• While integration is logical, we believe:  
  o overlays must not effectively be watered down and may need further strengthening to facilitate “code assess” processes (e.g. by being more prescriptive)  
  o requirements must be mandatory, clearly understood and require strict compliance.  
• We have concerns about:  
  o unfair exclusion of stakeholders from decision making and even awareness of proposals  
  o protection against corruption due to inadequacies in oversight or approval processes  
  o provision of strong compliance processes  
  o negative cumulative effects of “as of right” and “code assess” developments especially in Green Wedge zones  
  o the transition process and its outcome leaving anomalies etc for exploitation. |
| Flinders Community Association                        | • It is unacceptable that notification and third party appeals are to be eliminated especially from complex development proposals. Although the VicSmart process is currently applied to “simple” applications (which in any event may have unanticipated local effects) it appears that further changes toward complex development proposals are not far off. This will further reshape the approval system and diminish opportunity for public input. Overlays should not be watered down but could be made more effective by being made more prescriptive. |
| Nepean Historical Society (NHS)                       | • We agree with the comments made by the MPSC (para 3.2 of their submission) and repeat our submissions at 1.2 above. |
| Blackburn and District Tree Preservation Society Inc.  | • “Proportionality in decision-making” is emphasized under ‘The Issue’ heading on page 23 for Proposal 3. One definition of proportionality in decision-making is ‘… the amount of time spent making a decision should be directly proportional to potential outcomes…’  
• This is fine as far as it goes but the detail has been omitted (or worse not yet considered!). The BDTPS committee questions include:  
  o Who decides what is proportional and defines the hierarchy of potential outcomes?  
  o How much input does local government and individuals or community groups have in the decision-making process?  
  o How are ‘potential outcomes’ defined hierarchically and do they include such factors as negative impacts on individuals and/or communities; loss of landscape character; loss of trees and vegetation; loss of usable open space on public and private land due to higher density developments; project costs and schedules; the variable lobbying power of individuals, community groups and developers etc.?  
• ‘Simplification’ and a ‘stream-lined assessment process’ must not mean any relaxation of planning provisions in favour of developers or to save time or money to the detriment of local communities. |
| Red Hill Community Association (Mornington Peninsula)  | • Localised planning policies should prevail. |
| Nillumbik Pro Active Landowners                       | • Strongly agree. See submission attached. |
| Individual responses                                  | • I say yes subject to a 12-month operational review to ensure this is working otherwise the potential for abuse can be catastrophic to some areas.  
• Need the details.  
• As long as the guidelines are clearly defined and enforced.  
• Again, VicSmart could be expanded if this were to happen to encompass areas it should not be involved in e.g. complex buildings, multi-story developments, muti house developments. This would not allow for neighbours or affected people in the area to be heard in relation to these applications. The are that I believe that VicSmart has a place in is allowing businesses easier access to get established.  
• You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.  
• There is a danger that the VicSmart assessments and increased permit exemptions will have a severe, detrimental impact on the character and uniqueness of areas of Melbourne over the medium to long term.  
• It is a slippery slope which will gradually undermine what makes such a great place to live.  
• I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.  
• So long VicSmart assessment pathways are not applicable in Green Wedge areas or where there are Significant Landscape Overlays.  
• VicSmart has been shown to be appropriate for simple, straight forward applications. The proposal is too open-ended and generalised. For example, would it end up undermining environmental values in Melbourne’s Green Wedges, particularly in Nillumbik’s Green Wedge? A code-based assessment system may remove community rights in some or many circumstances and where community voices seek to
protect the public interest on environmental matters, this would lead to poor outcomes.

- Multiple assessment pathways simply increase complexity. Scalability of system setting simply requires customised system settings, which is better and more simply achieved by flexible system switches in standard permit-trigger clauses. This is covered in pages 133-137 of *The Victorian Planning System: Practice Problems and Prospects*.
- VicSmart should be repealed and replaced with as-of-right clauses and streamlined core issue-based provisions, depending on the complexity of the issue.
- For example, you cite the possibility of small-lot residential standards. If you develop these, why not just use them as as-of-right standards combined with building code administered provisions?
- Like other reviews, this discussion is very indebted to the DAF model, as you acknowledge on page 26. I spent some time on this in my book (pages as cited above) as in my view the DAF model is not well thought through. It’s applicability to the Victorian system is also often poorly understood (because we already use VPP provisions to implement code assessment through as-of-right clauses and building codes).
- The Department should stop using the DAF model as a reference point for every reform. It doesn’t have much to offer in a Victorian context, where the key efficiencies were already part of the VPP model.
- Until your department does the right thing and properly consults the communities that will be so badly affected by the proposals, the whole idea should be abandoned.
3.2: Introduce a new code-based assessment provisions for simple proposals to support small business, industry and homeowners

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<tr>
<td>Submissions</td>
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<tr>
<td>Gannawarra Shire Council</td>
<td>There is a distinction between use and development proposals. Where there are not significant overlays e.g. LSG/FG or BMO affecting the land apply code-based assessment may potentially more appropriate.</td>
</tr>
<tr>
<td>Wellington Shire Council</td>
<td>Support use of Codes provided consistent with desired local policy outcomes.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>It is considered this assessment process may be unnecessary in some cases. It may be more straightforward to broaden permit exemptions subject to clear tests and conditions. This would be the case with the example provided in the discussion paper (i.e.: a café in an existing commercial area). Permit exemptions for secondary dwelling standards or small lots are not supported unless ResCode requirements are broadened to ensure certainty of outcomes.</td>
</tr>
<tr>
<td>Whittlesea City Council</td>
<td>The concepts of some code assess type proposals are supported, however it will need to be carefully managed. It may be difficult to avoid competing policy in the assessment as identified within the leading practice model, whilst multiple permit triggers would still need to be managed (i.e: a small café or second dwelling may be on a heritage property or require tree removal under a Vegetation Protection Overlay.) Whether an application under a code assess pathway could be exempt from all other permit triggers in the scheme would need to be carefully considered.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>The suggestion to have a ‘granny flat’ subject to the standards applied to the NSW example, is likely to generate issues with the concept.</td>
</tr>
<tr>
<td>Maroondah City Council</td>
<td>While some of the examples provided in the consultation document would probably work, the critical factor in its success will be setting up the right standards. We hope that there would be ongoing consultation with Councils in this regard.</td>
</tr>
<tr>
<td>City of Greater Geelong</td>
<td>The same principle of ‘adding value’ to the outcome applies to the proposed code assessed permits. We request that the new code assessment provisions be tested thoroughly with councils on real applications before being rolled out.</td>
</tr>
<tr>
<td>City of Kingston</td>
<td>While Council supports the intent of this policy, clear rules should be in place to ensure that the cumulative effect of code-based assessment does not result in unreasonable amenity outcomes for Council, such as in respect to car parking reductions and liquor licences.</td>
</tr>
<tr>
<td>City of Greater Dandenong</td>
<td>Suggest further work be done on simply making these proposals ‘as of right’, rather than tie Council’s down with another planning pathway they need to manage.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>Council is supportive of some VicSmart applications qualifying for a code based assessment process, this would enable some benefits to small business, homeowners and the like.</td>
</tr>
</tbody>
</table>

In response to the specific examples used within the paper the following comments are offered:

- Incorporating approvals outside the planning process - Planning approvals should not include non-planning approvals (i.e. footpath trading, occupancy permits and food handling permits), these matters are managed by either local law permit or other Acts.
- Temporary retail or cultural activity - The introduction of temporary retail or cultural activity to support local businesses is a good example of what VicSmart should assist. However, it is important that the Council Members understand the implications and implications of the law.
- Granny Flats – support the introduction of ‘granny flat’ subject to the standards applied to the NSW example, is likely to generate issues with the concept.
also needed of the implications of introducing more complex assessment to VicSmart and the issue of potential loss of third party involvement/rights.

<table>
<thead>
<tr>
<th>Melton City Council</th>
<th>Many VicSmart applications need to be referred to internal departments in Council, which makes the 10-day assessment period difficult.</th>
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<tbody>
<tr>
<td></td>
<td>Industrial development has a code assess pathway if the development is less than $1 million. A $950,000 warehouse would normally be referred to the relevant internal departments for comment, which makes assessment within 10 days difficult.</td>
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<tr>
<td></td>
<td>If the number of proposals subject to a VicSmart assessment was to be increased this would be problematic to Council if the 10-day assessment was to be retained. Council officers recommend that the time frame for the assessment of applications be increased to either 20 or 30 business days to allow adequate time for internal referrals to relevant departments (such as engineering and urban design) so they can properly consider and assess VicSmart applications.</td>
</tr>
<tr>
<td></td>
<td>It is difficult to assess the appropriateness of the development of new codified assessment provisions for small cafes, temporary retail, home occupation, secondary dwellings or small lot standards, without knowing what the assessment provisions would be.</td>
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<tr>
<td></td>
<td>In the event that DELWP considered expanding code-based assessments, council officers request the opportunity to review and comment on the proposed assessments.</td>
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<tr>
<th>Mitchell Shire Council</th>
<th>Such provisions cannot be subject to any sort of interpretation.</th>
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<td></td>
<td>This could have an impact on resources for Mitchell with having to deal with more applications in a shorter timeframe. This is likely to be a concern for other similar sized Councils.</td>
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<td></td>
<td>State Government assistance through training and clear guidelines (e.g. practice notes) along with transition arrangements and resource assistance are likely to be required if such changes are implemented.</td>
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<td></td>
<td>A possible solution could be to consider whether accredited certifiers/practitioners can issue compliance certifications to avoid the need of having to go through Councils. Code-based assessment provisions are currently operating within New South Wales which could be used as a template for implementation.</td>
</tr>
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<thead>
<tr>
<th>Murrindindi Shire Council</th>
<th>The principle of providing simpler pathways is supported and Murrindindi Shire Council will be interested in assessing the detail of this change when it is available.</th>
</tr>
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<tr>
<td></td>
<td>Given the removal of third party rights in this process the selection of what constitutes a simple proposal will be important and needs to be explained to the community in a transparent manner.</td>
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<td></td>
<td>There is the potential to include temporary uses for a set time frame or a number of events that allows an idea to be trialled prior to a formal application process e.g. weddings on rural land. The lesser time frames need to be carefully thought out as it is difficult to comply when resources are stretched and this then potentially adversely impacts on other applications.</td>
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<tr>
<td></td>
<td>In addition, the use of a ‘one size fits all’ approach can overlook or disregard the different needs and expectations of communities in rural areas. Fast track approaches that might work well in large urban settings are significantly different to community expectations in rural areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cardinia Shire Council</th>
<th>Due to the proposed changes to the VicSmart Applications, and the suggestions of having longer assessment times for more complex proposals, it is considered it would it be more appropriate to address/audit the timeframes for most applications. Careful consideration on what applications would fit within a code based assessment would need to be considered across the state rather than just inner city issues.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>There are some concerns that providing too many applications under this pathway that it will not result in the consideration against competing policy objectives. Additionally, this codifying will create and expectation that this is the ‘normal’ process, the rewording needs to be clear within the provision that more complex applications including use and development will require a more rigorous approach so it is clear to all in the process what is required, to ensure that applicants are aware that not all proposals can fit into the code based assessment.</td>
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<tr>
<th>Wyndham City Council</th>
<th>We agree with the MAV draft submission that that there is considerable confusion on the role of codes in the VPPs. As suggested in our general comments, codes can be used to guide decision-making on permits and not be in themselves triggers for permits.</th>
</tr>
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<tr>
<td></td>
<td>It would be of concern if Proposal 3.2 to introduce a Code assess on simple matters seeks to integrate other regulatory mechanisms into the VPP as that would result in planning decisions taking into account non-planning issues. This would be against the objective to simplify the VPP.</td>
</tr>
<tr>
<td></td>
<td>One of the issues to be addressed in developing decision-making pathways is to recognise that the size and location of a use can potentially have an adverse impact. A big Café is more likely to have a more significant impact than a small café and a café in a commercial areas is less likely to have an adverse impact than a café in a residential area.</td>
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<thead>
<tr>
<th>Greater Shepparton City Council</th>
<th>This reform is partially supported.</th>
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<tr>
<td></td>
<td>The proposal to make the planning process more streamlined for simple proposal has merit and would allow for quick decision making. However there are concerns with how this proposal would practically be implemented and what impact the proposal would have on local areas.</td>
</tr>
<tr>
<td></td>
<td>This reform has the potential to provide a standardised response to the entire state and the local context could not be considered. For example, this reform could encourage business to relocate from regional CBD areas to less desirable peripheral areas such as Industrial Zones and Commercial 2 Zones. This outcome has the potential to lead to CBD location being drained of commercial uses and would lead to high vacancy rates, which is not an acceptable outcome.</td>
</tr>
<tr>
<td></td>
<td>While officers are not opposed to mechanisms that provide for quick decision making for relatively minor applications, it is considered that more thought needs to be given to practical outcomes and that a one size fits all approach may not provide for good outcomes for regional areas and is contrary to retail policy.</td>
</tr>
<tr>
<td></td>
<td>It is therefore considered that this reform should be complimented by a review of the commercial zones.</td>
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Reforming the Victoria Planning Provisions – Comments and submissions

Hobsons Bay City Council

- The discussion in the document regarding code-based assessment is very brief and leaves a lot of questions, particularly in relation to the process of applying for or submitting applications under this framework.
- If the aim of this process is to have a ‘tick the box’ approach, the question must be asked “why would we have a permit requirement in the first place?” For example, as with some triggers in the planning scheme, (such as the home occupation guidelines or car parking rates) if they comply with a number of provisions, then a permit is not required. If it complies with these requirements, why require a permit, particularly if they contain standard conditions that the Responsible Authority has no input into but must enforce.
- Alternatively, if the code-assessment is to replace the VicSmart application, then it may not be appropriate as a ‘tick-a-box’ approach. Although VicSmart applications are for minor types of buildings and works or car parking waiver, they still require an assessment against relevant guidelines. The assessment could not be undertaken within a quick timeframe, as a time frame against these guidelines and sometimes internal referrals are required to complete an assessment.
- It is also unclear how this provision would sit within the VicSmart process as the existing framework provides a fast track approach to applications, but in effect requires some degree of assessment and verification that all supporting information is accurate and in line with requirements. The idea of private planning certification is raised as an example in the discussion paper with reference to ‘complying development’ classes in New South Wales. Council does not support this approach, particularly with regard to any assessment of aspects that could be considered to require any kind of policy context, such as neighbourhood character or heritage significance.

Frankston City Council

- Code based system for cafes/restaurant/ While the intension of this is valid, I make the following comments:
  - Generally, the use of a restaurant or food and drink premises are section 1 use in Commercial areas anyway. Further, car parking and signage proposals in commercial areas are dealt with in VicSmart. There is no real reason to introduce a code based system for small cafes where the use is as of right anyway. Typically seating capacity numbers are dictated by car parking requirements or by the building system (ie. Set number of patrons per toilet facility).
  - It is unclear how a code based system would deal within zoning intricacies. For example, in the MU2, a Food and Drink Premises is a Section 1 use where the floor area is less than 150sqm, in a C12 it is a Section 1 use regardless, and in a C22 it is a Section 1 use where the floor area is less than 100sqm.
  - Code based system for secondary dwellings
  - Allowing a streamlined code based system for secondary dwellings which impact on the following:
    - Potential to flood market with rentals or air bnb
    - How will further subdivision be prevented like in NSW where the planning controls allow it?

CS Town Planning Services PL

- This is a brilliant concept and one we fully support.

Australian Institute of Architects

- The discussion paper ‘Reforming the Victoria Planning Provisions, October 2017,’ does not provide any detail or drafts of the codes for comment, or to demonstrate how these types of development could be objectively codified. Drafts of all proposed codes must be first prepared and released for comment before structuring a new application approval pathway around them.
- The AIA advocates that architects and designers should be involved in the writing and determining of such codes for the types of development which are proposed, in order to embed quality design in these policies. Code-based assessment provisions adds further complexity to the system – it creates a third pathway (i.e. VicSmart/Codified/Standard pathways), and will mean extra time spent on deciding which pathway to use instead of considering the merits and quality of design proposal
- “Bloating” of policy – to write a myriad of new codes for each type of development would be a laborious and lengthy process, and most likely be unachievable in the given timeframe for these reforms.
- Instead of assessments for simple proposals, the AIA advocates for a firmer focus on a more significant and comprehensive merits-based, ‘design-focused’ proposal pathway. This kind of assessment pathway must have an equally as defined (or codified) process and provisions to encourage, utilise and assess exemplary design solutions which best achieve planning objectives. This kind of pathway could be used for applications of state-significance, landmark sites, or other proposals that utilise design in innovative ways. We believe that quality design should be encouraged and incorporated into the planning assessment process.
- Therefore, we see opportunity for the Office of the Victorian Government Architect (OVGA), AIA, architects and other design professionals to become involved in the assessment and approval of these more complex ‘design-led’ planning applications to ensure design is at forefront of planning decisions of this kind.
- “Tick box” codes would entrench matters which should be decided using professional discretion and knowledge (especially design professionals – see above point for further detail).
- Codifying developments would scatter provisions relating to particular themes (e.g. car parking) throughout each code, thus making future reform which seeks to update all parking provisions too difficult – these themes should all be put in one provision.
- It seems that this kind of codifying would make an already complex system even more complex.

Jacobs Group (Australia) Pty Ltd

- Consideration should be given to expanding code-based assessment to minor infrastructure proposals (such as vegetation removal associated with a minor utility installation).
- Furthermore, consideration should be given to the learnings gained from code-based assessment processes in other Australian jurisdictions.
- The Discussion Paper currently suggests that a codified VicSmart assessment pathway be introduced for the following categories: Small Cafe/Restaurant standards; Temporary retail or cultural activity standards; ‘Home occupation plus’ or ‘live/work unit’ standards; Secondary dwelling (‘granny flat’) standards; Small lot standards. It would be useful to consider the inclusion of a VicSmart code assessment pathway for infrastructure development (recommendations for codes that may be suitable for code-based assessment are explicitly sought by the Discussion Paper). Linear infrastructure usually cannot be assessed under VicSmart, due to the multiple provisions and/or local government areas involved.
- The introduction of a performance code to enable qualifying simple, low-impact infrastructure projects (such as minor utility installations, in instances where they trigger a permit) to proceed via a streamlined VicSmart would improve efficiency and certainty. The traditional merits assessment would remain as the fallback pathway for proposals that do not satisfy the code-based assessment parameters.

Planning Institute Australia (PIA), Victoria

- This proposal is likely to overly complicate the architecture of the planning system with only limited benefit.
- If this proposal is to continue to be considered, examples of how it could work for different application types need to be made available for consultation and thoroughly tested to ensure good quality planning outcomes can still be achieved.

Sharp design pl

- A self-assessment of code compliance or an independent practitioner to certify code compliance would greatly streamline the approvals process. A situation where there is no interpretation required by council officers can be easily imagined. The benefit would be a significant decrease in the delays experienced in commencement of works.
- The VYP is generally in support of code based assessment where appropriate but is concerned that there are no draft provisions to review and therefore cannot accurately comment on the proposal. There is a risk that the type of reform posed will increase the planning scheme bloat and make the system more complex. There is also a risk that the new provisions will not capture many proposals as the requirements to use them will be too hard to meet.
- There is an opportunity to reduce the burden of the system by reforming how the permit triggers operate. Currently many planning controls such as Heritage Overlays, Design and development Overlays are framed widely and nearly all proposals require a permit. This takes away from what the planning issues are and could be fixed by using a more targeted approach to permit requirements where you opt in rather than need to provide specific exemptions to opt out.
- The VYP believes that planning assessment should be based around the planning issues themselves and that use based particular provision may not achieve this. For example, where there is a particular issue such as parking or land use, the application should be assessed against the parking provision or zone as appropriate.
- If you can identify objective test for a planning issue that does not require a merit based assessment then it may be possible to allow a permit exemption rather than including a permit process where performance requirement can be set. The role of planners should be around doing merit based assessments rather than undertaking an administrative tick-the-box exercise which can be covered by other processes such as building permits.
- Any revised provision should:
  - Ensure that we are not adding an additional layer of complexity on to the system.
  - Ensure that we are not creating additional inconsistencies or overlap between the building regulations and planning. This presents an opportunity for the two to work together to simplify outcomes.
  - Look for opportunities for more permit exemptions generally and where performance standards can be set rather than requiring a permit.
  - Ensure that permit assessments are against the planning issues that are triggering them.

Tomkinson Group

- An important point is that current policies often use the term ‘guide’ or ‘preference’, but in fact the assessing authority, often supported by VCAT, takes that as a concrete rule, rather than a guide to be considered in balance. It would be unproductive to introduce code based assessment, for which a permit is not triggered if code is met, and then find that authorities are treating the code as the rule, rather than a pathway to a permit application where other inputs can be considered in balance.

Small Change Design & Construction Pty Ltd

- Strongly support the inclusion of secondary dwellings into a code based assessment (subject to detail around the definition of a secondary dwelling and what the codes might be required) however this should be a first step towards an ‘as-of-right’ change. Secondary dwellings are a now urgently needed dwelling type that can be built quickly and relatively cheaply in well serviced areas to address the housing un-affordability crisis, the dire homelessness disaster and rapidly escalating rental prices that put many at risk of housing stress. It is imperative that the government act to prioritise this dwelling type via an easy and cheap approval method in an effort to engage the private sector in providing the sustainable, affordable and diverse dwelling accommodation that we need.

Surveying & Spatial Sciences Institute

- Code based as-of-right provisions, for (semi)detached buildings up to four lots. such as is being introduced in NSW. There is a tendency to get too caught up in aesthetics in neighbourhood character rather than addressing the more important issues for a single dwelling, if the building requirements address amenity considerations. Any trigger should be consistent across all zones and with the proposed introduction of the Small Lot Housing code into the scheme, this would further respond to code based assessment principles.
- This would then allow leading with the subdivision process in acceptable circumstances which the Supreme Court has deemed a legitimate process.
- Section 20 (3) of the Subdivision Act differentiates the subdivision process from the building process.
- Infill subdivisions of four lots or less make up around 80% of subdivisions lodged at the Land Registry. Many of these smaller subdivisions provide opportunities for family members, first home buyers and those looking to downsize to get into the market without having to compete against negatively geared speculators armed with taxation subsidies and overseas buyers who all compete for building stock.
- Unnecessary development requirements have led to first home buyers and mum and dad type investors being delayed entry into the market through the land subdivision process and then meet the all development requirement set down by the code assessment principles.

Corangamite CMA

- It is important to consider flood risk for buildings and secondary dwellings (‘granny flat’) that have the potential to put vulnerable persons at risk. It is important that these proposals are considered in consultation with the relevant Floodplain Management Authority.

South East Water

- “Home occupation plus” or ‘live/work unit’ standards... Concern if this is applied to non-residential areas. It will make it hard to plan for infrastructure if non-residential/employment areas start to introduce a significant amount of residences.

Coliban Water

- Coliban Water is happy to support this proposal particularly if the code based assessment is able to adequately address the increasing issue of secondary dwellings (‘granny flat’) or cabin also providing New Customer Contributions to infrastructure networks. Such situations are arising that should be addressed in the building process but are accessing existing connections without our knowledge. In the instances of Cafes and small businesses there is potentially a need for minor trade waste arrangements to be put in place. Such issues should be identified during the planning approval phase of any development. From an application perspective, construction of minor utility installations (water and sewer mains, pumping stations) would be suitable items to allow codification of approvals.

Glenelg Hopkins CMA

- Again – the existing framework for flood related controls largely provides for this kind of outcome. UDOP’s provide for clear articulation of performance standards for floodplain development. Applications that demonstrate compliance can be approved quickly in terms of dealing with flood risk. This however does not account for other planning considerations which may hold the process up.

Mounts Buller & Stirling, Hotam, and Falls Creek Alpine Resort Management Boards

- This proposal is supported. The impacts of reduced turn-around times on staffing requirements at the Department should be considered. The ARMB’s are confident that the proposed 10-day turn around could be achieved with their officers’ support, per the comments at recommendation 3.1.
- Currently, the relationship between ARMB’s and the Minister for Planning is poorly understood by Tenants, who face frustration with duplicated requirements under the Licence of Crown Land, Planning Requirements and permits required under the Building Act 1993... Land Use is effectively managed through the Permitted Use of a Lease of Crown Land. Providing code-based assessment pathways will allow for simple assessment of a proposed use against the permitted use, on the basis of meeting the code assessment.

Eltham Community Action Group

- The use of tick box planning will, overtime, lead to individual municipalities following remarkably similar paths. It will be a remarkably strong Council that does not follow the accepted trend. The policy does not appear to encourage Councils to use overlays, zoning and particular provisions to maintain and enhance the existing built form of the area. The form of new buildings that is acceptable in one area may not be
appropriate in another. We are concerned that there will be no advertising, no opportunity for those affected to object and no right of appeal.

**Action on Alcohol Flagship Group**
- The Flagship Group do not support code based assessment. The Flagship Group only support a process that provides each local government to conduct an individual, merits-based assessment which has the ability to take into account broader social/health and community wellbeing considerations.

**Dalgarno Institute**
- See Attached Document - Very concerned about any legislative mechanism that enables the alcohol industry an even greater 'free pass'. There needs to be a greater empowerment of communities, not the alcohol industry, around the accessibility, availability, sale, distribution, deployment or otherwise further proliferation to already over serviced (and to their detriment) communities. Any legislative change must ensure greater onus on the alcohol industry to prove their product will not add to further interim and/or long-term harms to the communities and its families.

**Inner East Primary Care Partnership**
- We do not support code based assessment. We support individual merit based assessments, including the capacity to assess against community health and wellbeing and cumulative impact.

**Outer East Health and Community Support Alliance**
- We only support a process that provides each local government to conduct an individual, merits-based assessment which has the ability to take into account broader social/health and community wellbeing considerations.

**Bellbird Residents Advocacy Group**
- Provided that does not apply to areas of Special Landscape or Environmental significance. the example of a single dwelling without other caveats is not suitable for code-based assessment.

**Toxic Free Fawkner**
- Draft provision amendments are required for democracy's sake not codes stamped on every sector within it for the sake of identification expediency. For example, what of mixed planning zones in which business is interleaved with residential. Do they simply each get a convenient label, thus never the twain shall meet or come into conflict as a result? It is looking more like BIG BROTHER legislation! Codes will simply make planning issue messier that they already are.

**Communities that Care Knox - EACH**
- We do not support a code based assessment. We only support a process that provides each local government to conduct individual, merits based assessment which has the ability to take into account broader social, health and community wellbeing considerations.

**Shoreham Community Association**
- See comments at 3.1.
- Much of local or neighbourhood character depends on qualitative assessment, any other approach would render such assessments practically useless.
- Code-based assessment provisions would work to a limited extent but not be adequate for many situations that are unique to the Mornington Peninsula. Consideration of overlays (possibly strengthened) would need to be an important part of any code-based assessment provisions.

**Flinders Community Association**
- Codes need to set out mandatory conditions and exist in a strict compliance regime. Some difficulty will arise because many planning decisions have elements of a subjective nature, for example, neighbourhood character. Codes, in such an example, may assist with criteria for assessment of neighbourhood character but ultimately be of little help in decision making.

**Nepean Historical Society (NHS)**
- We are profoundly concerned about a “one size fits all” approach to planning in Victoria. It is not merely “not appropriate” (MPSC submission); it is a real threat to key values held dear by local communities-the particular history, character and fabric their local built and natural environments. It threatens diversity; it threatens to compromise, even destroy the very qualities that attract people to places like Sorrento. This is not an argument for no change or development, but an argument for maintaining the control discretions exercised by local authorities. What is “simple” can be genuinely contentious.

**Eastern Metropolitan Region Action on Alcohol Flagship Group**
- We do not support code based assessment. We only support a process that allows each Local Government to conduct an individual, merits-based assessment which has the ability to take into account broader social/health and community wellbeing considerations.

**Blackburn and District Tree Preservation Society Inc.**
- The tree society is particularly concerned with the development and application of secondary dwelling and small lot standards and how they will impact on residential amenity and local landscape character. Tree canopy maintenance and enhancement is a crucial consideration here – trees need sufficient space to thrive.

**Nillumbik Pro Active Landowners**
- Strongly agree. See submission.

**Access Health and Community**
- We do not support code based assessment. We only support a process that provides each local government to conduct an individual, merits-based assessment which has the ability to take into account broader social/health and community wellbeing considerations.

**Individual responses**
- I say yes subject to a 12-month operational review to ensure this is working otherwise the potential for abuse can be catastrophic to some areas.
- Possibly could work
- The example of a café could be potentially expanded into MUZ and residential zones.
- As long as the new code based provisions are clearly defined and enforced.

The discussion seems to make a leap from talking about multi-unit proposals to then discussing ‘simple’ proposals. I am concerned that modest scaled proposals - say 4-10 dwelling- will have the capacity to be code assessed with no regard for neighbourhood character. I am inferring a drift in State Govt towards this approach based on the proposed Clause 52.47 Facilitation of Public Housing. Code based assessment of a two dwelling proposal may be acceptable in many circumstances with a relatively low impact, low risk result. However, the Rescode provisions are manifestly inadequate at ensuring reasonable outcomes (for both future residents and neighbours) beyond this scale of development. While I am extraordinarily frustrated with the way that Council’s apply their NC policies as if they were mandatory requirements, their use is often the only real tool of defence against rampant yield seeking.

Having read the DAF paper, which promotes what would be a significant retraction of the public notice provisions currently available, I would be very concerned for the electability of a Labour Govt that followed the recommendations. There is a too heavy reliance on the Code parameters in determining if public notice is to occur. Third party involvement can be tedious, however in the bigger picture it serves as an important point of connection between citizens and the planning system that is otherwise difficult to achieve. The educative and participatory function far outweighs the productivity losses.

Oh and I’m all for code assessment for small business proposals. The current requirements are generally absurd.
- Simple proposals for small businesses would benefit from this as may some industrial uses. However, VicSmart should not be used in more complex housing scenarios.

- Code-based assessments are great in theory but can be troublesome in practice. The original Vic Code from the 1990s is remembered as a definitive example of a set of controls that resulted in every box being ticked but development being bad nonetheless. Great care will be required to ensure that the code is good enough, and can cover for different circumstances.

- You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

- We do not want to see an extension to the VicSmart application system without proper community consultation. We do not want to see an extension to the VicSmart application system without proper community consultation.

- Again, I’m concerned that use of tick box planning will undermine the unique character of individual areas, without community members being able to have a voice.

- This appears to work well in NSW and assists with getting simple stuff done that an interfering neighbour might object to just because they can.

- How will it be managed and, if necessary, enforced? There has already been one case with mis-interpretation of VicSmart by a Council leading to community groups seeking a declaration under Section 149 at VCAT.

- It is a risk to impose a codified system over a discretionary system. Planning in Victoria has lacked strategic planning from its creation and is a purely reactive system.

- If Victoria wishes to introduce a codified system, similar to say that of Canadian provinces, it needs to form the base not atop a discretionary system.

- The Victorian system would need to change to provide more infrastructure planning incorporated within the scheme for such codified system to be effective, this may also include the merging of certain other legislation requirement so that one DA is issued (work within road reserve, building, septic etc).

- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

- See 3.1 above. Also I consider that code-based assessments must NOT be permitted for:
  - 2 storey dwellings or higher.
  - Properties that are required to absorb all storm water on-site (as opposed to being able to gravity output to street based storm water drains), as levels of coverage with hard surfaces needs to be professionally evaluated in relation to storm water dispersal systems and consider local soil conditions e.g. a clay soil will not disperse storm water at the rate that a sandy or loamy soil will.
  - Properties that are on ridge lines or hills, such that their impact on neighbouring properties below will be far more adversely impacted than normal.
  - Properties that are set back forward from or at a significantly different elevation level to their neighbours dwellings such that their impact on neighbouring properties below will be far more adversely impacted than normal.
  - Properties that are not connected to mains sewerage.
  - Property removal in a Green Wedge zone.

- Do not fast track. Instead we need more scrutiny of all proposals - in terms of community and environmental impact - and you could add heritage and cultural impacts.

- This is tied to the reasoning at 3.1 and which I have outlined elsewhere.

- You don’t have codes to use this system with, and you don’t have a clear purpose for the system (as proposals assessed against objective codes require no assessment and therefore don’t belong in the planning permit system). So why has the Department persisted with the idea of elaborate code assessment streams for a decade?

- System streams simply create complexity in assessment. See www.sterow.com/smartplanningflowchart for a diagram that accurately shows the pathways in a VicSmart / code assessment model.

- This proposal makes the system more complicated, not less.
### What other matters do you think are suitable for code-based assessment?

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<tr>
<th>GROUP</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td><strong>Submissions</strong></td>
<td><strong>Comments</strong></td>
</tr>
<tr>
<td>Wellingtonshire Council</td>
<td>Could be further broadened than minor matters, such as recent approach taken with greyhound facilities which provide clear guidance for decision making.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>The code-based assessment could be broadened to consider applications for pop-up type activities, as well as temporary structures associated with events or festivals.</td>
</tr>
<tr>
<td>Whittlesea City Council</td>
<td>Multiple classes of timeframes are supported if expanding VicSmart. Whilst 20 or 30 days may be appropriate, this will depend on the application. There is currently confusion in the industry when lodging an application whether it can be considered under VicSmart. Some Councils are simply including them, whilst others are deeming it optional and placing the requirement on the applicant to nominate, thereby minimising the number of applications being considered. In Wittenbach v Cardinia SC (Red Dot) [2017] VCAT 793 (2 June 2017) this was clarified from a VCAT perspective and the reforms to the planning scheme could assist in firming up the pathways so that they are not optional (i.e. once it meets the pathway it is automatically in). Where introducing any pathway that does not require further information, the ‘checklist’ of what is required must be clear, the information on it mandatory and clarity that it will not be treated as a complete application or even registered where something is missing or there is discrepancy about whether the information meets the ‘checklist’. This will need to be unambiguous and straightforward to meet the intent.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>Technical matters with standard conditions, e.g. BMO. Matters that qualify for a code based assessment should probably not be in the planning system at all but in the building system. Agree that if having more in VicSmart then slightly longer timeframes might be required as more resources devoted to VicSmart assessments. Need to ensure that resources remain for complex applications and not just focussing on VicSmart.</td>
</tr>
<tr>
<td>Maroondah City Council</td>
<td>Some industrial uses on industrial zoned land could be code assessable assuming they were located minimum distances from residential development.</td>
</tr>
<tr>
<td>City of Kingston</td>
<td>Single permit trigger applications such as LSIO or SBO could potentially be code based. ‘Convenience shop’, and Motor Vehicle Sales and Repairs’ in Industrial Zones (if intended to be ‘as of right’).</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>Consideration should be given to the deletion of requiring a planning permit for minor matters rather than developing a code assessment process, or establish additional codes of practice similar to the apiary and tennis court codes.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>Council officers do not support the expansion of code-based assessment.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>A code assessment should be considered for industrial development for warehouse or industrial uses that do not require buffer. Provision should maybe consider that individual Councils could include local code base assessment.</td>
</tr>
<tr>
<td>City of Stonnington</td>
<td>Car Parking, Advertising Signs and other particular provisions should be reviewed with regard to potential further exemptions in commercial areas and their suitability for code-based assessment. Regard needs to be had for heritage buildings.</td>
</tr>
<tr>
<td>CS Town Planning Services PL</td>
<td>Minor buildings and works. The list of exempt and complying development codes in NSW are worth looking in to, for works that may not be exempt in Victoria, but may have been missed under the current VicSmart scheme.</td>
</tr>
<tr>
<td>Collie Pty Ltd</td>
<td>Not related specifically to this question but an important issue is that the discussion paper in Figure 5 suggests an existing planning permit path that is often far from the actual situation. The Act does NOT guarantee a permit in 60 days but merely gives the right to appeal on failure after 60 days. In our experience it is common for planning permits (and endorsements under permit conditions) that are quite straightforward, to take well over 60 days (even where there is no advertising / VCAT).</td>
</tr>
<tr>
<td>Sharp design p/l</td>
<td>The issue of minor variations to endorsed plans prior to the issue of a building permit continues to be a great frustration to my industry. Some prescriptive allowances for these minor variations would greatly benefit the construction industry.</td>
</tr>
<tr>
<td>PIA Victorian Young Planners</td>
<td>Support the exploration of code based assessment or permit exemptions for single-issue technical responses to a single issue or environmental condition of the land where an application is referred to a referral authority. Appropriate performance standards or permit conditions would be necessary.</td>
</tr>
<tr>
<td>Tomkinson Group</td>
<td>Tiny houses</td>
</tr>
<tr>
<td>Surveying &amp; Spatial Sciences Institute</td>
<td>Simple Subdivisions under Section 32 of the Subdivision Act subsequent to an issued development permit. Subdivisions to remove a redundant common property strata layer. Subdivisions under Section 35 of the Subdivision Act. Stand alone Easement removals and variations. Most can be done more efficiently and cost effectively under the provisions of the Transfer of Land Act. The Planning and Environment requirement have become too unwieldy. Subdivision of developments that have already obtained a planning permit Boundary re-alignments.</td>
</tr>
<tr>
<td>Eltham Community Action Group</td>
<td>The only matters we believe are suitable for code-based assessment are those that do not affect the visual amenity of our places, like those relating to flood levels.</td>
</tr>
<tr>
<td>Toxic Free Fawkner</td>
<td>Resident’s elected representatives i.e.: full councils and/or urban planning committees, preferably a combination of both must stay as the last line of authority (defence) for planning permits. They remain the one sure safety check against bad planning proposals and bad planning department decisions and corruption in the planning area.</td>
</tr>
<tr>
<td>Individual responses</td>
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<tr>
<td>• I think this is ok on the condition that regular assessment as to operational effectiveness is considered and agreed to prevent misuse.</td>
<td></td>
</tr>
<tr>
<td>• Sheds in rural zones.</td>
<td></td>
</tr>
<tr>
<td>• Simple residential buildings/extensions - carports, sheds, tanks, etc</td>
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</tr>
<tr>
<td>• Building and works to heritage properties at rear.</td>
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</tr>
<tr>
<td>• Offices in residential zone.</td>
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<tr>
<td>• The discussion around Granny Flats also seems a little odd given that there is already a planning exemption for Dependent Person Units.</td>
<td></td>
</tr>
<tr>
<td>• Under the proposed new code-based assessment for temporary retail or cultural activity standards, there is a need to include as part of VicSmart temporary events that may occur on only one/several days a year either once, or on an annual basis, and do not require any permanent works. This is especially relevant for events that contribute to the tourism economy but are being hindered by onerous planning triggers (which can be multiple), application requirements, advertising requirements and assessment timeframes which are disproportionate to the temporary nature of the event.</td>
<td></td>
</tr>
<tr>
<td>• If not included as a VicSmart application, consider including/expanding existing exemptions under the zones. For example, the Green Wedge Zone does not contemplate Place of Assembly as a Section 1 use subject to conditions. There is currently no distinction provided between a permanent PoA (e.g. church), or a one-day tourist event. This is not conducive to attracting these types of events to some Municipalities that rely on the tourism economy, such as Mornington and Geelong.</td>
<td></td>
</tr>
<tr>
<td>• As a further alternative, amend the Decision Guidelines to force Council's when assessing applications for temporary events to have due consideration to the temporary nature of the use and any associated structures, car parking dispensations etc.</td>
<td></td>
</tr>
<tr>
<td>• You are not trustworthy enough to have such responsibilities when you have too many vested interest involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
<td></td>
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<tr>
<td>• Ones that don’t impact liveability i.e. visual amenity.</td>
<td></td>
</tr>
<tr>
<td>• If VPP are serious about integrating the 120,000 people coming to this state each year its critical that its simpler/cheaper/time effective to carry out simple to medium works without excessive regulatory burden.</td>
<td></td>
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</table>
## Proposal Four: Smarter planning scheme drafting

### 4.1: Create a new VPP user manual

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Wellington Shire Council</td>
<td>Clear and concise, user friendly.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>Council agrees in principle with this proposal, however further information is required on the user manual’s content.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>Digital version with links to practice notes, zone purpose and lots of examples.</td>
</tr>
<tr>
<td>Yarra Ranges Council</td>
<td>Please refer to the attachment for further comments.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>The creation of a user manual could be helpful to ensure common language for all planning schemes, this user manual should include templates to ensure consistency.</td>
</tr>
<tr>
<td>Melton Council</td>
<td>The development of a new VPP manual that includes business rules for the drafting and application of planning scheme provisions would be necessary if the VPP’s were to be revised. This would be sensible given the manual should relate to the new VPP’s. Council officers would like the opportunity to review and comment on the VPP user manual before it is finalised.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>This is supported although should be clear and concise.</td>
</tr>
<tr>
<td>City of Stonnington</td>
<td>Support consistent drafting of provisions through a new VPP user manual, including linkage to relevant Ministerial Directions (e.g. Form &amp; Content) and to support the proposed shift to a digital platform for planning schemes.</td>
</tr>
<tr>
<td>Greater Shepparton City Council</td>
<td>The proposal to develop a common, clear approach to the drafting of new planning scheme provision is supported. It is considered that, as part of this reform Practice Notes will need to be updated to react appropriately to this proposed reform.</td>
</tr>
<tr>
<td>Collie Pty Ltd</td>
<td>All the ideas are positive but their success will be determined by how universally they are adopted. As noted above, one of our concerns with the complexity of Schemes supposedly tested under the ‘universal’ VPP, is how often a change is approved that appears ad hoc and out of step with broader policy. The testing authorities, including DELWP and the Minister, must adopt any proposed manual for it to work properly.</td>
</tr>
<tr>
<td>Consulting Surveyors Victoria</td>
<td>Consulting Surveyors Victoria fully endorses the creation of a new VPP user manual.</td>
</tr>
<tr>
<td>Australian Institute of Architects</td>
<td>Planners and designers must have a robust discussion/debate as a profession before rolling out any new policy or templates for writing policy. We are not convinced that the time frame is long enough to consider all discussions or suggestions raised by submissions, in order to encompass all necessary considerations.</td>
</tr>
<tr>
<td>Tomkinson Group</td>
<td>It would need to be reviewed and updated regularly.</td>
</tr>
<tr>
<td>Small Change Design &amp; Construction Pty Ltd</td>
<td>As long as the principals of ‘why say it in two pages if you can say it in one’ are followed and that the document is tested on the general public who have a right to understand their planning rules. The ‘Reforming the Victorian Planning Provisions, a discussion paper is a good example - too long, too many irrelevant pictures and unlikely that many of the public would engage in such a wordy document.</td>
</tr>
<tr>
<td>Surveying &amp; Spatial Sciences Institute</td>
<td>We support any initiatives that will improve the consistency and clarity in planning scheme drafting.</td>
</tr>
<tr>
<td>Port Phillip &amp; Westport Council</td>
<td>We support any initiatives that will improve the consistency and clarity in planning scheme drafting.</td>
</tr>
<tr>
<td>Glenelg Hopkins CMA</td>
<td>The concept of a VPP use manual is supported. Such a manual could include a section dealing specifically with the structure and format and operation of controls dealing with Natural Hazards (including flooding).</td>
</tr>
<tr>
<td>Mounts Buller &amp; Sterling, Hotham; and Falls Creek Alpine Resort Management Boards</td>
<td>A ‘User Manual’ should be designed for customers of Planning Services to assist them in determining application requirements and pathways to efficiently deal with their transaction. It is concerning that the recommendations appear to still present the digital transformation of the planning scheme as the creation of a set of ‘e-books’. Meaningful digital integration of user guidelines and help could be provided by ‘ tooltips’ and navigational assistance while viewing the scheme. It is noted that Using Victoria’s Planning System is a detailed technical guide on the use of the planning scheme, which includes recommendations around drafting and use of the Scheme. This could provide a good basis for an updated online guide. Recommendation 4.2 may not be necessary if templates are provided and well-advertised to planning officers. This would enable the retention of strategic planning skills across levels of Government and regions, rather than centralising them.</td>
</tr>
<tr>
<td>Eltham Community Action Group</td>
<td>Consideration needs to be given to who will be using the manual. A new VPP user manual should be easy to read and to understand - for both planners and, in particular, the general public.</td>
</tr>
<tr>
<td>Toxic Free Fawkner</td>
<td>A strong objection must be made in respect of the planning scheme drafting statement. Increasing the number of avenues for permit applications will lead to sloppy, unworkable decision making. Unless of course developers can simply do what they please by ticking a few boxes in a desktop application. This is BAD POLICY!</td>
</tr>
<tr>
<td>Shoreham Community</td>
<td>We believe “performance based” planning controls are at the heart of too many disputes, delays and much of the confusion.</td>
</tr>
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Reforming the Victoria Planning Provisions – Comments and submissions
<table>
<thead>
<tr>
<th>Association</th>
<th>Specification of mandatory controls such as setbacks, site coverage and height limits etc would provide better clarity and certainty for the community. It would also assist in the definition of “code assess” controls.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flinders Community Association</td>
<td>The lack of detail makes response difficult to this proposal. The function of a manual should be to clarify the steps in using the VPP and explain its structure for the interested public. The Review process so far has been unfair since it has been the exclusive preserve of the planning, property and building industry professions. Indeed, the earlier the VicSmart changes were introduced without community consultation and as a fait accompli,</td>
</tr>
<tr>
<td>Nepean Historical Society</td>
<td>We support any improvement to user manuals and tools because this will assist community groups (and other parties) to use the system.</td>
</tr>
<tr>
<td>Nillumbik Pro Active Landowners</td>
<td>Agree. See submission attached.</td>
</tr>
<tr>
<td>Individual responses</td>
<td>Long overdue, need to include a summary table for the VPPs showing what they for and how and when they can be used.</td>
</tr>
<tr>
<td></td>
<td>There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.</td>
</tr>
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<td></td>
<td>There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.</td>
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<tr>
<td></td>
<td>The VPPs need to be flexible and responsive to new development and changes.</td>
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<tr>
<td></td>
<td>As long as the contents of the user manual are clearly defined, enforced and can be updated to reflect the changing needs of the community - changes must be voted on by both houses of State Parliament.</td>
</tr>
<tr>
<td></td>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
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<tr>
<td></td>
<td>Manuals are not substitute for considered review at the local level.</td>
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<tr>
<td></td>
<td>We do not want to see an extension to the VicSmart application system without proper community consultation.</td>
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<tr>
<td></td>
<td>Is this manual for planners, or for the community?</td>
</tr>
<tr>
<td></td>
<td>I am finding this VPP information and survey tricky enough - will a manual be just as complicated, or will it be concise and straightforward?</td>
</tr>
<tr>
<td></td>
<td>There is a danger in this that the computer system becomes the driver for what can or can’t be included in relevant planning provisions rather than computer systems being adapted to what should be a best-practice planning system. This must be avoided as it would undermine the intent of creating better planning outcomes. Robotic decision making on planning matters will fail all of us.</td>
</tr>
<tr>
<td></td>
<td>This work has already been done. Taxpayers’ money should not be wasted in re-writing the manuals.</td>
</tr>
<tr>
<td></td>
<td>The VPP manual should be reviewed on an annual basis. Obviously, the lack of a current Manual is a consequence of Government public sector cutbacks.</td>
</tr>
<tr>
<td></td>
<td>I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.</td>
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<td></td>
<td>This is worth doing but again the discussion of what the problems are needs a lot more development.</td>
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<tr>
<td></td>
<td>The key reforms in this paper are contrary to what I would consider good drafting practice (and indeed, some of the principles outlined in this paper) since they:</td>
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<tr>
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<td>o Encourage duplication of controls (through the proliferation of use-based codes).</td>
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<td>o Entrench the use of weak policy as outlined at 2.5, encouraging bloat in overlays and other clauses that can use “prescriptive standards.”</td>
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<td></td>
<td>o Encourage proliferation of local policy (by failing to plug the missing gap of truly helpful state policy for universal issues).</td>
</tr>
<tr>
<td></td>
<td>The proposed approach to drafting needs much more thought and should not be rushed as part of this round of reforms.</td>
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<tr>
<td></td>
<td>Until your department does the right thing and properly consults the communities that will be so badly affected by the proposals, the whole idea should be abandoned.</td>
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</tbody>
</table>
#### 4.2: Establish a business unit dedicated to VPP and planning scheme amendment drafting

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submissions</strong></td>
<td><strong>Wellington Shire Council</strong>&lt;br&gt;• Potential to create another ‘gate keeper’ to further ‘bog down’ the planning system. Sufficient checks and balances are available at the regional office of DELWP.&lt;br&gt;• Whitehorse City Council&lt;br&gt;• Council agrees this proposal is valid in principle. However, further information is required on the structure of this business unit to ensure it is well resourced to keep pace with the significant number of planning scheme amendments sought by councils.&lt;br&gt;• Whittlesea City Council&lt;br&gt;• Do not support&lt;br&gt;  • There is agreement that increased expertise in planning scheme amendment drafting would improve Victorian planning schemes. This would be best delivered by existing staff/units (DELWP - Planning services). A dedicated VPP and planning scheme amendment business unit may only increase delays by creating an additional referral process which will only add to an already complex bureaucracy with multiple stage gates. There should be support to up skill existing DELWP staff.&lt;br&gt;• CoW officer position is:&lt;br&gt;  o This proposal will ultimately result in longer delays by creating bottlenecks in the drafting of local policies and amendments.&lt;br&gt;  o Central policy team unlikely to understand local context to which a policy relates and there is a danger it could be used to eliminate local content from planning schemes.&lt;br&gt;  o Support updated guidelines to assist planners at Council to draft policy/schedules&lt;br&gt;  o Further resourcing should be provided to the existing DELWP team for them to continue what is effectively a quality assurance role (checking consistency, grammar, ensuring local policy does not duplicate/conflict with state policy etc.).&lt;br&gt;  o Question how such a team would be funded (there is a danger this cost would be passed on to Council to pay for each policy to be prepared, as part of the amendment fees).</td>
</tr>
</tbody>
</table>
Council officers consider that there is merit in a business unit being created to assist rural councils, which have limited staff and budgets to prepare local policy, to assist councils to draft local policies that have not been drafted before, and to provide general advice to councils on the form and content of planning policies.

It is unclear who council would engage with when preparing planning scheme amendments. Would this be done through the local representative in planning services, or through the new business unit?

Council officers would like more information on what amendments this business unit would be responsible for (MCC support them dealing with GC, V, and VC amendments), and how they would support council’s to create C amendments.

**Mitchell Shire Council**
- Support establishment of a business unit dedicated to VPP and planning scheme amendment drafting provided:
  - The unit works with Council officers in a collaborative way, including the ability to discuss matters face to face or over the phone. The concern would be if the unit operates solely through local DELWP officers who would effectively become messengers.
  - The unit needs to have capacity to review draft policy in a timely manner within prescribed timeframes (to allow for project planning) and facilitating an outcome prior to officers seeking Council authorisation to prepare an amendment.
  - Consideration is given to the role of DELWP Regional Planners in reviewing proposed policy. Currently DELWP Regional Planners review amendment policy and provide feedback directly to Council officers and have a strong understanding of a municipality’s context. This raises the possibility of receiving differing sets of advice from the Regional Planner and the proposed business unit which may add an extra layer of bureaucracy to preparing amendments.

**Murrindindi Shire Council**
- This is partly supported. There is a concern that this proposal may create issues between Council and the department with control being taken away from both Council and the regional office and centralised in Melbourne. There are many issues that are better dealt with by regions and staff that are familiar with both Council and our individual circumstances.

**Cardinia Shire Council**
- This is supported and online contacts and processes would be also supported. The online communication and information platform that was achieved in the Bushfire Management Overlay amendment should be contemplated as a starting point for the new business unit and planning scheme amendment drafting. An online forum should also be contemplated to allow for similar Councils to discuss and review the process and use each other’s resources and shared experiences.
- Clarification if this business unit will draft the amendments to the PPR which seemed to be inferred by the presentation of the Smart Planning discussion paper. It would be considered more appropriate for Council to be appropriately resourced to draft changes within Council and be reviewed by the Business Unit, clear processes should be clearly communicated.

**Wyndham City Council**
- The concept of a specialist business unit on drafting planning provisions is supported. However, the role of such a unit should be to review draft amendment proposed by councils (and within agreed timeframe): councils should not be in a position of having to wait for the business unit to prepare documentation. As the experience with planning scheme amendments has demonstrated, DELWP performance for processing amendments is poor.

**Maribyrnong City Council**
- It is unclear how this dedicated business unit would operate and the potential impact on Council’s approval processes. Further information is desired, particularly around roles, responsibility, operation time frames and collaboration.

**Greater Shepparton City Council**
- The proposal to establish a dedicated unit for the management of the VPPS is not supported by planning officers as appropriate detail has not been provided.
- Council officers would require clarification on the following:
  - What is the level of guidance required from Council officers (would this lead to job losses and de skilling of planners, which is a key concern in regional areas)
  - Where is the business unit to be located and how will it be set up? GSCC has recently experienced some difficulties putting forward strategic planning solutions/ processes tailored to a regional perspective, often being dismissed as that is not how it is done in metro areas. It would be important to ensure there is flexibility within drafting and process to reflect individual circumstances of particular governments, as well as the regional context it is being prepared for.
  - The dynamic between Council officers, community expectations and the role of Councilors and how this will be addressed when policy making and drafting.
  - The ability of staff in the ‘centre of excellence’ to respond in a timely, tailored manner.

**Hobsons Bay City Council**
- Creating a dedicated business unit within the DELWP would provide greater opportunity for consistency in policy and help eliminate the development of ambiguous and unclear provisions, which in Council’s experience is a particularly common outcome of the input of multiple stakeholders into draft policy and controls undertaken during the panel process.

**Beacon Town Planning Pty Ltd**
- This is essential and should be staffed by experienced planners.

**Australian Institute of Architects**
- We are unsure about the role of local councils in the drafting of local planning scheme amendments. Would the council draft the amendment which is then approvedFormatted by the state? Or would the state draft and format the amendment, which is simply checked by council?

**Peet Limited**
- Peet welcomes the proposal to establish dedicated resourcing within the Department of Environment, Land, Water & Planning (DELWP) for the variety of improvements proposed to the VPP, subject to two important considerations.
  - The establishment of a new business unit within DELWP will naturally place a strain on existing resources. This may result in the need to pull resources from another business unit or external recruitment. Peet encourages DELWP to consider the long-term benefit of the proposed changes and ensure that timeframes on planning scheme amendments do not increase. Furthermore, secondments from local Councils could be explored during the initial period of reform where a high workload is anticipated.
  - Ongoing funding commitment from government is required to appropriately resource this important initiative. While recruitment of additional resourcing may be required in the short-term, this will ease future workload and ultimately result reform to the VPPs being a cost-neutral exercise. Seeking additional funding from the private sector should be avoided on this basis.
<table>
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<tr>
<th>Group</th>
<th>Comments</th>
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| Planning Institute Australia (PIA), Victoria | • Refer to our overarching comments.  
• A business unit dedicated to the VPPs should focus on stewardship of the VPPs provisions, planning processes and other State government directed mechanisms (such as fees), while building capacity within existing stages of the planning scheme amendment process to ensure appropriate and consistent drafting.  
• That said, it would be of benefit to some Councils to be able ‘outsource’ drafting of planning scheme amendments in certain circumstances. Planning scheme amendment drafting would be a good service to provide for Councils who request it voluntarily. |
| PIA Victorian Young Planners | • This is very important and relates to the key role of the DELWP being the ‘gate-keeper’ of the Planning System. However, to be effective the Department needs to make a strong, long-term commitment to this otherwise this process and the system itself will be unable to improve and increase efficiency. There needs to be an improved relationship between The Department and Local Government to increase knowledge sharing associated with drafting and consistency. Feedback on Planning Scheme provisions should be consistent between Councils and there should be education sessions once new provisions are guidance is rolled out. |
| Tomkinson Group | • Shouldn’t this already be happening through the planning scheme amendment process? I find it disturbing that planning scheme amendments require DELWP authorisation and approval, but that DELWP has no input/comment on the drafting of those amendments. |
| Surveying & Spatial Sciences Institute | • Whilst the amendment drafting process does pass through a review by a number of parties, we agree that the amendment drafting role could be more formalised and strengthened giving Government stewardship over the process. |
| Level Crossing Removal Authority | • This business unit should also give priority to overhauling the practice notes and if necessary, the Ministerial Directions. |
| Mounts Buller & Stirling, Hotham; and Falls Creek Alpine Resort Management Boards | • Existing Planning Review processes should be strengthened to ensure consistent outcomes. If recommendations 2.4 and 2.5 are implemented, a business unit should not be required to resolve common drafting problems.  
• To retain strategic planning skills in Local Governments and Authorities, any business unit should deliver assistance in the preparation stage of any amendment, as regional officers currently do. In order to ensure consistent outcomes are achieved, a final review for any of the common drafting problems identified in the paper should be lodged as a submission during the review period.  
• If drafting errors are sufficient to threaten the user-friendly or consistent operation of the Planning Scheme, the Minister for Planning should be advised not to approve the amendment. |
| Elltham Community Action Group | • Checks and balances must be put in place to ensure local contributions are accurately implemented. |
| Bellbird Residents Advocacy Group | • Provided it is well resourced and streamlined rather than inhibits planning outcomes. |
| Toxic Free Fawkner | • What, yet another bureaucracy, one that will simply replace the work now done in local council offices? A unit at total arm’s length and quarantined from the community. A unit that would be a planning law unto itself, not concerned or connected to municipalities or their legitimate concerns in respect of inappropriate or uncalled for planning decisions. What mechanisms are spelled out in the statement as to recourse to complaint and or dispute? None. This is simply a centralising power / revenue grab on behalf of the current government. |
| Flinders Community Association | • The creation of an expert group to review planning documents has merit but the absence of any community input is a serious weakness. Perhaps the group could be supported by a Reference/Advisory panel including community groups as well as other government/referral agencies. |
| Blackburn and District Tree Preservation Society Inc. | • The BDTPS is opposed to any centralization of planning scheme amendment drafting that precludes local government and community input to vouchsafe the local planning context, natural and landscape character, community values and aspirations for the local environment. Local planning provisions and their amendment must remain the responsibility of council planning departments. |
| Nillumbik Pro Active Landowners | • Agree. See submission attached. |
| Individual responses | • Establishing and maintaining a properly resourced, highly skilled planning scheme drafting unit is of critical importance to the success or otherwise of many of the mooted reforms.  
• Properly funding and resourcing such a unit will present a massive challenge.  
• Given all users of the planning system would greatly benefit from having such a resourced and skilled unit, does an opportunity exist to have planners from various levels of Government as well as the private sector seconded to the unit for fixed periods of time, free of charge or at nominal rates? It is self-evident that any planner so seconded would greatly benefit in terms of professional development and knowledge, while such arrangements could assist ensure the unit is funded and resourced.  
• The business unit must be resourced effectively or must not be a mandatory step in the amendment process that creates another timely step and delay in the process.  
• I support a business unit that is dedicated to managing and protecting the VPP and as such provides a review and feedback service to councils. I do not support the drafting component. This will centralise strategic planners and their role which greatly disadvantages regional planners who do not wish to move to Melbourne. Centralising this function and this profession goes against the Government’s current mantra of decentralisation and promotion of regional areas. It also deskills regional planners and limits their role.  
• As long as there is Ministerial and Parliamentary oversight.  
• This is a waste of taxpayers money.  
• You are not trustworthy enough to have such responsibilities when you have too many vested interest involved in a process change that doesn’t serve the people and regions it is in place to protect.  
• I particularly disagree that Departmental staff can draft planning regulations on behalf of Councils which can then be assessed by a Planning Panel invoked by the Minister with a recommendation which is then determination by the Minister.  
• Is at what cost... in dollar terms?? accessibility ??? to the small players ?? |
- We do not want to see an extension to the VicSmart application system without proper community consultation.

- Make sure that local feedback is taken on board.

- Centralising the needs of localised issues will fail in quality and timeliness of decisions. The current panel system is OK.

- This should already be in place, review of the drafting of amendments is supposed to be part of the Ministerial approval process.

- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

- You have units in DELWP that already do this, in Planning Systems and State Planning Services, and there is no explanation of why that existing organisational structure isn’t suitable.

- This reads, frankly, as an excuse for a purge of traditional system guardians in Planning Systems. While I have my frustrations with how the system has been administered, in my view this paper shows the hazards of sidelining traditional system design expertise.

- Here, as elsewhere, it is important to clearly diagnose how and why the current arrangements haven’t worked before formulating a solution. I’d like to see more thought given to that, so that solutions can actually arise from the problems found. A new business unit doesn’t do anything if you don’t understand why the old framework was lacking.

- Until your department does the right thing and properly consults the communities that will be so badly affected by the proposals, the whole idea should be abandoned.
4.3: Create an online Victorian Planning Library

<table>
<thead>
<tr>
<th>GROUP</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Submissions</strong></td>
<td>Yarra Ranges Council, Knox City Council, Moreland City Council, South Gippsland Shire Council, Urbis Pty Ltd, Green Wedge Protection Group</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>• Council agrees as it makes sense for all resources to be accessible in one place for Councils and the community. Online technology makes resources very accessible, allowing transparency of decision making and sharing of knowledge.</td>
</tr>
<tr>
<td>City of Greater Geelong</td>
<td>• We support the enhancement of the online and interactive nature of planning schemes and the creation of an online Victorian planning library. • Maintaining access to all reference and incorporated documents is an ongoing challenge for councils and hyperlinks within the planning scheme would assist in this task. • One example is the access to heritage studies and citations. Direct links to HERMES/Victorian Heritage Database and where necessary heritage studies should be provided from the online planning library. • In addition, consideration should be given to overhauling the HERMES/Victorian Heritage Database/Heritage Inventory to make it more interactive and relevant to the heritage overlay. This includes the provision of all fields of information provided in local government heritage studies, such as (but not limited to): histories, comparative analyses, heritage overlay numbers, heritage precinct names in addition to the current information.</td>
</tr>
<tr>
<td>Yarra City Council</td>
<td>• The creation of an online library would be a great resource. The library should include: o incorporated documents, o approved development plans, o reference documents, heritage citations, o all approved Ministerial planning permits and endorsed plans.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>• Creating a single reference library, which contains all incorporated documents, approved development plans, background / reference documents, important historic planning documents, and heritage citations informing the Heritage Overlay is sensible. • The planning scheme should provide hyperlinks to relevant online documents that are accessible to users as they seek to apply planning scheme provisions. • This would make the planning scheme much easier for users to navigate and use. • At the moment, it is difficult for users to find relevant incorporated documents, and in some instances, they may access documents that have been superseded (e.g. development contribution plans).</td>
</tr>
<tr>
<td>Mitchell Shire Council</td>
<td>• An online Victorian planning library is strongly supported. One issue faced by Mitchell Shire Council is the lack of space to host these documents on Council’s website as the files are often large and when combined comprise a significant amount of data and is a resource intensive process. Hosting on a centralised Victorian Government system would be an ideal solution to this issue and provides for consistency. • Many schemes include out of date or superseded reference documents, incorporated documents and Development Plans for areas that have had works completed. Prior to implementing an online database, DELWP should provide Councils with the time and support to remove out of date or superseded documents utilising 20(4) or 20A processes.</td>
</tr>
<tr>
<td>Murrindindi Shire Council</td>
<td>• This is supported as it will create easier access to information for all parties. Documents within a planning library should include all documents either referenced, incorporated or simply adopted as a result of an overlay e.g. development plans.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>• An audit of all documents would be required to implement this. There are many outdated or unavailable electronic versions of State Government Reference documents. • It would be beneficial if this could also include approved Development Plans and Incorporated Documents. These are hard to find by external parties.</td>
</tr>
<tr>
<td>Wyndham City Council</td>
<td>• Strongly agree. The library should be integrated in terms of mapping, provisions and strategic documents etc. • Maps should also have the capacity to identify site specific clauses e.g. Wyndham Harbour • There is also opportunity to Integrate GIS and spatial data e.g. pipelines should be on the maps.</td>
</tr>
<tr>
<td>City of Stonnington</td>
<td>• Strongly supported provided it is regularly updated to maintain currency, is easily accessible and allows documents to be downloaded (pdf &amp; WORD versions as well as old versions of all planning schemes).</td>
</tr>
<tr>
<td>Greater Shepparton City Council</td>
<td>• This reform is supported by planning officers and it is considered that this would provide for an important recourse for planners, it is important that the library is appropriately monitored and is kept up to date and is relevant. Council officers are happy to provide information to feed into the library where relevant and possible.</td>
</tr>
<tr>
<td>Hobsons Bay City Council</td>
<td>• The proposal is supported and no further comments are provided.</td>
</tr>
<tr>
<td>CS Town Planning Services PL</td>
<td>• The one risk with this concept is the possibility of people incorrect or poorly prepared planning applications based on the fact they have read a lot of information and believe they can submit to Council. Planning is always complex and there would need to be a way to warn applications during all their research that it is best to still get advice from Council or a professional.</td>
</tr>
<tr>
<td>Colliex Pty Ltd</td>
<td>• And work toward all planning permits being available through such a library.</td>
</tr>
<tr>
<td>Australian Institute of Architects</td>
<td>• The AIA supports the creation of an online planning library, potentially with hyperlinks, online mapping and tools with direct links to the relevant policies and information. This should be fully integrated with the online planning scheme and/or mapping of zones and overlays.</td>
</tr>
<tr>
<td>Jacobs Group (Australia) Pty Ltd</td>
<td>• We would also suggest that the amendment or addition of documents be announced via a notice on the Planning Matters email.</td>
</tr>
<tr>
<td>Tomkinson Group</td>
<td>• Useful, but would need constant monitoring and updating - a very time consuming and possibly expensive task. There are other items in the proposed reform that would be a more effective use of resources.</td>
</tr>
</tbody>
</table>
Niche Planning Studio

- Niche believes this sub-proposal is a very important aspect in the process of improving and updating the existing VPP within the planning scheme. Indeed, creating an online Victorian planning library ensures that all documents are accessible to all individuals, and allows for the categorisation of documents. As a further incorporation, Niche recommends the inclusion of keyword searches as vital to the success of this sub-proposal.

Surveying & Spatial Sciences Institute

- We agree with the proposals in 4.3 of the Discussion Paper.

VPELA

- This should be given a very high priority and should include copies of reference documents, codes of practice and all incorporated documents and plans, and tools for establishing who the public land manager is for any given parcel of public land.

Coliban Water

- The creation of an online interactive planning permit conditions selection process would make the interaction between Referral Authorities and between Referral Authorities and the Responsible Authority far more efficient and potentially eliminate duplication.
- The system could potentially offer a selection of draft permit conditions via a drop down box that the responsible offices from a variety of agencies can select. If conditions variations are required all uses would have the ability to see and accept variations.

Mounts Buller & Strirling, Hotham; and Falls Creek Alpine Resort Management Boards

- Per the comments at 4.0, the delivery of a Planning Library is supported, provided that existing services are rationalised and point toward this library as a ‘one-stop-shop’.

Toxic Free Fawkner

- First you have to have open, honest and democratic government that produces statements coherent and cohesive plans with sufficient detail before a library can be thought about. This current document that I am responding to would barely fill a folder in any coherent way let alone be worthy of being deposited in a library as a meaningful informative historical document. Leave it in the cloud. One day it might bring rain but don’t quote me on that. What is the use of an online library when the documents it is intended to contain have little or no detail, are not informative and seem wilfully deceptive?

Shoreham Pro Active Landowners

- This would appear to be very sensible and helpful.

Flinders Community Association

- Provided the “library” is freely accessible to the public and is user friendly, this seems a sensible proposal.
- It should be linked to the planning application register at the municipal level and include details of permit conditions and supporting documentation.

Blackburn and District Tree Preservation Society Inc.

- The danger is that the reformed VPP will be more centralised than now to the detriment of local government and community input and influence regarding planning outcomes.
- "There may be some loss of flexibility in the drafting of local provisions, however more concise and precisely expressed planning controls can only improve their effectiveness.”
- This last sentence in the ‘Discussion’ section for Proposal 4 sounds a warning bell (a death knell??) for the future of a viable local government planning role in the reformed VPP. The BTTPS has grave concerns that the new, reformed ‘one size fits all’ VPP will confer an unfair advantage to developers and accelerate inappropriate developments to the detriment of local government authorities, the community and the local natural amenity.

Nillumbik Pro Active Landowners

- Agree. See submission attached.

Individual responses

- Totally absolutely 100% agree with this proposal!!!!
- Currently, if you want to find relevant heritage documentation that supports something mapped or scheduled in the planning scheme you have to go to the VHR website (for state listed heritage places), the Premier & Cabinet website (to find places allowed to be displayed as Aboriginal heritage), the Hermes database generally still for VHI places (state register of archaeological places of all thresholds), Hermes database as a user for local threshold place citations or if the council has organised it, their Hermes interface, or finally the relevant council’s website for heritage studies. Unless you happen to know the amendment number and then you can wade through all the planning scheme amendment document to find them!!! It’s laborious. If we value our heritage and want to retain significant heritage for the future generations but want to allow for sensitive and controlled growth, then a single pathway for finding this information would be much better for planners, home owners, heritage professionals, state govt etc.
- As long as the database is regularly updated. The Library may store historical planning/Deeds/titles as the local community, developers and town planners may want to understand the historical uses of a particular site, these documents maybe downloadable.
- Only if this can be done within a reasonable budget.
- Strongly agree - especially for Development Plans.
- You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.
- Too many documents disappear from websites following changes of Government. It leads to duplication of work at great expense to the community.
- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
- There should be a commitment to preserving all notable planning documents, including historical documents, as there is an unfortunate tendency to make inconvenient documents (e.g. the Retail Policy review) unavailable. I have a privately curated database I put online to preserve such documents (www.sterow.com/vicplanninghistory) – it’s terrible that I need to.
- Until your department does the right thing and properly consults the communities that will be so badly affected by the proposals, the whole idea should be abandoned.
What are the key matters you think a VPP user manual should include?

<table>
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</tr>
<tr>
<td>Whitehorse City Council</td>
<td>• No further suggestions in addition to what is proposed in the discussion paper.</td>
</tr>
<tr>
<td>Whittlesea City Council</td>
<td>• A new VPP User Manual is supported, particularly where performance standards and permit triggers are clearly articulated. It may be useful to identify other considerations from other legislation, for example Aboriginal Heritage Act, Environment Protection Act.</td>
</tr>
<tr>
<td>City of Greater Dandenong</td>
<td>• Focus on writing policy.</td>
</tr>
<tr>
<td></td>
<td>• Require more information as to how the drafting of policy could be done by DELWPs centre of excellence.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>• The VPP user manual should provide clear business rules for the drafting of planning scheme provisions, and provide clear guidance on who to contact at DELWP at relevant stages when preparing and drafting a planning scheme amendment.</td>
</tr>
<tr>
<td>Mitchell Shire Council</td>
<td>• A VPP user manual should focus on common planning processes rather than attempting to be an all-encompassing document that offers minimal assistance for frequent users.</td>
</tr>
<tr>
<td>Cardinali Shire Council</td>
<td>• Similar to the existing manual with Ministerial Directions and Practice Notes incorporated into the manual.</td>
</tr>
<tr>
<td>City of Stonnington</td>
<td>• We agree with the inclusions in 4.1 of the proposal. We also wanted to add that it should have a stronger focus on coded and prescriptive compliance measures over interpretive clauses.</td>
</tr>
<tr>
<td>CS Town Planning Services PL</td>
<td>• The issue of a co-ordinated approvals should be addressed. The issue of having to seek building siting approvals after being granted a planning (heritage) permit is not efficient.</td>
</tr>
<tr>
<td>Sharp design p/l</td>
<td>• I can't imagine a lay person being able to follow the manual. Right now it takes us about 4 hours reviewing the scheme, local policies, vcat decisions, pending planning scheme amendments etc to inform a prospective client of the planning options for their site before we even get into design/civil costs. If the planning scheme is reviewed and all improvement implemented as suggested above, then I would expect that the scheme is more intuitive and user-friendly, therefore a manual might not be important. I would suggest make the reforms, and then decide if a manual is necessary. The aim of the reforms surely is to NOT need a manual!</td>
</tr>
<tr>
<td>Tomkinson Group</td>
<td>• Proper application and operation of flood related planning controls as mentioned above.</td>
</tr>
<tr>
<td>Coliban Water</td>
<td>• Open, honest, democratic planning statements would be a good start. Not the force through jargon laden undemocratic statements the current document contains. Residents do not want the removal of requirements, or what developers euphemistically call 'barriers.' Allowing more development more 'easily' - another euphemism - is a very foolish approach to social planning and infrastructure. We are already well on the way to developing an ugly, crowded, unworkable city. Getting better development in a regulated and inclusive way is what residents want and advocate.</td>
</tr>
<tr>
<td>Glenelg Hopkins CMA</td>
<td>• It is important that it includes information that assists lay/ community users.</td>
</tr>
<tr>
<td>Toxic Free Fawkner</td>
<td>• It should cover process, tools and resources. Also good to link red decisions to various sections of the VPP for the benefit of planners.</td>
</tr>
<tr>
<td>Nepean Historical Society (NHS)</td>
<td>• Easy to use terminology so that the ordinary person can get to understand planning provisions.</td>
</tr>
<tr>
<td>Nillumbik Pro Active Landowners</td>
<td>• You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn't serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>Individual responses</td>
<td>• How to feed into the shredder.</td>
</tr>
<tr>
<td></td>
<td>• Until your department does the right thing and properly consults the communities that will be so badly affected by the proposals, the whole idea should be abandoned.</td>
</tr>
</tbody>
</table>
### What planning documents or information do you think should be included in a Victorian planning library?

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</tr>
<tr>
<td>Gannawarra Shire Council</td>
<td>• Significant reports and studies, VCAT and other cases of state or regional significance and others of local significance by topic to facilitate comparisons regarding approaches in municipalities.</td>
</tr>
<tr>
<td>Wellington Shire Council</td>
<td>• All reference and incorporated documents, relevant Codes and standards etc.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>• The following documents should be included in a Victorian planning library; historic planning schemes, incorporated documents, reference documents, heritage citations, significant tree statements, approved development plans, technical documents that have supported amendments and approved Master Plans.</td>
</tr>
<tr>
<td>Whittlesea City Council</td>
<td>• Structure Plans, Development Plans, Incorporated Documents.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>• All incorporated documents and reference documents.</td>
</tr>
<tr>
<td>City of Kingston</td>
<td>• Aside from those listed within Proposal 4.3, consideration should be given to including Council Planning Schemes prior to NFPS so that the history of zonings and overlays can be more readily accessed.</td>
</tr>
<tr>
<td>City of Greater Dandenong</td>
<td>• Those listed on page 33 of the Discussion Paper</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>• All documents that inform decision making should be made available in the planning library.</td>
</tr>
<tr>
<td>Mitchell Shire Council</td>
<td>• Any document specified within a planning scheme, whether it be referenced or incorporated.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>• All documents that informs Planning Schemes or occur as a result of planning schemes should be available in the library. Also consider any regional and local background documents that have been undertaken, will reduce double up of work.</td>
</tr>
<tr>
<td>City of Stannington</td>
<td>• Clarification of the responsibility for implementation and maintenance of the library would be required. Will Council still be responsible for keeping these documents updated?</td>
</tr>
<tr>
<td>Maribyrnong City Council</td>
<td>• In addition to planning documents and information suggested in the discussion paper, the VPP Planning Library could benefit from having an updated list of referral contacts, much like how SPEAR’s website lists referral contacts on subdivision.</td>
</tr>
<tr>
<td>Hobsons Bay City Council</td>
<td>• All reference documents mentioned within the SPPF and LPPF</td>
</tr>
<tr>
<td>CS Town Planning Services PL</td>
<td>• The list of items from 4.3 of the proposal and also; information about covenants; what legislation relates to and how it impacts on their property; VCAT statistics.</td>
</tr>
<tr>
<td>APA Group</td>
<td>• The highest priority for a Victorian planning library is to ensure any documents that have a statutory effect are digitised and available to members of the public. The largest gap of digital data is likely to be a plethora of Development Plans that have been endorsed but never digitised. It should be noted that the Development Plan Overlay is not adopted ‘Development Plan’ requirements.</td>
</tr>
</tbody>
</table>
| PIA Victorian Young Planners | • The VPP welcome the introduction of an online Victorian Planning Library. We believe that • All Victorian Government documents relevant to the strategic planning of Victoria should be part of the policy library. Planning does not exist within its own policy silo and it is influenced by the policy behaviour of other Government Agencies and Departments. Relevant policy documents from Infrastructure Victoria, Department of Health, Department of Education and Training, and Department of Economic Development, Jobs, Transport and Resources (DEDJTR) must also be provided. For example, DEDJTR is currently overseeing a $40 Billion Victorian Government transport program that will have wide ranging positive consequences on the form and shape of Victoria’s cities and communities. We think their strategic documents would be useful addition as they provide important information, which would be appreciated by the community. • The VPP would also like to see the library showcase best practice policy examples that illustrate the most innovative or best practice work being undertaken in specialist areas. This could include, Native Vegetation,
### Reforming the Victoria Planning Provisions

#### Comments and submissions

<table>
<thead>
<tr>
<th>Area of Concern</th>
<th>Relevant Documents/Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable housing provision or climate change</td>
<td>Include 'Red dot' case law from VCAT that is relevant to particular matters.</td>
</tr>
<tr>
<td>Bosco Jonson Pty Ltd</td>
<td>National Airports Safeguarding Framework.</td>
</tr>
<tr>
<td></td>
<td>Melbourne Airport Master Plan, including map of Melbourne Airport N Contours.</td>
</tr>
<tr>
<td></td>
<td>Melbourne Airport Strategy.</td>
</tr>
<tr>
<td>Australia Pacific Airports (Melbourne)</td>
<td></td>
</tr>
<tr>
<td>Surveying &amp; Spatial Sciences Institute</td>
<td>Incorporated Documents, background and reference documents.</td>
</tr>
<tr>
<td>Corangamite CMA</td>
<td>Guidelines for Development in Flood-affected Areas DELWP 2017 (currently in draft)</td>
</tr>
<tr>
<td></td>
<td>Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise. DSE June 2012</td>
</tr>
<tr>
<td>Coliban Water</td>
<td>Regional Floodplain Management Strategies.</td>
</tr>
<tr>
<td>Glenelg Hopkins CMA</td>
<td>Reference documents specific to referral agencies issues and impacts that should be addressed in the planning process.</td>
</tr>
<tr>
<td>Blackburn and District Tree Preservation Society Inc.</td>
<td>Guidelines for Development in Flood-affected Areas DELWP 2017 (currently in draft)</td>
</tr>
<tr>
<td>Individual responses</td>
<td>All relevant documents including background and reference. If they are used by municipalities to approve or reject developments, then they need to be included.</td>
</tr>
<tr>
<td></td>
<td>Key VCAT decisions and notable Planning Panel reports.</td>
</tr>
<tr>
<td></td>
<td>Heritage studies (that is, all the volumes of a study, including the reports that cover the methodology and approach of the study)</td>
</tr>
<tr>
<td></td>
<td>Heritage citations (the citations for the individual places as well as the ones for the precincts)</td>
</tr>
<tr>
<td></td>
<td>Other documents that are relevant such as a Thematic Environmental History, which sets out the landuse history of the area on a municipal scale, and the heritage design guidelines done for Greater Bendigo that help assess simple heritage permit applications</td>
</tr>
<tr>
<td></td>
<td>Other documents that are incorporated such as the Incorporated plan that was done in Greater Bendigo combining all the heritage provisions and exemptions made in planning schemes over the past 10 years (this combined the individual site, precinct specific or other place based recommendations from some 5 different heritage studies done over a decade)</td>
</tr>
<tr>
<td></td>
<td>Incorporates Documents o Development plans o Any other plan referenced in a scheme o heritage citations o heritage inventory o state government strategies</td>
</tr>
<tr>
<td></td>
<td>Historical planning and site use documents.</td>
</tr>
<tr>
<td></td>
<td>A history of changes to the Victorian planning system.</td>
</tr>
<tr>
<td></td>
<td>All incorporated documents and updates promptly uploaded.</td>
</tr>
<tr>
<td></td>
<td>All related Australian Standards as a link for purchase. Must be kept updated as standards are revised from time to time.</td>
</tr>
<tr>
<td></td>
<td>An easy to use and accessible data base.</td>
</tr>
</tbody>
</table>
### Are there other ways the drafting and consistency of planning scheme provisions could be improved?

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</tr>
<tr>
<td>Gannawarra Shire Council</td>
<td>• Positive language and minimising the number of ways similar concepts or expressions are expressed.</td>
</tr>
<tr>
<td>Whitehorse City Council</td>
<td>• The discussion paper states there may be some loss of flexibility in the drafting of local provisions, however more concise and precisely expressed planning controls can only improve their effectiveness. There is a concern that if flexibility is removed the ability to adapt the VPP to future requirements will be lost. Also, the ability to characterise the VPP with important local content will be jeopardised. While end users of the planning scheme always seek certainty, they also seek a planning scheme that provides them with an ability to negotiate outcomes, particularly in circumstances where uses or development are not well captured by the scheme.</td>
</tr>
<tr>
<td>Whittlesea City Council</td>
<td>• DELWP could provide regular review of VCAT and Panel decisions and provide commentary/analysis of significant changes or impacts to the planning system and amend the VPPs accordingly, this would support continuous improvement to the planning system.</td>
</tr>
<tr>
<td>City of Greater Bendigo</td>
<td>• Better skilling, resources and consistency for Councils, DELWP regional offices, planning panels, if new tools are being considered by a panel then need to be assessed by a planner of checked by a senior planner panel member.</td>
</tr>
<tr>
<td>City of Greater Dandenong</td>
<td>• The provision of comprehensive Practice Notes including templates and examples is required. However, timely and consistent support, advice and review by DELWP is also essential.</td>
</tr>
<tr>
<td>Melton City Council</td>
<td>• The VPP user manual should provide clear business rules for the drafting of planning scheme provisions, and provide clear guidance on who to contact at DELWP at relevant stages when preparing and drafting a planning scheme amendment. It should also consider the inclusion of clear processes for DELWP internally e.g. all relevant departments provide comment in the drafting stage not once it has been submitted for adoption. This would be a more efficient use of resources, save money, and improve collaborative relationships between State Government and Local Government.</td>
</tr>
<tr>
<td>Mitchell Shire Council</td>
<td>• In some recent amendments prepared by Melton City Council, council officers have received conflicting advice from different business units within DELWP on the preferred form and content of amendments. It would be preferable for continuity of advice to be provided to councils, and consolidated comments provided to council from DELWP which has moderated conflicting advice.</td>
</tr>
<tr>
<td>Cardinia Shire Council</td>
<td>• Clear detail of the specific language directions.</td>
</tr>
<tr>
<td>City of Stonnington</td>
<td>• Include legal professionals and VCAT in the review process and greater involvement of strategic planners in the drafting.</td>
</tr>
<tr>
<td>Bosco Jonson Pty Ltd</td>
<td>• The .pdf versions of the Planning Scheme should use bookmarks better so that navigation through the document is easier. Presently the bookmarks are just numbered but not named according to their headings. This is confusing.</td>
</tr>
<tr>
<td>Australia Pacific Airports (Melbourne)</td>
<td>• Consider using colour to differentiate policy in the Planning Scheme the way South Australian does in their equivalent called a Development Plan.</td>
</tr>
<tr>
<td>Port Phillip &amp; Westernport CMA</td>
<td>• Black text is used to identify all standard policy that forms the basis of all council Development Plans.</td>
</tr>
<tr>
<td>Level Crossing Removal Authority</td>
<td>• Green text is used to identify additional council-specific policy or variables that have been included in the Development Plan to reflect local circumstances.</td>
</tr>
<tr>
<td>Bellbird Residents Advocacy Group</td>
<td>• Blue text illustrates hyperlinks to maps, overlays and tables in the Development Plan. These hyperlinks are operational only when viewing electronic versions of the Development Plan.</td>
</tr>
<tr>
<td>Blackburn and District Tree Preservation Society Inc.</td>
<td>• The structure of the Planning Scheme Provisions should be placed alphabetically under headings the way it is in South Australia.</td>
</tr>
<tr>
<td>Individual responses</td>
<td>• The VPP user manual should provide clear business rules for the drafting of planning scheme provisions, and provide clear guidance on who to contact at DELWP at relevant stages when preparing and drafting a planning scheme amendment. It should also consider the inclusion of clear processes for DELWP internally e.g. all relevant departments provide comment in the drafting stage not once it has been submitted for adoption. This would be a more efficient use of resources, save money, and improve collaborative relationships between State Government and Local Government.</td>
</tr>
<tr>
<td>Reforming the Victoria Planning Provisions – Comments and submissions</td>
<td>• In some recent amendments prepared by Melton City Council, council officers have received conflicting advice from different business units within DELWP on the preferred form and content of amendments. It would be preferable for continuity of advice to be provided to councils, and consolidated comments provided to council from DELWP which has moderated conflicting advice.</td>
</tr>
</tbody>
</table>

65
about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.

- There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.

- The VPPs need to be flexible and responsive to new development and changes.

- Having clear planning scheme provisions, reduce the number of planning schemes which in turn may reduce the number of inconsistencies and loop holes which some developers seem to be exploiting in certain Municipalities to get what they want.

- You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

- We do not want to see an extension to the VicSmart application system without proper community consultation.

- It is important to ensure local policy is emphasised and kept at the forefront of planning schemes especially if the proposed PPF format is proceeded with.

- PLEASE get on with it and enforce councils adopting and implementing changes within realistic time frames. You only have to see how many councils are still not on board with the changes to the residential zones or creating more roadblocks with overly complex and prescriptive Neighbourhood Character Overlays that undo the forward looking provisions of the VPP.

- Please pay attention to page breaks. Don’t allow headings to appear at the bottom of a page, or important text to be interrupted by a page-break.

- Use the “Oxford Comma” when using lists. i.e “1, 2, and 3”. NOT “1, 2 and 3” This could be significant when describing responsibilities or fault.
## Proposal Five: Improve specific provisions

### 5.1 – Improvements to specific provisions

Proposal 5.1 outlined 50 possible reforms to specific provisions within the Victoria Planning Provisions. Submitters were asked to indicate their level of agreement with these ideas and provide comments.

These comments have been documented and de-identified where required for privacy purposes.

**All zone schedules:**
- Agree: 43
- Agree with comments: 19
- Disagree: 13
- Unsure: 0

<table>
<thead>
<tr>
<th>I agree so long as there is no backwards step here and that existing schedules and outcomes remain maintained</th>
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<tbody>
<tr>
<td>There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no-one would argue that planning has a role in addressing this issue.</td>
</tr>
<tr>
<td>There needs to be a general heading titled “New Issues” to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned in the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.</td>
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<tr>
<td>The VPPs need to be flexible and responsive to new development and changes.</td>
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<tr>
<td>Involve all affected stakeholders in the process of finding solutions and making improvements</td>
</tr>
<tr>
<td>Nibbling away at Green Wedge (as supported in Plan Melbourne 2017-2050. – there should be no opportunity to move the UGB within Nillumbik for any private development and no rezoning to enable more residential development in the Green Wedge area.</td>
</tr>
<tr>
<td>Increase consistency and minimise the ability to make ad hoc changes or changes that do not meet the universal test of appropriateness for inclusion as part of a schedule. Amend those schedules that contain ‘unjustified’ local changes.</td>
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<tr>
<td>Seek opportunity to ‘schedule out’ minor matters</td>
</tr>
<tr>
<td>a) Agree - These changes seek to improve the consistency and useability of planning schemes.</td>
</tr>
<tr>
<td>b) Agree - This is particularly important to ensure the local identity of municipalities continues to be strongly conveyed in Planning Schemes.</td>
</tr>
<tr>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>Bring back the Business S Zone! (office residential combination) or ability to schedule retail in/out.</td>
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</tbody>
</table>
Greater attention should be given to the strategic identification of Overlay areas particularly Heritage and neighbourhood character areas. Existing vegetation is a key assessment element, determining the character of many neighbourhoods. Landscape controls in this regard are particularly ineffective given the extent of dispensation for tree removal given in development applications.

Council compliance sections are under resourced and enforcement actions through VCAT too expensive for individuals and community organisations to access.

Distinction between state and local is critical. Not all municipalities are the same and localities within municipalities have differences. These distinctions should be allowed.

We note the reference in the paper that “existing overlays would continue to trigger planning permits where special circumstances apply, such as heritage areas” We strongly support maintenance of planning controls over all zones and overlays, including heritage and neighbourhood protection, through the requirement for planning permits.

This comment applies to all zone schedules and overlay categories.

The schedules to the zone should be MORE specific and local government should define all the quantifiable elements of the building with in the schedule. The schedules should also be more "site specific" within the municipality to guide the development community and reflect the thrust of the strategic planners. Conversely compliance with this schedule should provide some certainty on the outcome of the application

Reform is not necessarily and improvement.

It seems that every time someone is given the job of reviewing the zoning they try to broaden and weaken the protections.

Emphasis must be given to the statement in the ‘discussion’ column (and amend ‘should’ to ‘must’):
- ‘Local variations should occur within strong parameters to ensure consistency with the purpose and powers of the VPP parent provision, and reduce structural inconsistency between schedules across the state.’
- It is also imperative that this review process include collaboration with and input from local government and community groups with a specific interest in the liveability and landscape character of their neighbourhood, suburb and/or municipality.

It is proposed in modification a) that the Ministerial Direction for The Form and Content of Planning Schemes be modified to limit structural modifications and ensure consistency across the VPP. Council officers provide in-principle support for this and request the changes (if adopted) be referred to councils for review and comment before they are approved.

It is proposed in modification b) that the distinctions between state and local clauses remains clear. Council officers provide support for this.

Short term priority. Review should be policy neutral. Any changes to schedules that are not must be exhibited to the community.

Supported where they provide clarity and consistency

Green Wedge Zone provisions should not be diluted and thereby weaken the current objectives for farming and the environment

Also providing a guide on appropriate language, i.e. how to write consistently for objectives and strategies, and policy statements.
Certainty for applicant is achieved by making clear unambiguous controls, clean and unambiguous definitions, not by having a blanket unclear control written for the entire state. State provisions should draw a bottom line, local variations should tighten controls further and not loosen them and should be based on a strategic argument, similar to planning in most western countries.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

It is not considered necessary to review all zone schedules in the VPP to ensure consistency. The proposed digitisation of the VPP through PSIMS is expected to, over time, remove any structural inconsistencies between schedules across the State. In addition, it should be noted that the purpose of schedules is to allow variations to exist from scheme to scheme. It is unnecessary to make them all consistent.

I think the Green Wedge should be a very specific zone, with highly restrictive planning rules. Not really sure what you have in mind here. I will say you should stop using the possibility of customising zone schedules as an excuse not to come up with state-standard causes — e.g. variable standards for ResCode in NRZ, GRZ and RGZ. See my discussion of “Centralised Problems and Delegated Solutions” at 281-282 of my book.

Council is neutral on this proposal and no further comments are provided.

The rural conservation zone has been seriously weakened in recent years by Ministerial fiat (for example, Guy in 2013) His high-handed decisions have opened up the RCZ to a range of commercial uses previously prohibited. If the review proposed includes a review of this particular ill-advised change, and would lead to a tightening of restrictions in the RCZ, I would support it.

Any reform of the VPP must contain a review of all schedules. In relation to peri-urban and rural areas this is vital to decrease red tape, increase permeability, decrease associated costs and facilitate better community access.
The proposed reform outlines 50 ideas, which generally seek to outline a list of potential improvements to specific VPP and related provisions that have been identified through the Smart Planning consultation program and previous reviews.

The proposals generally address one or more of the following objectives:

- add new, or expand existing, buildings and works exemptions in certain provisions;
- make more permit-required land uses ‘as of right’ where the use is consistent with the purpose of the zone (in combination with increased use of conditions, where appropriate);
- make prohibited land uses permit-required uses where consistent with the purpose of the zone (in combination with increased use of conditions, where appropriate);
- reduce referral requirements where possible;
- remove or amalgamate zones and overlays where purposes are duplicated or where need has changed;
- clarify common points of confusion and complexity, remove duplication and ensure consistency;
- correct anomalies, update references, and improve readability and usability.

While there is partial support for the proposed reforms, Greater Shepparton City Council officers do have some general concerns, for example including some uses in Section 1 in certain zones has the potential to create conflict. This is particularly the case in Industrial Zones, where there is increasing tension between, commercial uses, such as gyms and traditional industrial uses, the inclusion of such commercial uses as Section 1 uses in the Industrial 1 Zone is not considered to be appropriate. It is also considered that the proposed reforms would have the potential to undermine the retail hierarchy.

Specific concerns are set out below:

- Clause 32 (b) this provision should include a trigger point for a planning permit for location on a Road Zone (1 or 2), and distance from a commercial centre.
- Clause 33.03 gyms should be directed toward commercial centres.
- Clause 35(a) The removal of the need for a planning permit for dwelling extensions and associated shed in the Farming Zone would require further consideration against the policy set out in Clause 14.01 of the planning scheme which seeks to prevent the unplanned loss of agricultural land.
- Clause 37.03 (a) the urban floodway zone allows council to prohibit most uses, with eventual rehabilitation of land to vacant floodways, this is considered to be an appropriate outcome.
- Clause 40 (b) it is considered that overlays are an appropriate management tool.
- Clause 44.03 Keep the LSIO / FO separate as people understand the constraints. It is also considered that the designation of FO helps guide strategic planning.
- Clause 54, 55, 56 and 58, officers consider that it would be appropriate to include the provisions of Infrastructure Design Manual in applicable standards and objectives as.
- Clause 52.06 (c) this has to be considered in light of proposed a and b, if the car parking ratios are reduced, it is likely that any application for a reduction in car parking would be substantial, therefore notification of an application for reduction should be required as there is the potential for impact on the amenity of the surrounding area.
All zones
- Agree: 38
- Agree with comments: 19
- Disagree: 14

Important to retain a zone similar to the ACZ that enables flexibility to apply specific land use and development controls to different precincts across an activity centre, strategic development area or urban renewal area. The Comprehensive Development Plan could also be thrown into this discussion.

Some flexibility could be given to land uses in particular zones such as Commercial 1 Zone (i.e. vertical zoning) and Mixed Use Zone.

Support changes which exempt minor matters and minimise regulatory burden

A review should be such that it does not end up to the detriment of the public which has happened with the latest changes in zones.

a) Agree - Using descriptive names for zones rather than numerical references will assist the community in better understanding planning provisions.

b) Agree - Perhaps the Comprehensive Development Zone could also form part of this review.

c) Agree - Does not change the intent of the provision.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn't serve the people and regions it is in place to protect.

Increase the notice and appeal exemptions relating to Buildings & Works in a Commercial 1 Zone, where the use is a Section 1 use. If located within 30 metres of residential zoned land, which is common for a lot of commercially zoned land, an application for B&W is not exempt. This can, in some circumstances, be disproportionate to the works proposed (e.g. small PAD site or external facade works), particularly where the use itself does not require a permit. Under these circumstances it can be confusing for the community at times when receiving notices, and competes with the purpose of the zone to facilitate appropriate land uses and development that support the zone.

Councils have discretion under the Act to not advertise if they consider any works will not materially detriment neighbouring properties. However, it’s uncommon for Council’s to use this judgement and regularly err on the side of caution. This can cause unreasonable and lengthy delays to straightforward applications in terms of the application process. In some circumstances where it leads to an appeal, can cause further delay. This can create a lack of confidence and certainty in the Victorian planning system for commercial owners and operators who seek relatively minor improvements and works to their Centres, but continue to face delays.

Alternatively, increase the range of VicSmart applications available in the Commercial 1 Zone to expedite works associated with uses which clearly support the purpose of the zone.

The lack of detail makes response difficult to this proposal.
a) May aid understanding.

b) Reviewing the role and function of zones may aid the usability of the system, but be mindful of transitional arrangements e.g. where a Council is in the process of undertaking a planning scheme amendment for rezoning and the parent zones change during the process (such as with C110 Reformed Residential Zones).

c) Improvements in clarity are welcomed.

Every time someone is given the job of reviewing the zoning they try to broaden and weaken the protections.

Include the role and function of the Rural Activity Zone

Using descriptive names for zones rather than numerical references will assist all participants in understanding planning provisions.

Consideration should be given to increasing the recommended height in the RGZ.

Supported where they provide clarity and consistency.

This proposal may require review of the planning scheme mapping, in addition to the ordinance, to ensure that the changes are appropriate ‘on the ground’.

Naming of zones could be improved. The key distinction in the zones should however be containing more information in the objectives of the zone.

The intent zones particularly the ACZ to avoid the use of multiple overlays so careful consideration of these changes would be required.

Terms such as ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’. These need to be defined more or used less. These cause significant confusions.

I think the Green Wedge should be a very specific zone, with highly restrictive planning rules.

Any reform of the VPP must contain a review of all zones. In relation to peri-urban and rural areas this is vital to decrease red tape, increase permeability, decrease associated costs and facilitate better community access.

It is not considered appropriate to replace both the Priority Development Zone and the Activity Centre Zone with other VPP tools such as the Mixed Use Zone or the Commercial 1 Zone together with a DPO or IPO, as suggested by the proposal. Both the PDZ and the ACZ are useful to local Councils and fill a need not served by other zones. The idea of consolidating them into one zone could be further explored, but to do away with both is not supported.

Appendix 2b – The Activity Zone is important as it allows for height limits. Frankston is currently implementing the ACZ1 as part of C123 to guide built form within the city centre.

a) Abandon proposal. Renaming zones is unnecessary. Renaming zones creates confusion when researching site zoning history. Unless the purpose and intent of the zoning is being significantly altered (such as when the Rural Zone changed to Farming Zone and Residential 1 Zone changed to General Residential Zone) changing zone names will create more confusion and not reduce it, particularly as the community is generally aware of zoning names, particularly for properties they own.

b) No comment

c) Agree with creating consistency in phrasing
I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Do not support. Generally, not supportive of renaming the zones, as the current zones encompass a wide-ranging number of uses which renaming the zones may not accurately reflect. Unnecessary changes to zones only add further confusion and create unnecessary administrative burdens, rather than improving the useability of the planning system.

The detailed planning which has occurred in preparing Precinct Structure Plans (UGZ Schedules) does not easily translate to the VPPs as they currently exist. For example, many of the applied zones have been amended with specific provisions. There are many specific requirements and exemptions which are unique to the PSP. For example, under UGZ5 (Wollert PSP) a child care centre is prohibited in an industrial 1 zone, which is a section 2 use under the standard Industrial 1 Zone. This reflects the fact that the Industrial 1 zone in UGZ-Schedule 5 is located within a landfill buffer, an existing active quarry and landfill exists in the east (Wollert Hansen Landfill and Quarry) where sensitive uses are to be avoided. The schedule also addresses other issues which are not easily managed through the planning system, including odour emissions, specific applications for land within a landfill and quarry buffer, the facilitation of early delivery of community infrastructure, requirements for urban design frameworks, specific provisions for certain applications. The “one-stop shop” approach to managing the PSPs whilst counter-intuitive to simplifying planning schemes does make it more user-friendly and allow for more efficient assessments. Whilst there could be ways to amend schedules to zones and utilise other VPP tools to reflect the variations found in the UGZ (schedules), this would in fact increase the complexity of the existing tools and make it more difficult to navigate, increasing the chances where critical aspects may be missed.

For the future growth areas to be successful and not jeopardised by ad hoc development, detailed planning has occurred which are not easily transferred to the current or proposed VPP reforms. There is support for a review of the ACZ- in particular the template in Ministerial Direction- Form and Content, as it is cumbersome and not user friendly. It is not the most effective tool for implementing a master plan given the manner in which plans are incorporated into the schedule. Although, there are other tools which can implement a master plan more effectively- i.e. CDZ, IPO and DPO.

With respect of combining the ACZ with other zones such as the PDZ, a review of these and other zones such as UGZ/CDZ/MUZ/SUZ would be worthwhile.

It is important that there remains a zone that can be applied to high activity, mixed use precincts particularly those undergoing change which can provide the flexibility to respond to localised development issues and apply different provisions and directions to particular precincts in accordance with a strategic plan or master plan. Deletion of the ACZ without a suitable replacement which could be applied within an activity centre context is not supported. The normal suites of zones- C1Z, MUZ, RGZ etc do not provide the same degree of flexibility to respond to the complexities of activity centre development nor enable a consistent vision to be achieved across the centre without the application of further overlays (i.e. DPO, DDO).

A new zone which could be applied to activity centres, urban renewal precincts, national employment clusters, strategic growth/development areas, etc could be worth exploring. The zone could provide a consistent overarching provision supported by a plan (similar to a PSP, CDP, DP, MP) which is prepared in accordance with a consistent template either at the time of implementing the zone or at a later date.
Agree with getting rid of the last numbered zones as this is now confusing with the increased use of schedules identified by number.

I am inclined to agree the Activity Centre Zone has been a mistake, as it has led to increased complexity. However, you would need to ensure that it could be replaced with tools of equal efficacy which would probably require:

- Roll-back of the 2012 commercial zone changes (so that you could actually give some land-use direction in precincts).
- Allowance for stronger prescription in policy (so a policy could cover discretionary matters rather than the zone)
  Universal policy in the clause 11/12 model I have suggested (so that there could be universal guidance on matters such as urban design in activity centres).

It is also worth noting that the reasons the ACZ has been a mistake are much the same as the reason your category-based “one stop shop” codes are misguided. This structure encourages proliferation and replication (off multiple location-based or category-based controls) rather than the consolidating controls in one issue-based clause.

While on zones – the changes to the industrial zones in 2013 undermined activity centre policy and were undertaken with no meaningful strategic justification. They should be rolled back.

### All residential zones

- Agree: 24
- Agree with comments: 30
- Disagree: 14

Making a child care centre a section 1 use should be carefully considered. This land use should be promoted close to neighbourhood centres and schools and not dispersed through residential areas.

Involve all affected stakeholders in the process of finding solutions and making improvements.

The Neighbourhood Residential Zone as it affects Wattle Glen is a recent step in the right direction for protecting our neighbourhood values. However, they were left in completed and then pressure from developers has been allowed by this government to undermine the intent of our NRZ. So, for this specific provision we need to:

a. goes back to strong protection from undesirable development
b. Increase the NRZ for those parts of the residential area not considered for NRZ – and those parts of other suburbs not previously considered because the particular council had not done the legwork when NRZ was first introduced.

300m was the default and 500m the exception in supposedly special cases but 500m became the ‘not in my backyard’ control. Agree we should stick to the original default. Child care centres can have off-site affects in terms of drop-off congestion - but deal with this as conditions and section 1 has merit. Consistent triggers make sense.

New Garden area controls require urgent action to review and guide what is required practice notes contradict provisions that were included particularly in regard to smaller inner-city areas and development lots less than 400 sq. mt.
<table>
<thead>
<tr>
<th>Generally happy with operation of current residential zones, no need for significant reform</th>
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<tbody>
<tr>
<td>I am unhappy about changes to the current residential zones and worry that reviews of these will incur further detriment and density for the Victorian populace. A review of car parking provisions is very important as current provisions are inadequate for the number of cars being parked and this is causing parking havoc.</td>
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<tr>
<td>Provided that single dwellings are still subject to appropriate control by overlays or similar.</td>
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<tr>
<td>Lowering the as-of-right single dwelling lot size threshold from 500m² to 300m² is risky. At 300m², development is of medium-density scale where a range of subjective assessments, such as character and amenity, become important. Large-site greenfield or brownfield developments could probably accept this as a standard where it is known and acknowledged from the very beginning of development, but it would be both technically and politically difficult to justify such a standard in existing residential areas.</td>
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</table>
| a) Agree subject to this comment - Not problematic provided there are overlays that would control building form, mass, height and vegetation removal. Schedules of concern to Council include NRZ1 - NRZ4 and GRZ2 to maintain the 'Bush Environment' and 'Bush Suburban' neighbourhood character types. 

b) Agree subject to this comment - Require further information relating to the size condition, there would also need to be conditions relating to car parking and site accessibility. 

c) Agree - Does not change the intent of the provision. |
| You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect. |
| We have concerns about new ‘as of right’ provisions and removing existing permit triggers in residential areas. 

We need to maintain strong schedules and/or overlays to minimise potential ‘damage’, in particular, in residential areas in coastal villages. |
| Strongly disagree in situations such as the historic village of Buninyong. In 2014, we fought hard to have the minimum 800m² zone retained for much of the village on the grounds that any reduction and/or infill would seriously harm the historic character of the village (est1841). This zoning is of great importance to those living here and wanting to retain the village’s amenity. |
| Subject to seeing further details, particularly for childcare centre. |
| As of right approvals for small lots (to300m²) is unacceptable given the lack of open space at ground level available to vegetation particularly canopy trees. Parking and access are also problematic. |
| (a) How would ‘garden area requirement’ work in this scenario given it applies irrespective of whether or not a planning permit is required? There could be potential inconsistency in application. Further consultation with the Building Industry should be considered prior to making this change. 

(b) If ‘childcare centres’ become ‘as of right’ in the RGZ, should this also be a ‘one stop shop’ provision (given there are car parking requirements, signage, access to a road zone)? |
| Single dwellings and associated outbuilding are limited by siting site coverage and height related setbacks. If a building complies with these constraints on ANY lot it should not be subject to planning. Only if the applicant seeks to go beyond these limitations should the planning system be invoked. |
| Another attempt to broaden and weaken the protections. |
Review the Garden are requirements for residential zones. the requirement is inappropriately located at subdivision and is already covered by Clause 54/55 assessment. In addition, it is a disfunctional requirement for regional areas.

Expand non-residential uses that may be considered for residential zones - why is a medical centre appropriate but not a bookshop/cafe?

Need to accommodate office use in zones other than commercial - the rental opportunity for commercial compared with office means that office space can be very limited in regional areas.

| a) No comment (Maroondah Council has already made this change). |
| b) Disagree - Issues such as noise attenuation or landscape buffers are an issue – there may also be a reduction in amenity in these areas, which suggests a permit should be required. |
| c) Concerned that the change could lead to an increase in permit applications for minor changes to dwellings. The term ‘extend’ is the key word here. The proposed change may create some ambiguity about what a permit is required for. A situation where a householder needs a development permit for minor works in a residential zone would not be desirable. |

Supported where they provide clarity and consistency.

Residential areas within the Green Wedge Zone should be have provisions applied that strongly take into account the local amenity and character.

I strongly oppose this proposed reform as it is not an ‘unnecessary permit trigger’. The default position is that a planning permit is not required for single dwellings on lots 300m2 or larger. Councils have to make a conscious decision to activate this permit trigger for lots between 300m2 and 500m2. This permit trigger provides an important control mechanism to ensure single dwellings on these lots achieve desired neighbourhood character outcomes. If this permit trigger were to be removed, these developments would not undergo a neighbourhood character assessment, as this is not required under the Building Regulations.

This proposed reform is closely related to change No.16 which recommends a review of the Neighbourhood Character Overlay to determine whether this overlay can be removed as a tool from the VPPs. Both these reforms will considerably weaken the consideration of neighbourhood character outcomes in local areas. This is not acceptable, never was even with the NRZ review.

b) Applications for childcare centres should require site air quality study as locating them adjacent to major roads with increasing traffic loads and congestion subjects young children to exhaust emission impacts that are detrimental to their life long health.
The City of Whittlesea is experiencing an unprecedented number of Child Care Centre applications which together with existing approved centres already exceeds demand in many locations. This is a serious issue for Council, and as a recent Productivity Commission Report provides evidence that the oversupply of these facilities results in a poor community outcome and impact on viability. City of Whittlesea is one of the few councils in Victoria with a specific Local Planning Policy for Child Care Centres (which is currently under review). Given our experience on the ground with the oversupply of child care centres, we do not think there would be anything gained from encouraging “as of right” child care centres as this could have the effect of further encouraging speculative proposals. The scale of child care centres (CCC) have changed over time and they are at a commercial scale (the standard number of places are 120+), and thereby have a number of associated amenity impacts.

If a CCC was to become a Section 1 Use in the RGZ, it would need to have appropriate conditions to ensure they are located in suitable locations. Some appropriate conditions would need to include:

- **Size:** The table from DEWLP identifies a ‘size condition’. If the condition was ‘must not be greater than 80 places’, the condition wouldn’t capture any centres, as there are not very many CCCs less than 120 places in size these days, i.e. they would still revert to being a Section 2 use.

- **Road hierarchy:** City of Whittlesea discourages CCCs being on busier, higher order roads (e.g. Arterials roads) for child safety and amenity reasons which is in line with DET requirements for siting schools. Instead, City of Whittlesea encourages centres to locate on collector roads – nothing higher or lower in the hierarchy. The only exception to this, is where the site is part of a larger Activity Centre that is accessed by a centralised and signalised access road (i.e. still not direct access from the CCC site onto the arterial road and not located directly next to the arterial road for child safety and amenity reasons).

- **Activity centre or co-location:** CCCs should be sited within an Activity Centre or co-located with other appropriate community based uses in a recognised non-residential hub, and preferably with easy access to public transport stops/options. CCCs should be within 400m of an Activity Centre/recognised community activity cluster and within 200m of an existing or planned public transport spot/train station – this is 400m/200m walkable distance, measured by the shortest route reasonably accessible on foot, not as the crow flies which has been applied by VCAT in the past. (This is proposed in Council’s draft revised CCC policy)

- **Appropriate/inappropriate co-location opportunities:** Must identify what the ‘appropriate’ non-residential co-location opportunities are (i.e. retail, education facilities, and activity open space facilities) & what the ‘inappropriate’ co-location opportunities are (i.e. service stations, car wash, convenience restaurants). We have experienced numerous applications that propose co-location with service stations and fast food restaurants etc. so it is critical that this be addressed.

| Agree - Yarra City Council currently has a 500sqm threshold a consistent approach across all Council’s should apply. |
| Agree subject to conditions, parameters around size, access, car parking – this may be a candidate for a code assessment application. |
| Agree to consistent wording across zones. |
| Other - Greater clarity around mandatory controls, i.e. do building heights include roof terrace balustrades, enclosed stair/lift structure to access a roof terrace. |
Disagree specifically with Modification points a) and b).

Modification a) dilutes the current permit requirements for lot size permit triggers for the Schedules for NRZ1, NRZ2, NRZ3 and NRZ4 in the current Whitehorse Planning Scheme and as such are not supported. Please note that a number of the above-mentioned Zones do not have specific overlay provisions.

b) The location of commercial use childcare centres within Residential Growth Zones must be subjected to conditions that would include limiting impacts on neighbourhood amenity particularly traffic, parking, noise and local landscape character.

It is proposed in modification a) to make single dwellings on lots greater than 300sqm exempt from a planning permit by lowering the threshold for a permit from 500sqm to 300sqm, relying on the building code to address siting and design issues. As the Melton Planning Scheme does not have 300sqm-500sqm in its schedule to the Residential Zones, Council officers have no objection to this proposed modification.

It is proposed in modification b) to make a Childcare Centre a Section 1 use within the Residential Growth Zone. Council officers object to this as childcare centres can create amenity issues (such as parking and noise), and have a built form that can be different from surrounding residential uses (increasingly Council is receiving applications for double storey centres with boundary to boundary construction with play areas on the roof). Given the impact that Childcare Centres can have on the amenity of adjoining properties it is important for this to remain as a Section 2 use. This use should continue to be subjected to proper planning consideration and assessment.

It is proposed in modification c) that there should be consistency in phrasing where a common meaning applies to phrases such as ‘generally in accordance with’, ‘generally consistent with’, and ‘in accordance with’. Council officers provide in-principle support for this, request the changes be referred to councils for review, and comment before they are adopted or approved. This particularly important in the context of how growth area Councils implement PSPs.

a) Short term priority. Agree with lowering permit threshold to 300 sq m as per proposed modification a). Short term priority.

b) Disagree with all Childcare Centres becoming category 1 within the Residential Growth Zone. Small scale Childcare centres for all residential zones should have the public notification requirement removed and the permit assessed on design, traffic, parking, neighbouring uses and community need merits only. Large scale centres should be subject to notification. Abandon proposal.

c) Short term priority. Agree with redrafting phrasing as per proposed modification

Consideration needs to be given to consequences of changes to lot size thresholds.

If there is no permit trigger from the zone, then any important neighbourhood character policy is also not enforceable on these lots, which is very important as density increases. The building code does not address all the siting and design issues although a code based assessment process allow for the siting and design issues to be addressed may be an option.

Conditions for Childcare centre ‘as of right’ should also relate to the proximity to public transport, arterial road/collector access and size. We want to avoid the ribboning effect of such land uses with General Residential communities.

Consistency of permit trigger is a positive change.

Amend all residential zones via a state wide VPP amendment to provide in the Zone Schedules the exemption from a need to obtain a permit for two or more dwellings on a lot, providing certain prescribed spatial standards are achieved and one of those dwellings was considered a Small Secondary Dwelling.
Councils that have increased the permit trigger for single dwellings on lots above 300 square metres have done so with strategic justification. Appropriate for further discussion to occur with those councils before any change made.

Child care centres can have potential amenity impacts. It would preferable that they remain a section 2 use but criteria is developed to assist decision-making.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Childcare Centres generate a range of amenity impacts including noise and traffic. A very small Childcare Centre should have a drop-off point or layby area next to a local road for parents to drop-off their children. The proposal to make ‘Childcare Centre’ a Section 1 use within the RGZ, subject to conditions, such as relating to size, is not supported.

Additionally, a Childcare Centre is a sensitive use that may not be compatible with pre-existing uses in the RGZ, such as Service Station (Section 2 use). Turning it into an as-of-right use would make it impossible for Council to ensure positive outcomes. Further consideration is required for buffers for industry and consideration to adverse amenity to protect economic activity.

Further analysis should be undertaken as to whether height limits should be included in zones or overlays.

I think the Green Wedge should be a very specific zone, with highly restrictive planning rules.

Clause 32 (b) this provision should include a trigger point for a planning permit for location on a Road Zone (1 or 2), and distance from a commercial centre.

Cohousing Australia believes that the review of the Victorian Planning Provisions is a good opportunity to reflect on the role of planning in housing delivery. There is demand for greater diversity in the housing market that address economic, environmental and social concerns that urban and regional centres currently face.

Cohousing provides social, environmental and community benefits to the immediate occupants and invariably to the neighbouring broader community, however this is not currently supported by the Victorian Planning System.

There are fundamental links to many social, environmental, and community objectives already identified at the State and Local Government level to deliver safe, cohesive, sustainable, and resilient communities.

Current planning provisions make cohousing developments unviable due to many planning restrictions and also economically prohibitive due to competition with traditional developer models.

(Please refer to attached supporting documents)

Any reform of the VPP must contain a review of all residential zones. In relation to peri-urban and rural areas this is vital to decrease red tape, increase permeability, decrease associated costs and facilitate better community access.
### Mixed use zone

- **Agree:** 27
- **Agree with comments:** 26
- **Disagree:** 21

**Greater flexibility should be provided in the Mixed Use Zone and promotion of employment uses.**

**Involve all affected stakeholders in the process of finding solutions and making improvements**

**These suggestions need to be addressed initially in terms of whether or not the MUZ is still to be seen as part of the residential suite of zones. I believe it should not and that it should be seen as a broad zone of mixed uses. On the basis of above, support the proposals.**

**Support changes which exempt minor matters and minimise regulatory burden**

**If a mixed use zone is to be reviewed this should be done in conjunction with the installation of height limits to ensure new developments do not result in overdevelopment of the area.**

**As-of-right manufacturing sales subject to standards might be beneficial, but standards will have to address customer vehicle access and parking, which is a fundamental consideration in any aspect of retail.**

The Discussion Paper justification that: “It is important to ensure the planning system does not unnecessarily burden new small business with costs and timeframes which may be prohibitive and disproportionate” is concerning. It is appropriate to burden businesses with costs and timeframes which may be prohibitive if that is what is necessary to ensure that development meets standards and does not burden the community.

**a) Agree subject to this comment - The range of section 1 uses was recently reviewed and expanded as part of the Reformed Zones process. Whitehorse City Council requires more information on the uses proposed if this is to include uses other than small scale Manufacturing Sales and Childcare Centre listed in b) and c). Size thresholds are important.**

**b) Agree**

**c) Agree**

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.
City of Whittlesea doesn’t have large areas within the Mixed Use Zone. Although having a Child Care Centre (CCC) as a Section 1 use here would fit with the intent of the zone, these uses do require detailed assessment with respect to their operation and potential amenity impacts. Similar to the Residential zones, conditions would need to apply as specific locations will not always be acceptable. There are some MUZ locations within City of Whittlesea that front/sleeve an arterial road, and assessments of the location in terms of road hierarchy are particularly important. City of Whittlesea prefers collector road locations in the first instance and has a policy at Clause 22 of the Scheme to guide to appropriate locations. For proposals within a larger Activity Centre, a centralised signalised access road into a larger Activity Centre site with the CCC situated away from the arterial road may also be appropriate, but child safety and amenity would also need to be ensured.

Need to see further details, particularly around what commercial uses would be as of right. We have some mixed use zone areas where retail is discouraged.

The lack of detail makes response difficult to this proposal.

City of Kingston Council supports the inclusion of “Manufacturing sales” in the Mixed Use Zone subject to stringent guidelines given that this is primarily a residential zone. We note that threshold distances (clause 52.10) may also need to be amended to facilitate this.

As more uses become ‘as of right’, should there also be consideration of further exemptions to assist with the goal of removing ‘red tape’

Bigger challenge here is how to ensure they are genuinely mixed use, and not just residential, as happens more often than not.

Generally, agree, subject to conditions, parameters around size, access, car parking – this may be a candidate for a code assessment application.

Application of EAO to most Mixed-Use land may need to be considered in any code assessment application.

Other – consideration of a less restrictive advertising sign category.

In regional areas, mixed use is vital to towns’ growth and adaptation for contemporary needs. Developers want to build spaces that have residential and/or commercial use without deciding upfront exactly what the proportion will be - flexibility is key for attracting tenants in regional areas.

Medium term priority. Limited extent of MUZ and likely to be minimal impact for Mitchell.

Supported where they provide clarity and consistency.

Suggestions to changing uses in the various zones needs to be done in an integrated manner. Allowing more commercial uses in the Mixed Use could result in a zone very similar to the Commercial 1 Zone.

Council is neutral on this proposal and no further comments are provided.
The three proposed changes to the Mixed Use Zone could lead to conflict of land uses as the redefinition of the Mixed Use Zone has turned this into a high-density residential zone. The three proposed changes can cause off-site amenity impacts which are more keenly felt where there are higher densities of dwellings. Council officers are of the view that the suggested uses below should continue to be subjected to proper planning consideration and assessment.

It is proposed in modification a) to make more commercial uses in the Mixed Use Zone Section 1 land uses where they are low impact and subject to conditions. It is difficult for council officers to comment on this without knowing what commercial uses are considered to be low impact. Melton City Council officers would like more information on the proposed uses and conditions before providing comment on this.

It is proposed in modification b) to make Manufacturing Sales a Section 1 use. Council officers do not support this, as this is associated with a Section 2 use. This could result in unintentional confusion for users of the planning scheme as they navigate which parts of their business is a Section 1 use or a Section 2 use, likewise it can be confusing where a user views the Section 2 use to be ancillary to the Section 1 use.

It is proposed in modification c) to make a Childcare Centre a Section 1 use within the Mixed Use Zone. Council officers object to this as childcare centres can create amenity issues (such as parking and noise), and have a built form that can be different from surrounding residential uses (increasingly Council is receiving applications for double storey centres with boundary to boundary construction with play areas on the roof). Given the impact that Childcare Centres can have on the amenity of adjoining properties it is important for this to remain as a Section 2 use.

‘Warehouse’ would support the zone trying to create Mixed Use, and the idea of allowing ‘Manufacturing Sales’ or ‘small show room’ to support small makers and flexible spaces. Conditions will need to determine the dominant use and appropriate car parking requirements.

Conditions for Childcare centre ‘as of right’ should also relate to the proximity to public transport, arterial road/collector access and size.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways/

The inclusion of more commercial and manufacturing sales uses as of right is supported. However, the proposal to make ‘Childcare Centre’ a Section 1 use within the MUZ, subject to conditions such as relating to size, is not supported. Childcare Centres generate a range of amenity impacts including noise and traffic. Even a very small Childcare Centre should have a drop-off point or layby area next to a local road for parents to drop-off their children.

Additionally, a Childcare Centre is a sensitive use that may not be compatible with pre-existing uses in the MUZ, such as Industry (Section 2 use). Turning it into an as-of-right use would make it impossible for Council to ensure positive outcomes.
Connected community neighbourhoods and affordable housing mechanisms are central to healthy vibrant economically sustainable futures. Cohousing provides a solution for this and demonstrates far-reaching opportunities to facilitate greater diversity in the housing sector.

Cohousing developments include resource and asset sharing facilities and activities for their residence and local community.

Residential and Mixed Use Zones that facilitate the provision of cohousing projects will need to respond to the complementary amenities required in a cohousing development.

I think here the issues are better addressed by a Residential Mixed Use Zone and a Business Mixed Use Zone, rather than loosening up the controls in the existing one.

If the zone has been applied with one set of assumptions, you need careful thought before changing how it operates. Much safer and better to create a new zone – and people have long asked for a more commercially-oriented variant of the MUZ (I know it was long called for use in North and West Melbourne, for example).

**Industrial 1 Zone**

- Agree: 38
- Agree with comments: 10
- Disagree: 21

<table>
<thead>
<tr>
<th>Involve all affected stakeholders in the process of finding solutions and making improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refer case study in 3.1 above and then consider this suggestion in a range of zones.</td>
</tr>
<tr>
<td>Support changes which exempt minor matters and minimise regulatory burden, opportunity exists for further buildings and works exemptions to be included.</td>
</tr>
<tr>
<td>Suggested that the section 1 use for a convenience shop be conditional on floor area.</td>
</tr>
<tr>
<td>As industry changes it is beneficial to review these zones.</td>
</tr>
<tr>
<td>a) Agree - This would enable the controls to sit within the zone rather than within a particular provision.</td>
</tr>
<tr>
<td>b) Agree - Provided 'Convenience Shop' is more clearly defined in the definitions section, and consideration is given to floor area limitations to ensure the use is proportionate to the overarching industrial intent.</td>
</tr>
<tr>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>Proposed changes to include Convenience shop as a section 1 use is not supported. Whittlesea City Council have no issues with these uses in the zone but as a Section 1 use it may undermine the purpose of the zone as it could locate anywhere. There are also parking implications that need to be taken into account and we suggest that this is better as an integrated merits based assessment.</td>
</tr>
<tr>
<td>The lack of detail makes response difficult to this proposal.</td>
</tr>
</tbody>
</table>
a) This appears to be a low-risk change.

b) Convenience shop is defined in the planning scheme as having a leasable floor area of less than 240sq.m. A shop that served the local needs of employees in industrial areas would be generally acceptable.

Generally, agree, subject to conditions, parameters around size, access, car parking – this may be a candidate for a code assessment application.

Another attempt to broaden and weaken the protections.

It is proposed in modification a) to make Motor Repairs a Section 1 use with the standard condition relating to distance to a residential zone. Council officers provide in-principle support for this. Melton City Council officers provide in-principle support for this change and request the change be referred to councils for review and comment before is adopted or approved.

It is proposed in modification b) to make a Convenience Shop a Section 1 use. Council officers prefer this remain as a Section 2 use, as it may be possible to have a row of convenience shops to be constructed in a row, each with a different focus e.g. Asian convenience store, next to an Indian convenience store, next to a Coles Express, next to a 7-11 etc. Alternatively, an industrial area could have one on each corner, which results in an over provision of convenience shops. Council is concerned that this could result in pseudo activity centres, which are not considered in councils’ retail and activity centre strategies. It should be noted that the commercial zones already relaxed controls around retail and it is considered inappropriate to relax it further particularly where it could have amenity impacts. Convenience Shop should remain a Section 2 use to retain a retail hierarchy and ensure that uses that can impact upon retail in a municipality can be properly considered and assessed.

Motor repairs should be a Section 1 use within the IN1Z.

Convenience Shop should become a Section 1 use provided additional conditions regrading maximum floor areas and restricting Section 1 to single use occupancies to ensure industrial estates don’t become out of centre developments/commercial areas.

Offices should become a Section 1 use subject to maximum floor area requirements to avoid industrial areas becoming quasi-commercial by facilitating out of centre development.

Supported where they provide clarity and consistency

What are the environmental ramifications on allowing Motor Repairs as of right? Potentially could include a condition regarding a buffer area from sensitive use.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways

Seems fair enough. See comments at point 2 regarding the Industrial zone changes from 2013 which had no proper strategic justification and should be reversed.

Hobsons Bay City Council experiences a lot of amenity problems associated with motor repairs, particularly visual amenity and landscaping. Given this, it is recommended that motor vehicle repairs remain a section 2 use.
### Industrial 3 Zone

- Agree: 26
- Agree with comments: 17
- Disagree: 16

<table>
<thead>
<tr>
<th>Involves all affected stakeholders in the process of finding solutions and making improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support changes which exempt minor matters and minimise regulatory burden, opportunity exists for further buildings and works exemptions to be included.</td>
</tr>
<tr>
<td>a), b) and c) Agree subject to this comment - Acceptable based on car parking being met. We note that changes to the definitions section of the scheme will also need updating to ensure that newly defined uses have a car parking rate attributed to them. We note this as of right use should also be conditional upon no external storage of vehicles occurring.</td>
</tr>
<tr>
<td>Attention needs to be paid to where land used for the following can occur:</td>
</tr>
<tr>
<td>'Model Shop' or 'Hobby Shop'</td>
</tr>
<tr>
<td>These shops sell quite large remote-control equipment and are quite often a 'Bulky goods outlet' or sorts, which could have a specific listing in the 'Restricted retail premises'. As this does not have a specific definition currently, this leads to problems.</td>
</tr>
<tr>
<td>Often Councils advise applicants that they should look for a tenancy in the C1Z, however, these are not frequently visited shops with high profits or the need to display their goods to passing traffic.</td>
</tr>
<tr>
<td>These businesses often search for a large warehouse in the IN3Z as is the case with ACS BrandCo, located at FACTORY 7/41-45 RAILWAY AVENUE WERRIBEE 3030.</td>
</tr>
<tr>
<td>The business owner was subject to a Planning Compliance Officer from Council issuing him an infringement notice for undertaking a prohibited use in the IN3Z as the use in the opinion of the Council was that of a 'Shop', not having a frontage to a road in a Road Zone or adjoining or being on the same Lot as a Supermarket.</td>
</tr>
<tr>
<td>In summary, pay close attention to how the drafting of the IN3Z and Clause Clause 74 definitions cause considerable disturbance to new types of land uses such as remote control model shops who often sell large bulky goods that require a trailer for them to be moved.</td>
</tr>
<tr>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>No support for making &quot;Motor Repairs&quot; a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone, the Industrial 3 zone is primarily designed as a buffer and this use needs to be considered in this context.</td>
</tr>
<tr>
<td>No support for an office as a section 1 use this as it could undermine the purpose of the zone, stand-alone offices should be encouraged in Commercial Zones, making this a section 1 use could encourage a proliferation of office uses in industrial uses which would impact on the employment capacity in this sector (industrial/blue collar).</td>
</tr>
<tr>
<td>Support for &quot;Indoor Recreation Facilities&quot; to be Section 1 uses in an Industrial 3 zone.</td>
</tr>
<tr>
<td>Don’t want standalone offices in industrial areas as undermines office precincts in CBDs and erodes industrial areas.</td>
</tr>
</tbody>
</table>
The lack of detail makes response difficult to this proposal.

‘Office’ use should only be a Section 1 use where clearly ancillary to an industrial use. Any standalone office use should require a permit in order to reduce the risk of office space migrating from activity centres to industrial areas.

By allowing ‘recreation facilities’ or other similar uses recreation facilities' or other similar uses to establish in industrial zones without a planning permit, there is a concern that there will be a proliferation of these types of uses in these areas given cheaper rent. There is already an inherent issue regarding the conflict between these and industrial uses. It also may constrain the use/development of industrial areas (including those where existing use rights may exist) by introducing ‘reverse amenity’ considerations that may necessitate Clause 52.10 (buffer) requirements.

Indoor recreation facility being section 1 use, in conjunction with the proposal to not require a permit for a car parking reduction where a change of use of an existing building occurs creates a significant potential for car parking issues in these areas.

Generally, agree, subject to conditions, parameters around size, access, car parking – this may be a candidate for a code assessment application.

Another attempt to broaden and weaken the protections.

Industrial 3 Zones historically been light industrial zones. In the City of Melton, these areas are increasingly being used for purposes other than industry such as places of assembly (such as churches and indoor recreation facilities), offices, and retail. Council officers are concerned about further changes which could erode the purpose of this zone for light industry, result them becoming defacto activity centres, and leads to further diminution of industrial land in favour of non-industrial uses.

It is proposed in modification a) to make Motor Repairs a Section 1 use with the standard condition relating to distance to a residential zone. Council officers provide in-principle support for this. Council officers provide in-principle support for this change and request the change be referred to councils for review and comment before is adopted or approved.

It is proposed in modification b) to make Office a Section 1 use subject to maximum floor area requirements. Council officers do not support this change. Offices are currently encouraged to be located in activity centres and commercial areas. Offices in industrial areas should be discouraged unless they are ancillary to use permitted in the zone. Office includes such uses as banks, medical centres, real estate agencies, and travel agencies, which are best, placed in activity centres not in industrial estates.

It is proposed in modification c) to make Indoor Recreation Facility and Take Away Food Premises Section 1 uses. Council officers do not support these becoming Section 1 uses as this further erodes the purpose of this zone as a light industrial zone, and making it more akin to an activity centre. Council officers are concerned that some of the uses permitted in the Indoor Recreation Facility such as children play centres / dance studios can have offsite amenity impacts to abutting residential properties that should be managed. These types of uses should also be directed towards activity centres to ensure they are accessible to all, are safe and inclusive. These should remain as Section 2 Uses so the offsite amenity impacts can be properly considered, assessed and managed.

Whether putting conditions associated with Office being a section 1 use (i.e. subject to floor areas) – there needs to be clear direction within the purpose and decision guidelines that provide guidance for assessment where this use becomes Section 2.

Short term priority.
### Reforming the Victoria Planning Provisions – Comments and submissions

<table>
<thead>
<tr>
<th><strong>Supported where they provide clarity and consistency.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Recreation Facility may need to have a car parking requirements as they often generate car parking problems – put in Clause 52.06 – Clause 52.06 needs to have requirement on patron numbers (like restaurant permit trigger).</td>
</tr>
<tr>
<td>Need to minimize the commercial uses in industrial areas – undermines activity centres and makes industrial areas more expensive.</td>
</tr>
<tr>
<td>Child care centres are not appropriate in INZ3 because of impact on industrial businesses and adverse amenity impacts on centres.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Clause 33.03 gyms should be directed toward commercial centres.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>I am wary about the increased office floor area. The industrial zones need to be reviewed and tightened to avoid encouraging out-of-centre use after the 2013 changes, which were a justification-free disgrace.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Revert the 2013 changes and then think about everything else. Takeaway food premises I think will be abused if not subject to a size limit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Creating more section 1 uses in this zone is not supported. It should be noted that the purpose of the zone states the following “To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.”</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consideration of these uses and their impacts is required and Council does not accept that the proposed section 1 uses are without any need to forego these considerations.</td>
</tr>
<tr>
<td>Regarding motor repairs – see comments in relation to Industrial 1 zone as above.</td>
</tr>
<tr>
<td>Regarding Office Uses – this is not supported. The location of office uses needs to be associated with industrial uses in this zone. By allowing cheaper office space to be provided without a permit in an industrial 3 zone, activity centre policy will be undermined and lead to underutilised office space in activity centres.</td>
</tr>
</tbody>
</table>

| **Appendix 6b – Allowing offices as Section 1 uses in IN3Z may detract from the role of commercial areas. IN3Z is usually cheaper to rent than commercial areas which would attract offices into these areas.** |

**Commercial 2 Zone**
- Agree: 30
- Agree with comments: 17
- Disagree: 14
- Unsure: 20

<table>
<thead>
<tr>
<th>Involve all affected stakeholders in the process of finding solutions and making improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support changes which exempt minor matters and minimise regulatory burden, opportunity exists for further buildings and works exemptions to be included.</td>
</tr>
<tr>
<td>a) and b) Agree subject to this comment - Acceptable as long as there are conditions related to size, car parking and site accessibility.</td>
</tr>
<tr>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>Convenience Restaurant as a Section 1 use may undermine the purpose of the zone, there are parking implications that need to be taken into account and it is better as an integrated merit based assessment. There is support for making “Manufacturing Sales” a Section 1 use.</td>
</tr>
<tr>
<td>The lack of detail makes response difficult to this proposal.</td>
</tr>
</tbody>
</table>
| a) This appears to be a low-risk change.  
  b) Any changes in this regard should include a buffer to residential areas. |
| Council supports the inclusion of “Manufacturing sales” however, notes that threshold distances (clause 52.10) may also need to be amended to facilitate this. |
| Generally, agree, both these uses need conditions, definitions and parameters (e.g. distance to residentially zoned land). |
| Another attempt to broaden and weaken the protections. |
| In regional areas, commercial use is vital to towns’ growth and adaptation for contemporary needs. Developers want to build spaces that have office and/or commercial use without deciding upfront exactly what the proportion will be - flexibility is key for attracting tenants in regional areas. |
| Disagree with “convenience restaurant” becoming Section 1 use as amenity impacts of these developments need to be considered in many C2Z areas. |
| Agree, "Manufacturing Sales" should be as of right as per proposed modification b). Short term priority. |
| Supported where they provide clarity and consistency. |
| This proposal seems to support small business and there is some need to consider the implications of light industrial and dominant uses. |
| See comment above regarding the need for an integrated approach on reviewing the zones. |
I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Convenience restaurants have requirements that relate to operating hours, deliveries and waste management which need to be regulated. There is no discussion of how these issues will be resolved if this use becomes a section 1 use.

All rural zones
- Agree: 21
- Agree with comments: 21
- Disagree: 19
- Unsure: 18

We have no involvement in the rural zones.

Involve all affected stakeholders in the process of finding solutions and making improvements.

Whenever our Green Wedges have had planning scheme ‘minor’ changes to their zones in the past they have been to the detriment of the natural environment with its biodiversity and landscape vistas. e.g.
- Loss of tenement controls enabling more subdivision for new dwellings
- Loss of “in conjunction” for new restaurants when Mr Guy was the Planning Minister so now Nillumbik Green Wedge main roads can have restaurants without having any relationship with the rural or the bush land. A row of restaurants will never help the natural environment.

Agree in principle. The detail will be telling.

Strongly support dwelling extensions and associated outbuildings being exempted

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

We are opposed to planning permit exemptions applying within Green Wedge areas for dwelling extensions or outbuildings on rural land.

The Green Wedges surrounding the village of Shoreham (and other Westernport villages) present a crucially important component of our local character and values.

There are significant risks:
- Physical impacts upon landscapes, sensitive water catchments, water quality, biodiversity, streamlines, drainage, wildlife corridors and views (including long range views from roads and ridges)
- Loss of productive farming land to effectively urban uses. The area is highly sought for “lifestyle” residential purposes - as opposed to genuine farming operations.
- Creation of ribbons of urban use continuously along the coastlines linking coastal villages and towns by effectively and permanently changing land use and removing the existing green wedge buffers.

Green Wedge areas therefore require planning protections not possible through building permits.
We think all commercial uses should be prohibited in Green Wedge zones if we are to conserve them as the “lungs of the city”.

Reforming the Victoria Planning Provisions – Comments and submissions
Subject to detail, e.g. distance to boundary and creeks, effluent disposal.

Planning permit exemptions in the Green Wedge have potential for the long-term destruction of cultural landscapes and are likely to intensify conflict with valued farming activities. There is every indication that the emerging system will ignore inconvenient ecological impacts, the need to protect rural and recreational environments as well as the conservation needs of natural habitat, heritage areas and cultural landscapes.

There is continuing pressure for rural living (i.e. essentially lifestyle residential use) which inevitably inhibits the continuance of farming activities and often gives rise complaints about rural activities such as sprays, smells, noise, and traffic conflicts with agricultural machines on local roads.

The strategic importance of Agriculture on the Mornington Peninsula (the second most productive farming area in Victoria) in terms of “food miles” for Melbourne and potential impact of climate change needs to be recognized. This agricultural resource needs to be protected from urban intrusion for the long term.

Provided that overlays relating to Green Wedge; Environmental Significance and Vegetation Zones are not sacrificed or lessened by impact of any proposal.

There are existing compliance issues associated with works being undertaken in Green Wedge zones without approvals. The proposal to exempt certain works from planning approval has the potential to reduce Council’s ability to manage development within the Green Wedge and is not supported.

Extensions of buildings that may increase wastewater loading which could impact on water catchment health, provided there are resourced and implemented measures in place to address wastewater management we would want these to be referred.

The impacts on water catchment health of increased intensity of rural land use beyond that of managing wastewater must also be considered.

Rural Activity Zone needs work regarding the Section 1,2,3 Uses permitted - and more guidance for dwellings (or discouraging them) in the RAZ.

Another attempt to broaden and weaken the protections.

Provision must be made to minimize loss of trees and vegetation as a consequence of any buildings and works in rural zones.

More consultation with local government required. This could result in legitimate ‘rural character’ concerns associated with dwelling size and visual impact.

Close attention to proposed definition changes should also be considered.

Strongly disagree with removal of need for buildings and works permit in rural zones for existing house extensions.

The trigger should be based on the overall size of the dwelling proposed. If under a reasonable size for a four to five-bedroom home, then no permit should be required.

Some dwelling extensions applied for in the rural zones are often very large and raise suspicion that the applicant is trying to create additional space for a second dwelling quasi-legally (e.g. by not showing second kitchens on plans), particularly within high amenity tourism areas.

Supported where they provide clarity and consistency.
It would be better to review the floor area cap, with the view to a possible increase, instead of removing it. Dwellings are supposed to be subservient to agriculture or other purposes in these Zone, for example, so land is not unnecessarily removed from agricultural production, so a cap may be reasonable.

Should be similar to the BMO requirements, consistent across the Rural Living Zones, Green Wedge etc.

Amend all rural zones via a state wide VPP amendment to provide in the Zone Schedules the exemption from a need to obtain a permit for two or more dwellings on a lot, providing certain prescribed spatial standards are achieved and one of those dwellings was considered a Small Secondary Dwelling.

Green wedge Zone

The “In conjunction with” provision continues to be difficult to apply despite the change made a few years ago and does not prevent non-genuine proposals – e.g., the planting of an olive grove to justify a function centre.

It would be appropriate to investigate more flexibility of uses in the Green Wedge Zone given the vastly different roles green wedges play in different parts of Melbourne.

Buildings and works requirements may need to include other matters such as setbacks, to take into account local characteristics. Use of schedules may be the mechanism to do this.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways. In particular the Rural Conservation Zone and the Green Wedge Zone.

I think the Green Wedge should be a very specific zone, with highly restrictive planning rules.

Clause 35(a) The removal of the need for a planning permit for dwelling extensions and associated shed in the Farming Zone would require further consideration against the policy set out in Clause 14.01 of the planning scheme which seeks to prevent the unplanned loss of agricultural land.

The rural conservation zone in Nillumbik needs more prescription. The Guy 2013 changes should be reversed.

Strongly agree. See Nillumbik Pro Active Landowners (PALs) submission attached.

Council is neutral on this proposal and no further comments are provided.
**Farming Zone**
- Agree: 26
- Agree with comments: 16
- Disagree: 17
- Unsure: 21

Involves all affected stakeholders in the process of finding solutions and making improvements

Agree in principle. The detail will be telling.

Seek clarification of what 'related goods to be sold' means - could result in unintended consequences. Strong opportunity for outbuildings associated with farming activities to be removed from the planning system.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Provided that overlays relating to Green Wedge; Environmental Significance and Vegetation Zones are not sacrificed or lessened by impact of any proposal.

The impacts on water catchment health of increased intensity of rural land use beyond that of managing wastewater must also be considered.

With growing interest from both farmers and consumers in direct marketing of produce, there are related services that seek to attract visitors to a farm/region but which would currently be prohibited (land used for education, such as cooking classes) or require a planning permit (“restaurant” – even if the use proposed is a small-scale and part time café). There may be merit in expanding the range of allowable uses (or expanding the definition of primary produce sales) in rural zones where the use directly relates to the farm’s economic output, to include:

- Informal education programmes in food preparation, self-sufficient living, sustainable land management, and animal husbandry. This is not on the scale of a school or college, but at the moment the use is prohibited due to an assumption of scale.
- Cafes/catering/functions that showcase the quality of produce but which may involve additional ingredients/products such as local wines being retailed from the site. There should also be strict conditions in terms of implementation, such as how far away the goods are sourced for sale etc.

Overall, the advantage of including such proposals in a VicSmart category or making them exempt from a permit (subject to conditions relating to scale and consideration of landscape and environmental considerations); is that it normalises the small scale, highly productive, vertically integrated agricultural systems that are well suited to peri-urban areas.

The proposal that: “prohibited uses” be converted to “consent uses subject to conditions” is in farming zones is unacceptable and will create unnecessary uncertainty, ongoing dispute and potentially unintended land use conflicts particularly in the Green Wedge. Similarly, the arbitrary extension of primary produce sales to include “related goods” undermines the principle of the sale of farm-gate/farm-produced items and has the potential to promote out of centre retail activity and unfair competition with urban centres particularly in the context of the existing activity centres of the Mornington Peninsula.
1. Remove the 100m minimum offset from a neighbouring dwelling (this is not always even possible considering smaller land parcels).
2. Make 150 square metres the maximum shed size without a planning permit (not 100sqm)
3. Allow Carports and garages (less than say 70sqm) to be Section 1 - no permit required.
4. Allow bridges, paths, and farm infrastructure - on private land - to be a Section 1 Use.

Another attempt to broaden and weaken the protections.

It is proposed in modification a) to allow more primary produce sales as a Section 1 use by increasing the floor area conditions and allow a wider range of related goods to be sold. Council officers provide in-principle support for this and request more information on the extent of the floor area and what is considered to be related goods. For example, for a berry farm an acceptable related good may be jam made from the berries on the farm, however jam making equipment would not be considered to be a related good. Council request the opportunity to review any changes made to this zone.

The review of the farming zone should be done with clear reference to related definitions. It should also be done in consultation with the new 'right to farm' laws: http://www.abc.net.au/news/rural/2017-09-20/victorias-right-to-farm-plan-revised-to-ease-conflict/8962836

Support as a short-term priority.

In addition, provisions regarding house lot excisions should be reviewed. Prior to VC130 in 2013, the FZ provisions required a Section 173 agreement prohibiting further residential and subdivision of the balance of land. Removing this provision has created a loophole that allows for ongoing subdivision and residential development of inappropriate rural areas.

Supported where they provide clarity and consistency.

There are issues whether primary produce sales premises are shops, given the range of goods sold. Where the produce sales premises are distant from town centres may be reasonable. However, where this is not the case Councils can be pressured by shop keepers to take enforcement action against produce sales operators.

This approach prostitutes what primary produce sales is, it will basically just be an excuse to create café/restaurant and sell made in china plastic memorabilia even more than already encountered (pointing fingers at the Great Ocean Road cheese factory in Moyne Shire or that Caldermeade farm along Gippsland hwy).

Any expansion of primary produce sales should be limited to outside the Urban Growth Boundary where there are more likely to be genuine primary produce sales and where amenity impacts may not be as great.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Strongly agree.

Operation of the schedule to the farming zone should be reviewed with regard to regulation of altered flows across property boundaries.
Urban Floodway Zone
- Agree: 31
- Agree with comments: 18
- Disagree: 10
- Unsure: 23

Agree UFZ should be deleted. Potential to consolidate the Urban Floodway Zone with the Rural Conservation Zone and create an Environmental Zone which restricts land use based on environmental characteristics.

Involve all affected stakeholders in the process of finding solutions and making improvements

Agree on principle. The detail will be telling.

The Corangamite CMA supports the proposed review of the zone to identify whether an overlay could be used in its place, providing high flood risk areas can be suitably acknowledged.

a) Agree subject to this comment - Combining all flood-related provisions is supported contingent upon mapping being kept up to date. Clarification on what happens when properties are partially affected is required.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

More frequent high-intensity rainfall events likely into the future with climate change. Precautionary approach and strict compliance process critical. This coming weekend in Melbourne is an example; December average rainfall forecasted to occur over a 24 to 48-hour period!

City of Kingston Council supports the replacement of this zone with an appropriate overlay subject to being provided with the opportunity to have input into the future drafting of such a control.

Floodways change, particularly with the onset of climate change. Floodway Zones would need to be reviewed and updated at least every five years.

When the Urban Growth Boundary was changed in 2011, the Urban Floodway Zone was applied to large areas in the City of Melton and was exempted from notice and review rights. When Precinct Structure Plans are created, the Urban Floodway Zone is being removed and replaced with other VPP tools, which respond to the site’s exposure to flooding risk.

Council officers support a full review of the flooding provisions in the City of Melton including the Urban Floodway Zone and the three flood overlays to ensure that land use and development is appropriately managed in areas that are liable to flooding.

Technical experts should undertake this review.

Council request the opportunity to review any changes made to the flooding provisions.

Supported where they provide clarity and consistency.

If land is not suitable for development due to flood hazard it should be clearly identified by the zoning, rather than by a secondary control/layer, i.e. an overlay. The layers of control applying to land parcels need to be minimised, not only the controls available to be applied to land. A hazard/risk-based approach should define the controls, not a simplistic desk top approach. The Comrie Review in response to the 2010-2011 Victorian Floods needs to be considered in relation to any changes to flooding controls.
As a high-level comment relating back to all the flood type controls, Smart Planning should take into the account the current work underway between DELWP, Melbourne Water, MAV and Councils on the current institutional arrangements relating to stormwater management. This is a very important piece of work that will potentially guide and direct government at State and Local level on the holistic management of stormwater and will certainly cover aspects of flooding that will dovetail into the Planning controls.

Specifically for 37.03 & 44.03 simplification would be good, however, certain controls currently relate to certain types of flooding, and the different type of flooding need different considerations. For instance, flooding associated with rivers needs a different consideration to overland flow flash flooding. Some of the current exemptions for riverine flooding would not work, or would cause issues when applied to overland flow (i.e. a retaining wall that could block an overland flow path would be exempt from a riverine flooding control).

For 44.03 b) flood levels have different meanings and different considerations based on the nature of flooding or flow across the site. Just ensuring that a development is above a flood level, does not necessarily mean that that development will be negatively impacted by a flood or cause upstream or downstream issues.

For 44.04, careful consideration is required.
- No issue with a) or b). For c) this also needs to consider any works (including those possibly exempt from traditional permits, such as earthworks, landscaping, fencing or retaining walls) which could block overland flow.
- D) is fraught with risk and there would need to be clear guidance on how to keep and overland flow path clear.
- E) also is a risk, as any extension, even if minor, that impedes or blocks an overland flow path, has the potential to cause major problems which could significantly impact the extended works, or the upstream or downstream neighbours.
- F) resolution of this would be beneficial. At the moment, we use both the Planning Permit Process and the Building Permit process to set levels, and we write our final approval in attempt to lay the responsibility to verify finished levels with the Building Surveyor.

For 44.05
- No issue with a) & b)
- For c), this would require a level of sophistication of flood data, which Maroondah has, but others may not. Some way of setting controls is still required, and even minor overland flow can cause major issues if not considered appropriately.
- For d) for overland flow, any works that could block or deviate an overland flow can cause major issues, so exemptions need very careful consideration.
- e) the 60ha catchment demarcation rule is not legislated and is just an informal way that catchment demarcation has been established. But it varies, for instance in Maroondah, Council is responsible for catchments far greater than 60ha. From our experiences, even for low level overland flow, major issues can arise if incorrect controls are applied. Some Councils (not Maroondah) may not have the expertise to properly set conditions, therefore support and assistance from Melbourne Water should be considered.
- f) Again this is a risk where the end result may be development at risk of, or the cause of damage from flooding. VicSmart puts time pressure on Council, and the assessment of an application in relation to flooding would generally require an internal referral, all of which takes days. Any application that is affected by a flood overlay needs careful consideration and the VicSmart process may not leave enough time for this.
- g) this makes sense

Include in the overlay an applicant’s opportunity to provide ground truthing for alternative consideration by authorities. Most flood mapping does not take into account built form, and is therefore never 100% accurate.
### Short term priority.

A review of the Urban Floodway Zone would be welcomed by Council. A large proportion of Seymour (which has been designated as a significant change location by the Hume Regional Growth Plan) is covered by the Urban Floodway Zone, due to the position of the township alongside the Goulburn River and Whiteheads Creek.

This zoning has significantly restricted development opportunities within this location, and has effectively deemed this land 'unsuitable' for any future intensification of use of development. For key employers within the town such as Seymour Hospital (which is located within the UFZ), this could have major implications on any future growth or investment decisions.

Whilst we accept that the flood risk must be managed within Seymour, Council would be fully supportive of removing the Urban Floodway Zone and replacing it with a more appropriate mechanism.

### Another issue that requires addressing is the outdated Melbourne Water mapping.

In Wyndham some known flood prone areas are not subject to a flooding control, and there are other areas where flooding controls apply but MW modelling has identified the areas are not subject to flooding. A concerted effort between DELWP and MW, similar to the work done on the Bushfire Management Overlay, needs to be undertaken.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

### Cumbersome control that lacks flexibility when development modifies the boundaries.

Clause 37.03 (a) the urban floodway zone allows council to prohibit most uses, with eventual rehabilitation of land to vacant floodways, this is considered to be an appropriate outcome.

Urban Floodway Zone should be retained. This zone is an effective tool and the logic behind it is sound. Examples of its effective application can be found at Portland and Beaufort. Confusion associated with the flood related planning controls stems from a lack of clear documentation as to the logic, application and operation of these controls – not that the logic behind the controls is fundamentally incorrect or impractical. Floodplain management is intrinsically complex. The reductionism approach provided by the existing controls provides a relatively easily understood and practical framework for management of floodplain development risks. It is appropriate to identify the primary use of some floodplain land as being for the purposes of storage and conveyance of floodwater in certain circumstances.

Review should be limited to the adequacy of existing wording and documentation as to the appropriate application and operation of the control, not on removal of the control.

In the UFZ and all flooding overlays, a permit should not be required if the applicant has obtained the approval of the floodplain management authority and provided a copy to the municipal council (drainage).
Urban Growth Zone

- Agree: 23
- Agree with comments: 12
- Disagree: 17
- Unsure: 25

I agree however I must point out that we need to ensure that existing residents are looked after and not just incoming ones.

Much specific content in the Schedules to the UGZ which applies across a PSP area which would need to be incorporated into the scheme.

Involve all affected stakeholders in the process of finding solutions and making improvements.

Agree in principle. The detail will be telling.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process that doesn’t serve the people and regions it is in place to protect.

ID 11: Urban growth zone

Whilst the timely application of the applied zones is desirable for non-professional users of the planning scheme the application of the applied zones at the same time as the PSP is gazetted would not be workable and is not supported.

The principle of the schedule to the UGZ and PSP allows for ultimate zone boundaries to be determined through the subdivision process. This process allows sufficient flexibility to resolve site specific issues and final land use boundaries when the more detailed planning is completed. Although it would add an administrative burden on the Department if end users of the scheme are the priority a more workable solution would be a series of 20(4) amendments once lots are created but before build out of the entire PSP area to implement the applied zones.

There is an opportunity to remove some of the complexity in the UGZ schedule by including some standard provisions in the zone ordinance or including standard conditions in the PSP guidelines.

Urban growth changes, and is not predictable. Urban Growth Zones would need to be reviewed and updated at least every five years.

Mandate for the adequate provision of open space, trees, vegetation and active transport links for Urban Growth Zones.

Would be appropriate to work with growth area councils on addressing the complexity of schedules.

However, there may need to be a DPO or some other mechanism to ensure staging of development is compatible with the provision of infrastructure that is not ordinarily managed through subdivision?

Appendix 11 – “Upon gazettal” of the PSP is not the right time to rezone the land because the UGZ specifies requirements associated with planning applications for greenfield development (specific land use table, generally in accordance provisions, SLHC exemptions, app requirements, notice exemption etc.) which are not contained in the applied zone and these things would be lost if the applied zone was implemented upon gazettal.
There are currently 6 schedules under the UGZ in the Whittlesea Planning Scheme. The UGZ and accompanying schedules include details which do not easily translate to the current VPPs. The level of detailed planning (found in the structure plans and schedules) is important for growth areas in terms of infrastructure delivery, town centre development, centres hierarchy and the transitioning of rural to urban uses.

- We do not agree with the proposed changes for the UGZ.
- The UGZ provides for variations to standard planning scheme requirements in order to respond to local context and is therefore an incredibly important “middle step” in the planning of Growth Areas, particularly where no DPO applies.
- We consider that converting to applied zones following ‘build out’ on the PSP area is the most appropriate point for the change to occur as it will allow for zone boundaries to be more easily defined. The applied zones cannot be defined with certainty, at the time a PSP is gazetted as detailed subdivision/property boundaries are not defined.
- Some components included within the UGZ could be reviewed to make them less cumbersome (i.e.; refer to appendices in the PSP document).
- By re-zoning the land to the applied zone upon gazettal of the Amendment, it essentially makes the schedule to the UGZ redundant as it will no longer apply to the land. Yet there is also the additional proposed change to streamline the UGZ schedules. These points within the discussion paper conflict with one another.
- The intention may be to move everything from the Schedule to the UGZ and into another overlay such as the IPO when the land is re-zoned to the applied zone, however it is unclear that this will actually achieve anything other than designating the zones before the physical land use outcomes are built out, removing all flexibility at the permit application stage for what is a greenfield site.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
It is proposed in modification a) that upon gazettal of a precinct structure plan (PSP) land is rezoned to the applied zones specified within the PSP. Melton City Council officers strongly object to this proposed change and request that DELWP organise a workshop with all Growth Area Councils and the VPA before advancing with this proposal.

It is the Urban Growth Zone (UGZ) that directs applications to be considered against the Requirements and Guidelines in the approved PSP. If the UGZ is removed, where is the trigger for land use and development to be generally in accordance with the PSP?

As the PSP is allowing the development of the area there can be minor changes to matters such as road alignments, which may be subject to the Road Zone, Category 1. It is not uncommon in PSPs for a road to make slight deviations to avoid natural features, floodways to be altered through earthworks, or Government Departments such as the Department of Education to slightly vary the shape of a school site.

Furthermore, there are a number complex land use matters which have been captured in the UGZ which, if applied zones were directly translated this would result in significant amenity and safety risk. Examples include prohibiting accommodation, childcare centres and education centres in the Quarry Sensitive Use Buffer, which has an applied zone of Commercial 2 Zone (C2Z) to ensure these sensitive uses are protected from dust, noise and vibration in the Mt Atkinson PSP (UGZ9). Another example is restricting sensitive uses such as child care centres and aged care facilities within a certain distance of the High Pressure Gas Pipeline in the UGZ for the Plumpton and Kororoit PSPs which are in draft form.

If land was rezoned before development occurs, it can result in the zones being inflexible and locking down a poor development outcome that may be unnecessarily expensive or unnecessarily difficult to deliver.

The purpose of the PSP is to allow development to occur in a manner that responds to the local conditions. If land was rezoned before development has been commenced it could further restrict development and require costly and timely planning scheme amendments to make changes if local conditions require minor changes to the future urban structure.

Council would also be concerned if these proposed changes were to be applied retrospectively, such as for UGZ9 for the Mt Atkinson and Tarneit Plains PSP, where these tailored land use provisions are a requirement to ensure both the new community and adjacent State significant quarrying operations are protected.

It is proposed in modification b) that the complexity of future UGZ schedules be reduced through a more limited and rigid structure. Council officers strongly object to this. The purpose of PSPs and the UGZ is to allow development to occur that responds to its local conditions. Locking down the UGZ schedule removes the flexibility of the PSP process, and limits the ability of PSPs to address issues that we have not thought about or encountered yet.

If DELWP or the VPA is of the view that the structure and content of UGZ schedules should be tightened this may be best done through a Practice or Advisory Note.
Strongly disagree - Abandon proposal.

Current UGZ schedules are not overly complex and largely specify standard requirements / permit conditions. However, there is scope for refinement to focus on the key issues.

Detailed servicing requirements development of land has not been finalised which may require small adjustments to developments in future.

The preferred method to manage PSP area rezoning would be to fast track rezonings for stages as titles are released.

Unnecessary to rezone all land uses at the time of gazetted of a PSP amendment – this will create further red tape in the future when a zone boundary does not match up with emerging development fronts. Flexibility is a must.

Also has the potential to introduce a number of different zones on one title (i.e. GRZ, PPRZ, C1Z etc) Once development is completed, and the development/use is in operation, an amendment can be completed to back zone relevant land (as per current process with CDZ and UGZ land).

Currently, Clause 37.07-15 Inconsistencies between specific and applied zone provisions contained in the UGZ states that:

If there is an inconsistency between the specific provisions specified in the schedule to this zone and the provisions of a zone applied by the schedule to this zone, the specific provisions prevail to the extent of any inconsistency.

In an event, where an endorsed development plan exists prior to formal gazetted of a PSP this process of automatic zoning to ‘applied zone’ will add further confusion and uncertainty to the land owner. PSPs are meant to be indicative in nature and not set in stone. In trying to simplify the VPP by making it seemingly simple for non-professional users to read, the proposed changes would make it scarly complicated for professionals to implement – leading to delayed outcomes for the end client and wider community.
This is a fundamental change to the intent of the Urban Growth Zone and PSP implementation and is not supported. Additional information about the changes and practical application of those would need to be reviewed and there are some serious concerns with this proposal.

The introduction of the Urban Growth Zone was to allow for the implementation of the PSP and automatically applying specified zones reduces flexibility and will compromise the appropriate development of land. It may also compromise the existing use of the land as some areas within PSP are for longer term development and the existing uses may be unnecessarily impacted by the applied zones.

Further the removal of the UGZ would result in removal of notification exemptions for the majority of applications resulting in increasing development approval times. In addition, there are concerns about how the PSP be given effect if the UGZ is not the zoning.

Additionally, the current zone structure in the majority of cases assumes that land is fully serviced and the structure of standard zoning to include specified requirements that are critical for the development of greenfield sites that currently exists in the UGZ would need to be integrated into each zone. It is critical to ensure that appropriate subdivision and development addresses all service, drainage, environmental, traffic and other relevant issues and if these are not directly specified in the zone or the VPP structure weakens the PSP the demand for this information will be constantly contested and provide difficulties for Council in ensuring the appropriate development of land.

Although a consistent approach to the schedules is considered reasonable an updated Practice Note needs to provide greater guidance it could be considered that this can be achieved within the existing VPP structure.

It is considered that this proposal is fundamentally flawed and review of the UGZ should be a more rigorous process with input from all growth area Councils.

All overlays
- Agree: 29
- Agree with comments: 31
- Disagree: 16
- Unsure: 12

This is hyper important as this section describes neighbourhood character, amenity etc and this is lacking elsewhere in this document.

Introduce new one where they are needed - i.e. Future Neighbourhood Character

Involve all affected stakeholders in the process of finding solutions and making improvements

Agree in principle. The detail will be telling.

Support changes which exempt minor matters and minimise regulatory burden

South East Water would like to be involved in any review regarding sites requiring buffer zones i.e. treatment plants.
Despite all the wording changes for planning provisions for the Rural Conservation Zone as applied in the Nillumbik Green Wedge there should be no changes if they cause a weakening of the environmental conservation and this must apply to all Overlays in this zone – both present and future ones.

In the discussion paper at: 39 57 Metropolitan Green Wedge Land it says: “Review Metropolitan Green Wedge Land having regard to the following:

a) Assess the practicality of making this provision more transparent by incorporating the requirements into existing VPP zones (such as the Green Wedge Zone) in a way that is policy neutral and does not weaken its controls.”

This statement should be applied in every consideration for wording change in those zones with a purpose of conservation and encouraging of indigenous vegetation. i.e.: For our Wattle Glen township, this would mean RCZ outside of the UGB and all Overlays. No exceptions.

- a) Disagree - Not supported as the structure of the zone provides the overarching control of use, with site specific elements of development and use being controlled through overlays. This maintains the localised importance and the basis of proper local land use planning.
- b) Disagree subject to comment - Do not support the rolling back or reduction of overlay controls - the schedules provide an important distinction for each Council area. Concerned that the ESO may not be the best planning tool to identify buffers around uses such as existing and former landfills, industry, etc and that a new overlay may be needed to better reflect the intent of buffers, information requirements and permit triggers.
- c) Agree - Does not change the intent of the provisions.
- d) Agree - Helps make the process clearer.

Agree with the suggested modifications. In relation to modification (b) it is noted that the ESO has been used to provide a buffer around particular land uses, such as; coal mines, sewage treatments plants and radio transmission facilities and mushroom growing. Minimising land use conflict is a fundamental aim of land use planning. Having an easily identifiable buffer within planning schemes (clearly shown on a planning scheme map) is supported.

In the absence of anything else the use of the ESO for this purpose is supported. However, it is noted that the use of the ESO can be confusing and consideration could be given to developing a new ‘buffer overlay’ or ‘separation overlay’ to replace the ESO for the examples given and to be applied more generously within Victoria’s planning schemes to identify areas which may be at risk from the encroachment of sensitive uses.

In relation to separation distances and waste management, we are aware of template planning provisions prepared by the Department in conjunction with metropolitan and regional waste and resource recovery groups. It is suggested that these templates be advertised for industry comment prior to their release for use by planning authorities.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

A review of the overlays would be useful and the recognition that new overlays may be appropriate particularly in terms of managing risk and buffers. Buffers which would be useful for the City of Whittlesea include buffers for landfills, wastewater treatment plants, quarries.
Overlays are distinctive of particular areas and needs. For example: The design and development overlays (DDO) applying to the GRZ in the Western Port villages of the Mornington Peninsula, originated from early deficiencies or absence of utility services. Service needs largely dictated lot sizes and siting requirements. These requirements are reflected in the scale and form of existing residential development and has contributed to their established character which is highly valued by the communities. While there is a case for greater diversity of dwelling sizes, the introduction of arbitrary exemptions and increased height limits and site requirements, is destructive of neighbourhood character and the characteristics that make the settlements attractive to residents, visitors and tourists alike.

Melton City Council supports the use of overlays to control use (with clear guidelines), however also considers that a reverse buffer overlay provision should be enabled to allow this matter to be considered appropriately. This includes consideration of how reverse buffers should be dealt with when a situation already exists where these are not met.

Council also agrees with the need to consider a new control/mechanism to deal with buffers. This should be developed in conjunction with the EPA but ultimately requires unambiguous statutory implementation.

Coliban Water supports the general need to review overlays, however, the role overlays play in highlighting specific issues cannot be taken lightly or overlooked. The use of controls through zones and overlay is not based on a hierarchy and each control has an equal value of importance. This true whether the overlay is managing impacts on a broader regional issue crossing multiple municipalities, such as water supply catchments, or a more localised issue of ensuring separation buffer around critical multimillion dollar community infrastructure such as Water Reclamation Plants. In Simpson v Ballarat CC (includes Summary) (Red Dot) [2012] VCAT 133 member Gibson made the point:

53 Like other natural resources, there is no flexibility about the location of a catchment ... a catchment is a natural system. Water harvesting for a particular reservoir is confined by the physical parameters of the catchment.

Likewise with infrastructure such as Water Reclamation Plants, the community has paid for these assets, they cannot be moved and their ongoing operations must be protected and allowed to vary as populations change. Overlays ensure that such community assets are protected for inappropriate development even if the use is a section 1.

Clarity around buffers is especially important.

Recent electronic access has made this task easier. There is still some clunkiness in the access to this site.

Under the "Purpose" section of the Overlay (or Zone) - State what the relevant Local Polices are instead of saying "implement state and local policies" Perhaps this could be done with a Hyperlink - if using an online planning scheme format.

Overlays should be reviewed to ensure protections are current and updated.

Any review must not result in the dilution of the intent and function of the specific overlay provisions and Schedules with particular reference to Significant Landscape Overlays, Environmental Significance Overlays, Vegetation Protection Overlays and Heritage & Built Form Overlays.
It is proposed in modification a) to review the distinction of overlays controlling development, as opposed to use. Melton City Council officers agree that this should be updated as some overlays do control use.

It is proposed in modification b) to review the approach of using overlays to identify buffers, and examine how the VPP can transparently and consistently identify and protect significant sites requiring buffers such as landfills, quarries, treatment plants, and water supply catchments. Council officers agree this is a current failing of the VPP’s and this is consistent with recent advisory committee and planning panel recommendations. Council officers request further information from DELWP on how it proposes to review this matter. Council request the opportunity to review any changes made to the buffer provisions.

It is proposed in modification c) that there should be consistency in phrasing where a common meaning applies to phrases such as ‘generally in accordance with’, ‘generally consistent with’, and ‘in accordance with’. Council officers provide in-principle support for request the opportunity to review any changes made to the overlays.

It is proposed in modification d) to clarify that if a permit is not required within the head provision, then the provisions of the schedule to that control do not apply. Council seeks more information on what is meant by this as it is unclear what the perceived problem is.

Good idea - fully support, suggest including assessment guidelines on how to balance competing objectives (for authorities) and on how competing objectives will be dealt with (for applicants).

a) Agree, use and development controls within overlays requires review and focus needs to go back to the purpose of the overlays.

b) ESO should be utilised to identify buffers. Mitchell used this VPP recently through Amendment C92 to protect water supply catchment areas.

Provisions within Clause 66 are unclear and confusing. Mapping buffer trigger areas is preferred and will reduce human error. Planning Scheme Reviews should be used to remove buffers that are no longer required.

c & d) Agree with points C & D. Point D should be extended to zones.

Mornington Peninsula Localised Planning Statement overlays should prevail.

Appendix 2, Item 12.

We disagree with a reduction in the number of overlays on the grounds that this would make it more difficult to discern the land use planning issues when viewing planning maps, and would only serve to reshuffle the location of the ordinances without reducing the permit requirements.

However, by removing overlays that double up on control, such as flooding, this will assist in streamlining the understanding of what the overlay covers. A schedule to the overlay would better service the distinction between the different types of flooding.

The proposal relating to buffer distances may also be useful for broiler farms. Consistency in language is supported.

Purpose-specific buffer controls should be developed as per the implementation actions in Plan Melbourne. Buffer overlay should address land use – it is sensitive land uses that are of major concern in addressing amenity impacts of polluting industries

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
<table>
<thead>
<tr>
<th>There is a need to clarify the roles of zones and overlays and the controls on built form or land use.</th>
</tr>
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<tbody>
<tr>
<td>I think the Green Wedge should be a very specific zone, with highly restrictive planning rules.</td>
</tr>
<tr>
<td>Clause 40 (b) it is considered that overlays are an appropriate management tool.</td>
</tr>
<tr>
<td>Further expansion of exemptions will undermine overlay protections as they relate to Melbourne’s Green Wedges. Further deregulation is not the answer.</td>
</tr>
<tr>
<td>Strongly agree.</td>
</tr>
<tr>
<td>On point a) – frankly I don’t see a problem here. I can live with “overlays usually only control development.” I think people stress needlessly about this as they get it into their heads overlays can’t control use and it blows their mind when occasionally they do. Everyone just needs to chill!</td>
</tr>
<tr>
<td>On point b) – buffers are tricky but use of overlays seems a valid approach to use to me, in the absence of a clear fix for other buffer-related controls such as 52.10. At least with an overlay they are mapped, and in previous reforms (e.g. parking) we have favoured the use of mapping to improve transparency. I think that approach remains valid for buffers.</td>
</tr>
<tr>
<td>I’m surprised no mention is made of flipped overlays as a potential reform in this discussion! See also Preferred Form / Development Overlays as a potential model: <a href="http://www.sterow.com/pdos">www.sterow.com/pdos</a>.</td>
</tr>
<tr>
<td>The discussion paper recommends “Examining whether buffers could, or should, be formalised through proper VPP tools would assist in providing transparency.”</td>
</tr>
<tr>
<td>Council has advocated for a long time on the inclusion of a ‘risk’ focussed overlay that responds to land use planning around Major Hazard Facilities that exist within Hobsons Bay and the State as a whole. There is enough evidence for implementing such an overlay as a priority, rather than simply examining the use of buffers within this context.</td>
</tr>
<tr>
<td>There may be building requirements that must apply to all new buildings to address potential risks, and an overlay would be the most appropriate VPP solution for this. However, in the instance of a ‘risk’ or ‘Major Hazard’ overlay, the inclusion of ‘use’ provisions and as well as ‘development’ guidance is required if the overlay is to be effective in addressing this issue.</td>
</tr>
<tr>
<td>For example, a, sensitive uses, such as child care centres and nursing homes are inappropriate uses in areas affected by such an overlay as people using these facilities are unable to evacuate themselves independently in an emergency situation. This issue is not addressed within zone provisions and often these uses are Section 1 or Section 2 uses within the underlying zone. The possibility of these uses being allowed via the application of many standard zones in proximity to Major Hazard Facilities and Pipelines is a significant point of concern that has been consistently made to Council by facility and pipeline operators, even in areas already accommodating residential development.</td>
</tr>
<tr>
<td>As such, this overlay must have the flexibility to address these use related risks.</td>
</tr>
<tr>
<td>Also review every overlay with a view to reducing notice provisions. For example, consideration of a permit for work to kerb and channel, or installation of a bus stop, in a Heritage Overlay should not be subject to notice.</td>
</tr>
<tr>
<td>Another example is removal of native vegetation that is ultimately assessed by DELWP - an application that is consistent with state policy for native vegetation should not require notice and be open to review delays.</td>
</tr>
</tbody>
</table>
### Environmental and landscape overlays

- **Agree:** 32
- **Agree with comments:** 20
- **Disagree:** 17
- **Unsure:** 12

<table>
<thead>
<tr>
<th>Comments</th>
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<tbody>
<tr>
<td>Involve all affected stakeholders in the process of finding solutions and making improvements.</td>
</tr>
<tr>
<td>Seek to reduce duplication.</td>
</tr>
<tr>
<td>Must not water down existing requirements of Special Landscape Overlays and Environmental overlays by providing blanket exemptions such as those based on number of dwellings or lot size. If an overlay applies, such exemptions should be in the overlay.</td>
</tr>
<tr>
<td>a) Agree subject to this comment - Provided no additional exemptions are included, a consistent and consolidated approach to exemptions could streamline the scheme.</td>
</tr>
<tr>
<td>b) Disagree - Do not support increasing opportunities for vegetation removal or risk of inappropriate built forms without a permit.</td>
</tr>
<tr>
<td>c) Agree</td>
</tr>
<tr>
<td>Suggest a buildings and works permit trigger be added to the VPO header clause similar to the trigger in the SLO. This will ensure buildings and work don’t encroach and impact on significant vegetation identified by this overlay.</td>
</tr>
<tr>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>Subject to further details. A practice note on the SLO would be useful as currently there is no guidance at all about the application of the overlay.</td>
</tr>
<tr>
<td>OSOs are essential in an area like mine to protect neighbourhood character and protecting biodiversity.</td>
</tr>
<tr>
<td>The lack of detail makes response difficult to this proposal. However, vegetation protection and landscape overlays are essential for the conservation of the Mornington Peninsula Green Wedge. Further watering down of overlay requirements in the interest of “development” and faster processing will put at risk the long-term sustainability of habitat areas and agriculture.</td>
</tr>
<tr>
<td>City of Kingston Council considers that the VPO could be amended to include a TPZ trigger. This would remove the need to apply the Environmental Significance overlay in instances where protection of the critical root zone is warranted.</td>
</tr>
<tr>
<td>Please see comments supplied above (12) additionally there is a need to clarify the circular and confusing Cl.62.02-3.</td>
</tr>
<tr>
<td>Environmental and Significant Landscape Overlays should be reviewed and updated to ensure protections are current.</td>
</tr>
<tr>
<td>Land uses that require a buffer have been placed in isolated locations whether on private or crown land by necessity to ensure that they are not collocated close to residential areas. Often those locations have been on land that includes remnant vegetation, and habitat and is important as open space. Environmental significance overlays now protect those areas because of their environmental qualities. That continued protection is critical as is the protection of view lines in other instances where ridgelines are blocked out by building siting and mass and non-indigenous vegetation to that area is used lessening habitat (flora and fauna) viability.</td>
</tr>
</tbody>
</table>
a) Exemptions should preferably sit with the overlay so that the relationship is clear and does not become confused or weakened by interpretation between an overlay and other policy/provisions.

Clause 62.02-3 does not presently provide exemptions from veg/tree removal controls, and does not address exemptions for ‘development’ more broadly- ‘development’ being the overarching planning category capturing veg/tree removal (as opposed to ‘subdivision’ or ‘use’).

Centralising tree/veg removal exemptions under one Clause is appealing in some respects however, it runs a risk of creating exemptions which undermine the purpose/effect of overlays (can an overlay say “exemptions as per clause 62.02-3 but for exemptions x, y and z”?, and further complicates tree/veg controls by creating another pool of exemptions, that are not clearly related to the purpose of overlays and their triggers.

From an environmental perspective, and recognising that the VPPs will operate in a climate concerned future, any general exemptions from vegetation removal controls should be minimised, reducing opportunity for ‘convenience’ clearing of vegetation.

b) Environment and landscape overlays can have several ‘triggers’ (i.e. buildings and works, subdivision, veg/tree removal), and may have exemptions under any one.

If item a), seeking to corral exemptions into clause 62.02-3, is adopted, item b) appears to undo this benefit by placing overlay specific exemptions back into the overlay under any given permit trigger? Or is item b) seeking a more explicit ‘purpose’ to each overlay which explains why/how each of the overlay's triggers support the purpose?

c) Support greater nexus between the purpose of overlays (and their schedules), the overlay's permit triggers, any exemptions, and the decision guidelines. However, care should be taken to ensure that there are no unintended consequences that result from attempts to improve consistency.

The Tree Society contends that the ‘Table of exemptions’ must be retained as listed within the specific Overlay provisions for ease of reference (specifically by local government planning staff and residents). The society however has no objection to the duplication of the Overlay ‘Table of exemptions’ in Clause 62.02-3

Concerning the specific exemption for the removal, destroying or lopping trees associated with the exemptions listed in the Table to Clause 62.02-3, the BDTPS contends that the generalist phrase ‘minimum extent’ needs to be more closely defined. The society views this phrase as inexact and open to interpretation and as such will be subject to dispute.

With specific reference to Modification point b);
‘Increase opportunities for permit exemptions (such as associated with a single dwelling) by ensuring permit triggers are linked to the purpose of the control’;
the tree society is opposed to any review that results in the dilution of the intent and function of the specific overlay provisions and Schedules.
It is proposed in modification a) to amend the head provision to relocate the table of exemptions to Clause 62.02-3. Melton City Council officers provide support for this as it is a minor change, as it does not change the scope of vegetation removal exemptions.

It is proposed in modification b) that the number of permit exemptions be increased. It is difficult to comment on this, as it is not known what is envisaged by this. Council officers request more information on what additional permit exemptions are sought, and would like the ability to review and comment on the proposed changes before they are adopted or approved.

It is proposed in modification c) to ensure all schedules are consistent. Council officers provide in-principle support for this, and would like the ability to review and comment on the proposed changes before they are adopted or approved.

This will need to be done in collaboration with the native vegetation assessment review process currently underway.

Short term priority.

Supported where they provide clarity and consistency.

Mornington Peninsula Localised Planning Statement overlays should prevail.

Loss of vegetation due to a lack of a planning permit may severely decrease the areas biodiversity and native/significant vegetation.

It is proposed that Strategic Extractive Resource Areas (SERA) and buffer zones would be recognised within the planning system via an existing planning control such as Environmental Significance Overlays. DEDJTR is currently developing an Extractive Industries Strategy which supports the SERA concept providing appropriate planning protection for state significant resources that will improve the security of key extractive resources for future use.

Overlays should be amended to “schedule in” matters to be controlled as per the MAV suggestion.

It is important to maintain environmental and landscape overlays. Again, these would be for different reasons in different areas.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

I do not agree with any change that will make it easier for native vegetation to be removed.

Strongly agree.

Level Crossing Removal Authority (LXRA) has made a separate submission to DELWP Environment with regards to the operation of the rail and road safety native vegetation exemptions.

There is no agreement in place with the department to provide for removal of non-native vegetation in line with the rail and road safety exemptions.

LXRA would support an open and transparent process to establish a code of practice that could be incorporated into the VPPs as per the advisory committee's recommendation (pre-VC49).
Heritage overlay

- Agree: 31
- Agree with comments: 29
- Disagree: 15
- Unsure: 12

Need to link this overlay to neighbourhood character overlay

In particular, minor buildings and works to repair or replace in a Heritage Overlay requires a permit at the moment. If we want to replace something on a State Listed building, we can gain an exemption from Heritage Victoria that permits the works to proceed much more easily than gaining permission to do the same for a non-contributory building in a Heritage Overlay. This should not be the case. Both NSW and Qld have exemption applications that have no fee to assist in minor works in a heritage area.

Involves all affected stakeholders in the process of finding solutions and making improvements

Please see attachment, in relation to the need to create a linkage between the Heritage Inventory (listing of historical archaeological sites under s.117 of the Heritage Act 2017) and the Heritage Overlay.

Support changes which exempt minor matters and minimise regulatory burden, particularly for non-contributory places.

There are many minor buildings and works in the Heritage Overlay which would justify being exempt from a permit, but it would be difficult to prescribe such details given that in some cases minor alterations can have major impacts on heritage values. It must not be assumed that impact will be minimal just because scale of application is minimal.

a), b), c) and d) Agree subject to this comment - Require clarification of the relevance of a report that was finalised in 2007. Support increasing exemptions provided the heritage merit of a building or precinct is not compromised.

In relation to modification (c) this should also be expanded to consider minor upgrades to tramway infrastructure.

Local knowledge is important in identifying an appropriate heritage overlay for historic villages such as Buninyong.

Agree a review could be useful however, the exemption of minor building and works (such as a small verandah or pergola) may not be appropriate for all heritage overlays. Heritage places in a rural, semi-rural context are often visible from surrounding properties and as such the inclusion of a small verandah or pergola may impact on its heritage significance.

Consider options for hyperlinks to citations/Hermes, review fences and prohibited uses wording as confusing.

The City of Greater Bendigo also has an extensive Incorporated document that can be used to inform a state-wide reduction of permit triggers.

Heritage controls are already ineffective and inadequate. Heritage values and precincts must be protected from incompatible incursions as may result from as of right changes to "non-contributory buildings" or even additions to listed heritage properties.

South East Water is currently referred Scheme Amendments for developments with a Heritage Overlay. As we are not a Building Authority and don’t have any objection to these schemes, our preference would be to no longer receive these referral types.
### Heritage values of particular buildings and precincts must be retained in any loosening of provisions. Precautionary approach and strict compliance process critical.

**ID 14: Heritage overlay**

A review of existing permit exemptions at Clause 43 is supported in principle and the list of exemptions should be clear and concise. Further clarification on the extent of permit exemptions for “certain minor buildings and works” is required. The City of Yarra’s Incorporated Plan for permit exemptions (2014) provides a solid basis for a state-wide exemption document. However, more documentation is required in providing safeguards to ensure that the purpose of the heritage overlay is not undermined. In particular, defining repairs and routine maintenance, and ensuring that alterations do not diminish the three-dimensional integrity and significance of heritage buildings is essential. Furthermore, exemptions for the construction of front fences should be avoided.

Council supports the aim for consistency in this clause however any additional permit exemptions for buildings in a heritage overlay need to be considered carefully. The consideration of limiting exemptions to non-contributory buildings only is supported however thought needs to be given to the cumulative impact of this on surrounding contributory buildings and streetscapes.

Further consideration of the VicSmart categories that relate to Heritage Overlay permit triggers should be considered in light of the Portland Historic Building Restoration Committee Inc. v Glenelg SC (Red Dot) [2017] VCAT 519 (1 May 2017).

All I know is when I see those two words it equates to problem! There is too much focus on saving infrastructure that is neither OLD, worthy of being kept, or there are more than enough examples in existence without keeping yet another one.

Exemptions to make assets/structures safe?

We agree there is a need to clarify whether heritage status recognise precinct-wide, or site-specific values.

This overlay provides critical protections and is an important part of the planning framework. We have serious reservations about the creation of exemptions as contemplated in the paper. It is better to maintain a strict requirement for exemptions to be based on a case by case basis.

Further work could be done to exactly define what elements of a building should be considered. E.G where a non-contributory building in a heritage zone is demolished, whether or not the building size is a factor in the heritage consideration.

Agree. More permit exemptions for minor works.

Heritage Overlays should be reviewed and updated to ensure protections are current.

Any review must not result in the dilution of the intent and function of the specific overlay provisions and Schedules for Heritage Overlays.

Supported where they provide clarity and consistency.

Mornington Peninsula Localised Planning Statement overlays should prevail.
It is proposed in modification a) to make reforms to the overlay as proposed by the Heritage Provisions Advisory Committee. It is difficult to comment on this as these recommendations were made in 2007 and planning practice has changed since this time. Melton City Council officers would like information on specific recommendations from the report that are proposed to be implemented.

Council officers stress the importance of making changes to the VPP’s when advisory committee recommendations are made, rather than seeking to make them years after they were received as the recommendations can be out of date or no longer relevant as planning practice evolves and changes.

It is proposed in modification b) that there should be consistency in phrasing where a common meaning applies to phrases such as ‘cultural significance’, ‘heritage value’, and ‘heritage interest’. Council officers provide in-principle support for this, request the changes be referred to councils for review, and comment before they are adopted or approved.

It is proposed in modification c) that new permit exemptions be created for minor buildings and works, which do not affect heritage values. Council provides in-principle support for this, and needs more information on what buildings and works may be considered minor. Council officers request the changes be referred to councils for review and comment before they are adopted or approved.

It is proposed in modification d) that exemptions for certain minor buildings and works, such as those cited in the Yarra Council incorporated document be introduced. Council provides in-principle support for this, and needs more information on what buildings and works may be considered minor. Council officers request the changes be referred to councils for review and comment before they are adopted or approved.

Short term priority.

a) Agree, clarity is needed around precinct-wide and / or site-specific values under the HO. Also, a need for a revised Practice Notice accordingly.
b) Agree
c) Agree
d) Support simplifying and providing greater clarity for permit exemptions. Mitchell introduced the "HO Permit Exemptions Incorporated Plan, 2014" as an incorporated document which caused ambiguities and required updating.

Reduce some of the triggers to make minor works that do not have an impact on the heritage precinct ‘no permit required’. Look to the incorporated documents from Yarra and Moreland for assistance in helping to determine the types of works.

Application requirement should be included in the Overlay Schedule.

The need to streamline requirements for minor matters in the HO is long overdue. It is not appropriate that councils have to resort to other mechanisms, such as an Incorporated Overlay, to overcome deficiencies of the HO.

Heritage overlay is important.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

The suggestions miss the most obvious and beneficial reform. There should be more ability to create customised heritage schedules as with other overlays, to allow better targeting of these controls.
The Heritage Overlay would benefit from a consistent definition of levels of heritage significance, particularly what is contributory and what is non-contributory as these are now specified within. However, minor buildings and works such as small verandahs and pergolas can significantly impact on heritage significance. A permit exemption should only apply in residential zones where the proposed development is not visible from the street, (including sides where the property abuts a public space) or if the site is non-contributory. The exemption is not appropriate in a commercial zone as shop verandahs usually extend outside the title boundary over the road reserve and may require regulation by Council.

Maintenance of railway infrastructure should only be exempt if it is 'like for like'. Minor upgrade of railway infrastructure should not be exempt as what constitutes minor upgrades is often open to dispute.

Appendix 14c – there should not be an exemption for minor buildings and works (such as verandas) as these things could impact on the heritage site. The most appropriate way to assess the heritage impact is by triggering a planning permit.

**Development plan overlay**
- Agree: 36
- Agree with comments: 16
- Disagree: 11
- Unsure: 17

This is hyper important as this section describes neighbourhood character, amenity etc and this is lacking elsewhere in this document.

Involve all affected stakeholders in the process of finding solutions and making improvements

In principle. The detail will be telling and should not increase third party rights beyond those existing already except that it should clarify how the responsible authority reaches 'satisfaction' with a development plan - that is, specify the need for consultation in some form but not via an amendment process.

It is not clear why this is identified as a ‘catch-22 situation’ to be rectified. The Tribunal in Saunders vs Frankston CC (2009) erred in perceiving the notification provisions of 43.04 as some sort of anomaly. It is an overtly clear element of the DPO that it specifically eliminates the need for notification of a permit application. The DPO is implemented through an amendment process that allows full consultation. The outcomes of this public input are reflected in the relevant schedule to the overlay and the approved development plan must be consistent with these schedule requirements. Through this mechanism public input is incorporated and there is therefore no need for a second round of input through the permit process. Indeed, the overlay exists specifically to avoid this process in order to expedite development approval. Thus, the DPO explicitly provides only two options for a permit application - either the application is generally in accordance with the plan and gets approved accordingly without notification, or it is not generally in accordance with the plan and must be refused. There is no place for either the responsible authority or the Tribunal to be determining whether there should be any notification - the very existence of the DPO in the first place confirms there is no role for consultation.

To change 43.04 as proposed is not merely to correct an anomaly, it is a fundamental re-invention of the overlay and the standards to be applied in public consultation and involvement. It is altogether too substantial a change to be included in the VPP review.

a) Agree - This change will strengthen the provision.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.
Whittlesea Planning Scheme contains 36 Development Plan Overlays, the use of Development Plans have proved to be a successful tool for the City of Whittlesea and developers providing certainty in the development process.

- Support the removal of the Catch 22 provision.
- Worthwhile considering further changes including adding a Framework/Concept Plan itself to the Schedule (acknowledge that this will impact on the ease of Amending Development Plans).
- Suggest standard/recommended clause be prepared in respect to the circumstances where the Responsible Authority may grant a permit prior the approval of a Development Plan.

The lack of detail makes response difficult to this proposal.

a) Support reviewing this matter, but it’s important to involve Councils any review as the consultation document does not provide any commentary in this regard.

Any amalgamation of overlays must ensure the intent and objectives of each overlay is reflected in the combined overlay.

Development Plan Overlays should be reviewed and updated to ensure protections are current.

The proposal in modification a) to amend the exemption from notice and review provisions to remove the catch 22 provision is supported by Council officers.

This stems back to a broader issue associated with understanding notice and review exemptions. There needs to be consistency across the suite of Overlays and Zones as to how this is interpreted.

Short term priority.

Clarification of the “catch 22” provision is required. Review and clarification of exhibition of DPO’s is welcome.

Recent changes to the DPO removed Decision Guidelines and wording regarding on what grounds Council would consider allowing a permit being issued prior to approval of a Development Plan. Please re-instate these as the changes appear to have resulted in unintended consequences.

Supported where they provide clarity and consistency

Mornington Peninsula Localised Planning Statement overlays should prevail

It would also be appropriate that the review consider:
- Providing stronger guidance around “generally in accordance with”
- Providing an ability to approve a Development Plan that is not generally in accordance but is to the satisfaction of the Responsible Authority

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways

Support required in clarifying notice and review provision, as well as assessing what is generally in accordance.

This may be of direct relevance in the overhaul of provisions affecting peri-urban and rural areas and land in Rural Conservation Zone and Green Wedge areas.
Appendix 15 – The findings of catch 22 would also apply to the Urban Growth Zone which also deals with the “generally in accordance issue”.

Not about DPOs but related, council should be encouraged to make greater use of ’jumbo’ planning permits, similar to outline planning permission in UK system. This would provide certainty for a landowner / developer and council without having to undertake a planning scheme amendment, and locking in a particular outcome that can’t be changed without a further planning scheme amendment

**Neighbourhood character overlay**

- Agree: 22
- Agree with comments: 13
- Disagree: 23
- Unsure: 20

This is hyper important as this section describes neighbourhood character, amenity etc and this is lacking elsewhere in this document.

The broad application of the overlay is undermining the ability for housing to be provided throughout Melbourne.

Involve all affected stakeholders in the process of finding solutions and making improvements

- a) Agree subject to this comment - The Neighbourhood Character Overlay is used comprehensively in Whitehorse. This proposal requires clarification on how the important guidance in this overlay (particularly in terms of managing demolition and building replacement) would be translated into another provision if this is removed.

City of Whittlesea does not contain any Neighbourhood Character Overlays.

The Neighbourhood Character Overlay may be a useful tool within the proposed PPF. Many Victorian Councils have invested heavily in neighbourhood character studies and analysis to support the development of tools which provide for clear guidance and direction for new development in their municipality. The rapid introduction of the reformed residential zones created a suite of variations as to how Council’s protect their valued neighbourhood character. Some Councils identify variations through schedules to the zones (including additional content through the LPPF), others rely heavily on the LPPF (either through the MSS and/or Local Policy) with a few utilising the NCO. With the proposed PPF, the Neighbourhood Character Overlay may be a better tool for addressing neighbourhood character, reflecting the nuances and “fine grain” nature of Melbourne’s suburbs which cannot be addressed through a schedule to the zone.

The City of Greater Bendigo has not used the NRZ but has used the NCO extensively so please consult with us regarding changes in detail to either of these tools. The two tools are used for different outcomes at present.

It should not be a default to NRZ, could use GRZ and put appropriate objectives in Schedule

The lack of detail makes response difficult to this proposal. However, any amalgamation of overlays must ensure that the intent and objectives of Overlays are protected.

- a) As the consultation document acknowledges, the Neighbourhood Character Overlay has provisions that relate to the demolition of existing dwellings. Council does not see the benefit of removing this overlay as an option. It’s also unclear how existing NCO areas would be treated if the overlay was deleted.
This tool to be an important option for Councils and communities. The introduction of the Neighbourhood Residential Zone has not reduced the need for this overlay. The recent reforms by the Minister for Planning have significantly weakened a Council’s ability to control neighbourhood character outcomes. Most significantly, the removal of the dwelling limit can have profound impacts on neighbourhood character outcomes as experienced at VCAT.

Substantial uncertainty remains about how neighbourhood character objectives are to be integrated in the schedules to the NRZ, with the Department yet to publish any guiding documents.

City of Kingston Council considers that the NCO should remain a tool in the VPPs particularly as it is the only overlay (aside from Heritage) that controls demolition. Removing the ability for Council to control demolition in areas of Neighbourhood Character could compromise the long-term protection of these areas.

This is a real problem in the real world with Neighbourhood Character being incredibly subjective even at VCAT, if VPP is serious about housing the 120,000 people per year coming to this state and preserving growth and industry then Neighbourhood Character issues need to be clarified and simplified.

For example, VC 110 was introduced with new garden area requirements and an increase to 3 stories in a GRZ this has yet to be fully tested at VCAT however councils are happy to bring in the increase in garden zones and completely resistant! to allowing 3 story properties citing Neighbourhood Character. VC110 was specifically introduced to allow more infill development which is not going to happen without changing how Councils have to comply with VPP intent.

This category should be treated in a similar fashion to the heritage overlay zone.

Decisions on buildings in NCO’s are largely subjective by defining a clear building envelope the fabric of the neighbourhood remains intact. The implementation of faux style buildings is reduced and dormitory suburbs continue to evolve and reflect the character of the occupants which in term defines the neighbourhood character.

Neighbourhood Character Overlays should be reviewed and updated to ensure protections are current.

The tree society contends that any planning review and modification must not dilute the role and function provided by Overlays within the VPP including Neighbourhood Character Overlays. The recently introduced Neighbourhood Residential Zone doesn’t necessarily mean that Neighbourhood Character Overlays have become redundant, particularly with recent state planning reforms resulting in a dilution of councils’ power in controlling neighbourhood character outcomes. In fact, the removal of the dwelling limit can result in serious negative impacts on neighbourhood character outcomes.

In modification a), it is proposed that the role and function of this overlay be examined in the context of the Neighbourhood Residential Zone.

Melton City Council (MCC) disagree that the NCO should be removed, however MCC agree that it should be reviewed. MCC have sought to apply the NCO to two areas where Council seeks to protect certain trees where they are integral to the character of the area, and no other overlay is fit for this purpose in the current VPP’s.

We consider that there is no need for both an overlay and a zone relating to neighbourhood character.

Supported where they provide clarity and consistency.

The Shire should be the assessor of neighbourhood character overlays.

This can be addressed through the schedule to the zones where neighbourhood character is required as part of neighbourhood character objectives.
A review of the Overlay should not have a pre-determined objective to seek its removal. Other changes may be required or its scope might be reduced, rather than it being completely removed.

Neighbourhood character is vitally important. The local residents must be able to preserve what is deemed to be the existing neighbourhood character. Along with this is the need for local residents to have the right to object and the right to appeal.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Neighbourhood character is EVERYTHING in the Green Wedge area that I live in. It is the reason we all live here. I strongly object to the removal or watering down of local neighbourhood character overlays.

There’s still a role for this. Apart from anything else, the NRZ keeps changing – at least a local NCO now means the same thing it did when it was applied!

The use of the Neighbourhood Residential Zone (NRZ) schedule is not a like for like replacement and the NCO performs a role within the VPPs that is not addressed by zones or other overlays. There is a number of issues that cannot be varied under the NRZ schedule including materials. Importantly, the NCO triggers a permit for demolition which no other provision except the Heritage Overlay requires. Character is significant and exists in isolation from heritage significance. It also allows Council to specify:

- a statement of the key features of the neighbourhood character
- the neighbourhood character objectives to be achieved for the area affected by the schedule

These provisions guide the assessment of new development in a more qualitative manner and the VPPs must still recognise that neighbourhood character cannot be reduced to only quantifiable development standards.

**Land management overlays**
- Agree: 30
- Agree with comments: 24
- Disagree: 10
- Unsure: 17

Involve all affected stakeholders in the process of finding solutions and making improvements.

Agree in principle. The detail will be telling.

Simplification of inundation overlays would be welcomed.

a) Agree subject to this comment - Combining all flood related provisions is supported contingent upon mapping being kept up to date. Clarification on what happens when properties are partially affected is required.
The Corangamite CMA supports the proposal to review the role of the three inundation related overlays, and requests that it be consulted in this process to ensure that amalgamations of overlays are appropriate and do not unintentionally increase flood risk or give the impression of reduced flood risk in areas currently covered by the Floodway Overlay. The Authority believes that the three inundation overlays should be distinct and should reflect flood type (riverine, stormwater, coastal) and level of flood hazard. We also support the consideration of the Building Act 1993 and Building Regulations 2006 which in some cases duplicates or contradicts planning policy.

Support changes which exempt minor matters and minimise regulatory burden.

Simplification of inundation overlays would be welcomed.

a) Agree subject to this comment - Combining all flood related provisions is supported contingent upon mapping being kept up to date. Clarification on what happens when properties are partially affected is required.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Strongly support the review of the three inundation overlays to clarify the differences and make it simpler and easier.

The lack of detail makes response difficult to this proposal. Given the potential impacts of climate change changes to drainage requirements and flood management require careful attention.

More frequent high intensity rainfall events likely into the future with climate change. Precautionary approach and strict compliance process critical.

The regular updating of SBOs based on on-going flood mapping work undertaken by Council is required (with the support of Melbourne Water). Further consideration should be given to the extent to which Planning Scheme Amendments which seek to implement SBO updates could be run by State government, across catchment boundaries as VC amendments.

Land Management Overlays should be reviewed and updated to ensure protections are current.

Melton City Council officers support a full review of the flooding provisions in the City of Melton including the Urban Floodway Zone and the three flood overlays to ensure that land use and development is appropriately managed in areas that are liable to flooding.

Council request the opportunity to review any changes made to the flooding provisions.

This should occur with open and transparent communication with relevant referral authorities. These controls should also provide a mechanism for addressing coastal erosion and sea level rise (perhaps in the next phase of the SMART planning process)

We support amalgamation.

Supported where they provide clarity and consistency

Any changes need to be hazard/risk based and different inundation overlays should apply to the different levels of risk. This approach would be clearer for landowners and the public.
Cardinia Shire Council is concerned about who is responsible for the mapping. Melbourne Water as the referral authority as well as building requirements and AHD levels would be the appropriate authority although appropriate funding should be provided to ensure that this can be done comprehensively similar to the Bushfire Management Overlay.

Wyndham City Council has not found a need to apply the NCO to implement its Housing and Neighbourhood Character Strategy.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Clause 44.03 Keep the LSIO / FO separate as people understand the constraints. It is also considered that the designation of FO helps guide strategic planning.

Review of land management overlays may be of relevance to applications in peri-urban and rural areas but should not be introduced as a new layer of complexity and regulation.

Council is neutral on this proposal and no further comments are provided.

See previous comments re permit exemptions if the approval of the floodplain management authority has been obtained.

**Erosion Management Overlay**

- Agree: 32
- Agree with comments: 7
- Disagree: 10
- Unsure: 23

Involve all affected stakeholders in the process of finding solutions and making improvements

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

City of Whittlesea does not contain any Erosion management overlays but support the proposed changes to the Erosion management overlay.

The lack of detail makes response difficult to this proposal. Given the potential impacts of climate change, arbitrary changes to drainage requirements and flood management require reconsideration.

More frequent high intensity rainfall events likely into the future with climate change. Precautionary approach and strict compliance process critical.

Erosion Management Overlays should be reviewed and updated to ensure protections are current.

Councils already have discretion to forgo risk assessment, but chose not to. So, this adjustment to the overlay would be much appreciated by landowners.
Agree, except for increasing permit exemptions.

The focus should be on overlays applying to areas of risk and ensuring permits are only triggered in these areas.

Permit exemptions can be limited through considering the performance of the zone and overlay head provisions in the first instance.

Supported where they provide clarity and consistency

Any changes need to be based on a proper risk assessment, not philosophical opinions about regulatory burden.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Review of erosion management overlays may be of relevance to applications in peri-urban and rural areas but should not be introduced as a new layer of complexity and regulation.

The current EMO over Alpine Resorts covers 100% of the Resorts’ area. The consequence of this is that a geotechnical report can be required to erect a fence.

The overlay requires rationalisation to accurately reflect the risk profile of the Resorts, which is well documented, or the triggers and exemptions need to be rationalised to exclude minor works such as snow fences and decks. The additional cost of a report, particularly when a site visit is required represents a major impediment to small projects and renovations taking place within the Resort.

If any planning scheme amendments made by the RMBs arise out of this reform process, the fee should be waived.

**Salinity Management Overlay**

- Agree: 24
- Agree with comments: 6
- Disagree: 8
- Unsure: 28

**Involve all affected stakeholders in the process of finding solutions and making improvements**

**You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.**

**City of Whittlesea does not contain any Salinity management overlays but support the proposed changes to the Salinity management overlay.**

**Overlays should be reviewed and updated to ensure protections are current.**
Agree, except for increasing permit exemption. The focus should be on overlays applying to areas of risk and ensuring permits are only triggered in these areas. Permit exemptions can be limited through considering the performance of the zone and overlay head provisions in the first instance.
c) Partly agree, however, if the overlays are applied in a more concentrated manner it would mean referral authorities and Councils are focusing resources on relevant areas.

Supported where they provide clarity and consistency.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Review of salinity management overlays may be of relevance to applications in peri-urban and rural areas but should not be introduced as a new layer of complexity and regulation.

**Floodway Overlay**
- **Agree:** 35
- **Agree with comments:** 15
- **Disagree:** 9
- **Unsure:** 22

- **Agree in principle. The detail will be telling.**
- **Further consultation would be required to:**
  - Ensure that increasing the opportunity for permit exemptions does not increase flood risk.
  - Discuss how improving access to flood levels can be best achieved and how applicants or Responsible Authority can best determine the correct flood level.
  - Discuss how decisions on whether a design mitigates flood risk can be determined by the applicant or Responsible Authority.
- **Support changes which exempt minor matters and minimise regulatory burden**
- **You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.**
- **Support for the proposed review of the Urban Floodway Zone.**
- **The City of Greater Bendigo reviewed these tools extensively, as have other Councils, in latest flood amendment.**
- **The lack of detail makes response difficult to this proposal. Given the potential impacts of climate change, arbitrary changes to drainage requirements and flood management require reconsideration. Watering down of building requirements appear unwise.**
More frequent high intensity rainfall events likely into the future with climate change. Precautionary approach and strict compliance process critical.

<table>
<thead>
<tr>
<th>Should consider combining some of these flooding overlays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlays should be reviewed and updated to ensure protections are current.</td>
</tr>
</tbody>
</table>

Melton Council officers support a full review of the flooding provisions in the City of Melton including the Urban Floodway Zone and the three flood overlays to ensure that land use and development is appropriately managed in areas that are liable to flooding.

Technical experts should undertake this review.

Council request the opportunity to review any changes made to the flooding provisions.

<table>
<thead>
<tr>
<th>b) Requires further clarification on how it would operate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supported where they provide clarity and consistency</td>
</tr>
</tbody>
</table>

Look to combine the flooding overlays and use schedules to differentiate between the different types of flooding that the site may be affected by.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways

<table>
<thead>
<tr>
<th>Strongly agree. See PALs submission attached but should not be introduced as a new layer of complexity and regulation.</th>
</tr>
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</table>

Council is neutral on this proposal and no further comments are provided.

<table>
<thead>
<tr>
<th>Floodway Overlay should be retained.</th>
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</table>

Its removal would be a significant backward step for floodplain management. AS per comments above relating to UFZ - the logic behind floodway overlay is sound. Removing it would add significantly to the regulatory burden associated with floodplain development approvals processes and would in fact be contrary to the objectives of achieving a simplified planning system in the context of floodplain development risk management. AS per comments re UFZ - review should be restricted to improvement of the overlay - NOT REMOVING IT.

GHCMMA hopes that there will be more direct - formal consultation on this matter
### Land subject to inundation overlay

- Agree: 35
- Agree with comments: 24
- Disagree: 9
- Unsure: 15

<table>
<thead>
<tr>
<th>Involve all affected stakeholders in the process of finding solutions and making improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree in principle. The detail will be telling.</td>
</tr>
<tr>
<td>The Corangamite CMA supports the proposal to update the purpose of the overlay to reference the 1% Annual Exceedance Probability (AEP) flood event which aligns with the Victorian Floodplain Strategy.</td>
</tr>
<tr>
<td>Further consultation is required to:</td>
</tr>
<tr>
<td>• Understand the implications of the proposal to include the protection of drainage assets in the overlay purpose, including how the proposal aligns with the recently released Victorian Drainage Strategy (draft).</td>
</tr>
<tr>
<td>• Ensure that increasing the opportunity for permit exemptions does not increase flood risk.</td>
</tr>
<tr>
<td>• Discuss how a development’s impedance of floodwaters can be appropriately determined.</td>
</tr>
<tr>
<td>• Ensure that increasing the floor area of building extensions before a permit is required does not detrimentally impact on the conveyance and storage of floodwaters or increase property damage.</td>
</tr>
<tr>
<td>• Discuss an appropriate process for determination and regulation of minimum finished floor levels.</td>
</tr>
<tr>
<td>a), b), c), d), e) and f) Agree - These changes will strengthen this provision.</td>
</tr>
<tr>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>Support for the proposed changes to the Land subject to inundation overlay.</td>
</tr>
<tr>
<td>The lack of detail makes response difficult to this proposal. Given the potential impacts of climate change and sea level rise have important implications for parts of the Mornington Peninsula. Arbitrary changes to drainage requirements and flood management require careful reconsideration.</td>
</tr>
<tr>
<td>The comments provided in relation to the Special Building Overlay are also applicable for this item.</td>
</tr>
<tr>
<td>Should consider combining some of these flooding overlays.</td>
</tr>
<tr>
<td>Agree in principle – subject to clarification of terms and allowances/tolerances.</td>
</tr>
<tr>
<td>An MoU (or similar) regarding minimum FFL of buildings should be adopted to enable reduced frivolous referrals to Catchment Management Authorities.</td>
</tr>
<tr>
<td>Overlays should be reviewed and updated to ensure protections are current.</td>
</tr>
<tr>
<td>Melton City Council officers support a full review of the flooding provisions in the City of Melton including the Urban Floodway Zone and the three flood overlays to ensure that land use and development is appropriately managed in areas that are liable to flooding.</td>
</tr>
<tr>
<td>Technical experts should undertake this review.</td>
</tr>
<tr>
<td>Council request the opportunity to review any changes made to the flooding provisions.</td>
</tr>
</tbody>
</table>
Agree, however, building extensions exemptions must ensure appropriate fill levels are maintained and drainage is considered.

Supported where they provide clarity and consistency.

Look to combine the flooding overlays and use schedules to differentiate between the different types of flooding that the site may be affected by.

The language proposed is not simpler, nor easier to understand. If upgraded, please provide definitions or maintain easy to read reference.

What developments do not impede water flows if a LSIO is applied? Clear detail on permit exemptions need to be incorporated.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Care needs to be taken given the risk of more intense events, but the current provisions of UFZ, overlays, seem to be duplicitous and their application is some country areas needs to be handled with care.

Strongly agree. But should not be introduced as a new layer of complexity and regulation.

**Special building overlay**

- Agree: 31
- Agree with comments: 16
- Disagree: 11
- Unsure: 21

Need to make sure that lots are not partially covered

Involve all affected stakeholders in the process of finding solutions and making improvements

Agree in principle. The detail will be telling.
Currently, Corangamite CMA is a Referral Authority under the Special Building Overlay as a recommending authority (Clause 66 - Relevant floodplain management authority). The Special Building Overlay (SBO) was introduced into City of Greater Geelong Planning Scheme to identify areas that are affected by flooding from the urban drainage system. As Council is the relevant drainage authority for local drainage and the authority responsible for the flood mapping that forms the basis of the SBO on the Council drainage system, we do not believe it is appropriate for Catchment Management Authorities to act as a Referral Authority for planning permit applications in areas affected by flooding from the local drainage system. We believe that Council should provide advice on these applications.

Corangamite CMA has entered into an agreement (MOU) with City of Greater Geelong to avert the need to referrals under the SBO to Corangamite CMA, however this MOU is cumbersome and may contradict the requirements of the Building Regulations 2006 (Report and consent) which requires consultation with the floodplain management authority.

Further consultation with the Corangamite CMA is required to:

- Understand the implications of the proposal to include the protection of drainage assets in the overlay purpose, including how the proposal aligns with the recently released Victorian Drainage Strategy (draft).
- Discuss how appropriate minimum flood levels below which buildings and works are permit exempt can be determined.
- Ensure that increasing the opportunity for permit exemptions does not increase flood risk.
- Discuss whether the proposal that flooding from council’s overland flow paths and infrastructure can be assessed solely by council would apply across the state or be confined to Melbourne Water’s catchments, and how it may need to be modified for state-wide application.

a), b), c), d), e), f) and g) Agree - These changes will strengthen this provision.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Support a review of the Special Building Overlay recommendations.

Should consider combining some of these flooding overlays.

- Mostly agree
- Agree to name change
- Need easy and up to date access to flood levels for permit exemptions to apply.
- No to VicSmart applications.
- Agree to consistent schedules.

Overlays should be reviewed and updated to ensure protections are current.

Supported where they provide clarity and consistency.

Subject to "opportunism"
The intent of the justification for simplifying item 22 relating to Special Building Overlay (clause 44.05) is supported.

Whilst most of the proposed modifications are sound, we have the following concerns with 22c) which seeks to avoid the mandatory need for the responsible drainage authority to review building and works that currently trigger a permit due to a Special Building Overlay:

- Whilst it is desirable for planning scheme overlays to contain the latest flood mapped data, the reality is that the process to implement changes into the planning scheme takes a number of years and the flood levels for some properties will inevitably become out of date. The responsible authority has an obligation to take into consideration the most current flood modelling data that is available at the time of assessing an application. The most up-to-date data may result in floor levels that are higher or lower than the level specified within the overlay, or the property under consideration may no longer be subject to flooding as a result of recent construction works.

- The proposal to increase exemptions assumes that the designer fully understands best practice for managing overland flow paths during a 1% AEP event. Whilst this is often the case, Councils are frequently approached by new property owners who experience flooding as a result of poor design or non-compliance with approved plans. Whilst removing the responsible drainage authority’s ability to influence the design will undoubtable speed up the process, it would also significantly increase the risk of more property owners experiencing flooding problems. This situation results in Councils being forced to spend millions of dollars to construct retrofit drainage solutions, to prevent considerable stress within our communities, to resolve problems that shouldn’t have occurred. This scenario is not a good use of a community’s funds.

- Particularly for larger allotments, the flood level (and therefore the minimum floor level) can vary across the site and the impacts need to be considered by an experienced flood engineer. Even if a consolidated on-line system is implemented so that the developer’s representative can access the flood level, it is unlikely to be sophisticated enough to adequately explain all possible scenarios.

Melton City Council officers support a full review of the flooding provisions in the City of Melton including the Urban Floodway Zone and the three flood overlays to ensure that land use and development is appropriately managed in areas that are liable to flooding.

Technical experts should undertake this review.

Council request the opportunity to review any changes made to the flooding provisions.

Mitchell Shire unaffected by the SBO. Consider expanding the SBO to areas outside of Melbourne Water’s authority.

f) The focus should be on why Council is involved in the assessment of SBO permits in scenarios where the SBO is the only permit trigger and only affects Melbourne Water.

Look to combine the flooding overlays and use schedules to differentiate between the different types of flooding that the site may be affected by.

The 60 hectare catchments do not necessarily relate to risk. Consultation with Melbourne Water is required before this change is considered. Some Councils may not have the expertise to undertake these assessments.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
Reforming the Victoria Planning Provisions – Comments and submissions

Airport environs overlay

- Agree: 27
- Agree with comments: 10
- Disagree: 10
- Unsure: 24

Amalgamation of overlays makes sense

Involve all affected stakeholders in the process of finding solutions and making improvements

This review should consider the appropriate balance between a curfew-free Airport with reasonable development opportunities of land - especially when measured against the development decisions taken on Airport land.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Support for the proposed changes to the Airport environs overlay.

This overlay is currently very limited and needs review, hence Councils often use DDOs as well. E.g. poor at controlling design such as height and subdivision (set subdivision sizes to reduce population). Also seems to be applied in a very limited way as well, for instance in Bendigo the OLS covers the whole City but there is nothing in the scheme about that (perhaps local policy is required). The AEO is only over a very small area immediately around the airport. We have an old DDO that controls subdivision in the flight path but is now not supported by the federal requirements.

Council supports the consolidation of the AEO with DDO requirements to simplify and capture all airport related matters within one control. There is also a need to address the referral requirement where there is an application made under this overlay.

Kingston Council has specific expertise in these matters and wishes to be directly engaged on any changes.

Overlays should be reviewed and updated to ensure protections are current.

Agree with modifications A & B. Strongly support repurposing to cater for helicopter flight paths. Would make things much clearer for scheme users. Mitchell currently has 3 DDOs relating to hospital flight paths.

Supported where they provide clarity and consistency.

Subject to further advice on timing. Preferable that this would align with the review of the ANEF contours (to be produced with upcoming 2018 Master Plan) as well as a review on the content of Schedules 1 and 2.

Still need to retain two MAEO schedules if the naming was to be amalgamated.
It is proposed in modification a) that the overlay be reviewed to ensure it reflects the new Federal standards and associated noise contours. Melton City Council (MCC) officers believe this is a premature for the Melbourne Airport. It is our understanding that the Melbourne Airport Masterplan is currently being updated and is expected to be out for stakeholder comment in late 2018. MCC are of the view that this is the appropriate time to review the planning scheme ordinance and the MAEO extent mapping (be it N contours or ANEF contours).

Council officers appreciate that the addition of new runways will change the current noise impacts from existing airports, with Melbourne Airport impacting areas within the east of the Melton municipality. The inclusion of amended changes to the existing Airport Environs Overlay has merit, however the detail in which this is applied and the impact this will have on land surrounding these uses needs to be carefully considered and thought through. Existing landowners in these areas should not be significantly affected by these changes.

MCC appreciates this is a complex matter and acknowledge that there can be confusion when the airport environs overlay does not reflect the federal requirements, however the process to include these changed noise contours needs to be done carefully, considering all stakeholders and impacts and requires consideration of airport operations generally, not just a standardised land locking approach.

It is proposed in modification b) that the AEO should be amalgamated with the Melbourne AEO. Council officers support this change.

Council officers request that any changes made to the AEO / MAEO be publicly available for review and comments before any change is adopted or approved, and that this process be managed by DELWP not Melbourne Airport.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

City link project overlay
- Agree: 26
- Agree with comments: 7
- Disagree: 11
- Unsure: 29

Involve all affected stakeholders in the process of finding solutions and making improvements

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Overlays should be reviewed and updated to ensure protections are current.

Supported where they provide clarity and consistency

Delete as this is generally no longer necessary, or apply a height control on this. City of Yarra and EPA had tried to prepare a Memorandum, which only required buildings of 9 metres or above to be referred as these may impact on exhaust dispersion.
I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

**Specific sites and exclusions**
- Agree: 39
- Agree with comments: 12
- Disagree: 10
- Unsure: 18

Involve all affected stakeholders in the process of finding solutions and making improvements

Important that this Clause is retained to allow for tailored local planning outcomes

a), b) and c) Agree - Support the use of a Specific Provisions Overlay or similar to identify and raise awareness for these sites, as well as removing redundant entries where proposals are completed.

In modification a), Melton City Council officers support the proposal to remove outdated provisions.

In modification b), Council officers support the establishment of clear rules around when exclusions should be applied to avoid overuse.

In modification c), Council officers also support the mapping of places identified by this clause to improve transparency.

Long term priority. Support establishing rules around when 52.03 can be utilised and mapping sites with 52.03 approval.

Supported where they provide clarity and consistency

There needs to be the ability to map site specific provisions on the zone maps. They are often missed by applicants and council officers

This provision has been useful when there are no VPP alternatives. If VPP provides more flexibility, perhaps there would not be a need to rely on this provision. Sites subject to this clause should be identified in planning scheme maps.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Currently difficult to identify, mapping would assist.

Strong agree for mapping these as a map layer. This should be a base requirement of any new mapping system under Smart Planning.

Council is neutral on this proposal and no further comments are provided.
Car parking

- Agree: 29
- Agree with comments: 19
- Disagree: 19
- Unsure: 17

<table>
<thead>
<tr>
<th>The provision should be significantly reviewed. Automatic waivers/reductions of car parking should be provided in circumstances - i.e. proximity to Public Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involve all affected stakeholders in the process of finding solutions and making improvements</td>
</tr>
<tr>
<td>Extremely difficult to administer and out of date approach</td>
</tr>
<tr>
<td>Agree in principle. The detail will be telling.</td>
</tr>
<tr>
<td>I agree with a review of car parking but to increase car parking rates not to decrease them or allow for exemptions. There is already car parking chaos as it is and developers should be made to provide greater parking both for residents and visitors.</td>
</tr>
</tbody>
</table>

a) Agree  
b) and c) Disagree - Parking waiver without notice is picked up in VicSmart and considered appropriate at current thresholds.  

<table>
<thead>
<tr>
<th>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of Car Parking rates (Clause 52.06) is supported, however Melbourne has expanded so fast that care needs to be taken in reviewing parking rates. Public Transport on the fringe and in rural areas is not sufficient to consider reduced rates. Possibly a table with more columns could be useful based on geographic location, distance to the type of public transport (different score for bus, train, tram), population density etc.</td>
</tr>
</tbody>
</table>

This is a major concern and the further exclusion of car parking provision controls is rejected  
a) It seems like a logical review to undertake given recent trends. Councils should be involved in any review.  
b) Disagree. Different uses generate different car parking requirements e.g. Supermarket with leasable floor area not exceeding 1,800sq.m is a Section 1 use in the Industrial 3 Zone, which would create a different traffic generation to an industrial use. Any reductions in car parking requirements should form part of a development application and should be publicly advertised.  
c) Disagree with proposal to make Clause 52.06 application from notice and review. Parking is frequently an issue for communities and they should retain the ability to participate in the process. Residents should continue to have the opportunity to be notified and to view advertised proposals. Objectors should retain the ability to have decisions reviewed by VCAT. |

| Data on total car registrations shows that these are rising faster than age specific population growth yet planning has been minimising parking rates for years. Hence road congestion in residential and other zones has increased and on-road parking is causing further disruption to traffic; including trams and buses. Higher frequency bus timetables and tighter parking control around train stations and shopping centres may push the population to a lower car dependency. |
City of Kingston Council is currently undertaking a Car Parking Study and would be pleased to provide a copy of this to DELWP once the outcomes are known.

a) long overdue, and important to review rates on a regular basis

b) will result in significant car parking issues, with applicants undertaking a development with a 'use' that has a low parking rate, then quickly changing it to another 'use' with a much higher rate. This change will mean Councils have no control over this

Agree, consider all uses contained with Clause 74.

This Clause should be split into two distinct components:

1. Vehicle parking numbers required, and Loading Dock space required (52.17) into the first part. An emphasis should be on LOW required numbers of spaces. At least it should be easier for applicants to prove alternative parking is available (without the need for a parking consultant) An emphasis should be on encouraging alternative transports and innovative alternatives to large areas of parking.

2. Accessways. Here, the guidelines from 52.08-8 are explained with diagrams and examples. Also, Clause 52.29 integrated into an expanded 'guidebook' for parking and road access. Modern parking technology should be encouraged - e.g. Vehicle Turntables, and Hydraulic car stackers.

Perhaps minimum dimensions for spaces and driveways could be tweaked too - in line with modern vehicle dimensions and capabilities.

The tree society agrees to the review of car parking provisions with a view to the provision of exemptions but this needs to be done within the context of current (and future) access to quality public transport and low stress high connectivity active transport modes within the specific precinct under consideration.

Strong support as a short-term priority.

Supported where they provide clarity and consistency.

Car parking requirements, even as they currently stand, are too often reduced in favour of developers and to the detriment of the local community and visitors.

In modification a) Melton City Council officers agree that the car parking rates in Table 1 have not kept pace with transport mode shifts, lifestyle and technology changes, and densification. Council officers also agree that the list of uses in Table 1 is not in keeping with the land uses listed in Clause 74 of the VPP’s. Council officers support a review of the rates. Council request the opportunity to review any changes made to the car parking provisions.

It is proposed in modification b) that a car parking exemption be applied for Section 1 uses in existing buildings where floor area is not increased. Council officers request more information on this. This could be problematic where you have a shop use being replaced with a food and drinks premise.

It is proposed in modification c) that the recommendations not yet implemented from the Car Parking Provisions Advisory Committee be implemented. It is difficult to comment on this as these recommendations were made in 2011 and planning practice has changed since this time. Council officers would like information on specific recommendations from the report that are proposed to be implemented.

Council officers stress the importance of making changes to the VPP’s when advisory committee recommendations are made, rather than seeking to make them years after they were received as the recommendations can be out of date or no longer relevant as planning practice evolves and changes.
The PIA Victorian Young Planners feel strongly that 52.06 needs a significant update in order to address broader issues related to sustainable urban planning outcomes. We agree with the proposed measures, but strongly encourage maximum car parking requirements to be introduced in certain areas and minimum car parking requirements be reduced all together. We understand that there are limitations associated with the process of the review with regards to terms of reference and scope, however one of the primary purposes of the review related to removing contradictions within the planning system – there is no bigger contradiction then the stated aim to reduce automobile dependency and encourage sustainable cities while having minimum car parking requirements. The Parking Overlay is not an effective tool and this has been demonstrated in its current utilisation.

Clarification would be required if the floor area has not increased but the changed use has intensified and requires additional car parking.

Carparking reductions should not be exempt from notice and review

It would be appropriate to undertake a complete strategic overhaul of this provision given the rapidly changing landscape on travel and car parking. There is a need to incorporate requirements relating to:

- Motor cycles
- Bicycles
- Car share schemes

Firstly, revise the rates as some are too high when applied to inner-city contexts creating unnecessary burden on developers. Creating an exemption from notice and review for all car parking reductions would streamline the system dramatically and save time and resources for both the public and Council.

Secondly, many Councils request a Car Parking Demand Assessment provided for by Clause 52.06-7, without having to provide a rationale or justification for their request.

Too often the request just asks for a Car Parking Demand Assessment without outlining specific concerns as to why they believe there might be concerns about availability for car parking. There should be tests that must be met by the Responsible Authority (incorporated into the VPP) in order for them to request costly empirical assessments.

One of these tests could be that the proposed change of land use from a Shop to a Gym located in a newly built mixed use residential building with approximately 50 unserved car parking spaces and proximity to public transport is well serviced by alternative transport modes. It could also be found that there is enough critical mass of residents who would use the Gym living within the building and walk there.

Focus should be placed on the Responsible Authority to demonstrate why they believe that the proposal does not comply with the greater Objectives of the Zone of State Planning Policy Frameworks, i.e.: Clause 15.01-6 - Healthy neighbourhoods. A number of housing developments following the Nightingale Financial Model (see 6 Florence Street, Brunswick VIC) included no parking in their development and have a yoga studio on the ground floor. This is the type of model that should be actively encouraged and facilitated through a well embedded assessment pathway in an appropriate particular provision.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways

Need to encourage mode shift.
Clause 52.06 (c) this has to be considered in light of proposed a and b, if the car parking ratios are reduced, it is likely that any application for a reduction in car parking would be substantial, therefore notification of an application for reduction should be required as there is the potential for impact on the amenity of the surrounding area.

These recommendations need to be bolder. 52.06 needs more wholesale review as minimum car parking controls are a discredited planning tool.

B) shows poor system understanding by linking an exemption to Section 1 Uses. The parking trigger should stand on its own, not be tied to whether another control triggers a permit. Either parking is an issue or it isn’t! (The existing notice exemption that is structured this way is a terrible piece of drafting).

If nobody has the courage to properly review 52.06, an easy interim fix is to make column B rates apply in all ACZ and commercial zones by default. That would reduce a lot of work.

The review includes a recommendation to “Provide car parking exemption in selected zones (commercial zones, Mixed Use Zone, and industrial zones) for Section 1 uses in existing buildings where floor area is not increased (for example change of use applications)”. This provision has the potential to create parking issues within areas as a number of uses that require a high amount of car parking may cluster in an area. A single operation may not have an effect, however multiple uses may have a significant impact on the area. An assessment as to whether such car parking waivers is appropriate should be retained and therefore the requirement for a planning permit should also remain.

Given councils already have discretion to reduce or waive the on-site requirement, a review of parking rates to reduce costs associated with the provision of surplus on-site parking is unnecessary. It is Council’s experience that on-site parking provision rarely exceeds demand.

If the review is prompted by a desire to encourage behaviour change, it is premature. Substantial investment is required in public transport to ensure frequent, reliable services to all areas before a reduction in car parking rates should be contemplated.

Earth and Energy Resources industry

- Agree: 29
- Agree with comments: 10
- Disagree: 10
- Unsure: 27

Involve all affected stakeholders in the process of finding solutions and making improvements

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Strongly support the recommended modifications and in particular the review of the role and function of the planning system in earth and energy resources and explore opportunities to minimise conflict with the Work Authority process under the Mineral Resources (Sustainable Development) Act 1990.

Support for a review of how the two approval streams operate together. Care needs to be exercised as the Works Authority is primarily dealing with operational aspects, not whether it is an appropriate location or the offsite amenity implications.

It should be noted that Clause 52.09-8 (Notice of an application) requires the responsible authority to give notice of certain planning permit applications which are made within EIAs or on or within 500 m of land which is covered by an approved or proposed work authority. These include subdivision and sensitive uses such as accommodation (which includes dwellings), child care centres, schools and hospitals.
Having this provision located in this particular provision means that this notification requirement is often missed as planners would not ordinarily look under this particular provision when considering an application for a sensitive use. Additionally, planners would not ordinarily have ready access to information on proposed or existing Work Authorities (without logging onto GeoVic) and EIAs are a reference document and not easily identifiable in planning schemes.

It is recommended that this requirement be moved to sit alongside the general referral requirements. We note that the consolidation of referral and notice requirements is alluded to in an earlier proposal of this Discussion Paper.

Currently lots of duplication in process, if it wasn’t for advertising, the whole process could be under Earth Resources.

It is sensible to review.

**Short term / high priority.**

a) The Work Plan and Planning system should be concurrent. State Policy regarding earth and energy resources within the UGB urgently needs to be clarified to remove conflicting land use planning issues.

b) Disagree as the planning system and work plan processes should be concurrent.

Note: There is significant conflict between Government Agencies regarding quarry’s inside the UGB. If a quarry exists and is operational, strategic planning and PSPs should be mindful of these as constraints and should be planned around. Should a quarry not exist, the land use generally described in growth corridor plans should prevail. Any future proposed quarry within a legislated Urban Growth Boundary should be prohibited as it directly clashes with State Planning Policy intention for growth areas.

Supported where they provide clarity and consistency.

The controls relating to earth resources are very complex. The process of approvals between Works Authority’s under the Minerals and Mines provisions needs to be made clearer and avoid double approvals.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.
Cement Concrete & Aggregates Australia (CCAA) supports actions that streamline planning approvals, minimise red tape and duplication of processes of the MRSDA and the planning system. Possible areas to consider are, but not limited to:

- Option for lodging planning permit application with the local council at the same time as lodging their work plan with Earth Resources Regulation
- Minister for Planning as the responsible authority for planning decisions for quarries in Strategic Extractive Resource Areas (SERAs).
- Definition of ‘use and development’ needs to be rewritten in the new VPP clause, e.g. to include care and maintenance activities. This will provide clarity on how Section 68 of the Planning & Environment Act applies to the extractive industry. Planning authorities have recently applied restrictive definitions of ‘use and development’ and ‘work’ which has resulted in the premature expiry of planning permits for quarries. This would appear to be in contrast to the principle of VPP Clause 52.09 that states that “A permit for the use and development of land for stone extraction must not include conditions which require the use to cease by a specified date”, except in certain limited circumstances. This is not a land warehousing issue but rather a factor of the market driven nature of quarrying, extraction and ongoing rehabilitation of a site which means it is often not operationally feasible to continue use and development of the site as currently defined. The one definition does not necessarily suit all applications. VPP Clause 74 may also have to be updated to reflect this change.
- As a principle to reduce overlap between the P&E Act and the MRSDA, the P&E Act should deal with allowing Use of the Land whilst the MRSDA should deal with the development of that land as a quarry.
- Allow concurrent approvals so that changes to the VPPs and an amendment to the MRSDA would enable industry to have the option of submitting an approval application into the planning and MRSDA approvals systems at the same time.
- Supports a new sub-clause to specify that permits cannot be issued with conditions that duplicate or conflict with an approved work plan.
  - The new combined with Clause 52.09 VPP Clause should incorporate the concept of Strategic Extractive Resource Areas (SERAs) as proposed by the DEDJTR led Extractive Industry Taskforce and included as Action 18 of the Plan Melbourne 2017 Implementation Plan. Note that feedback during the Plan Melbourne Refresh process overwhelmingly supported greater clarity in identifying extractive resources, their buffer zones and relevant transport corridors in the planning system.
  - In partnership with Earth Resources Policy and Program (ERPP), DEDJTR, identify and map SERAs and buffer zones, and including these in the digital, interactive planning scheme maps ‘VicPlan’ that are being developed as part of the Smart Planning process.
  - The new VPP Clause should recognise SERAs within VicPlan as Environmental Significance Overlays in key local government areas, similar to the existing model for Baw Baw Shire. The Extractive Industry Taskforce and ERPP are working separately with two local councils to pilot this concept with the view to rolling this out to other key local government areas in the near future.
  - The new VPP Clause should also include the ability to streamline the process to allow flexible conditions for quarry operations that are supplying state significant infrastructure projects. This may include the need for temporary extended hours of operation, or temporary equipment on site. At present Melbourne is suffering from congestion and ability to use the road network outside of peak periods is important to ensure that the construction industry can service the major projects which need to be delivered.
  - The new VPP Clause should include ancillary works such as concrete batch plants, asphalt plants and construction material recycle and reuse plants in the definition of extractive industry. These ancillary works are becoming increasingly important for the industry as alternative land for these uses becomes scarce. It also reduces truck movements on the road, reducing traffic congestion and helps to reduce the overall footprint of the industry, helping to deliver a more environmentally friendly industry. Currently separate planning permission is required for the development of these ancillary works in a quarry. Previously these works were included within the definition of extractive industry, streamlining the approvals process and contributing to a more positive sustainability outcome.

The permit triggers & permit exemptions should be rationalised.
- The Minister for Planning should be the Responsible Authority for planning approvals for quarries located...
- ERPP is working with the Extractive Industry Taskforce to pilot Strategic Extractive Resource Areas (SERAs) into the planning scheme of two local government areas. SERAs would only be identified and declared if the location meets strict criteria, including the concept of the resource being of State significance. As such, a streamlined approvals process overseen by the Minister rather than by the local council would reflect the State importance of that resource.

- It is proposed that SERAs and buffer zones would include a trigger so that appropriate developments within these areas are referred to the Minister for Resources with DEDJTR being a determining referral authority.

**Uses with adverse amenity potential**

- Agree: 31
- Agree with comments: 19
- Disagree: 10
- Unsure: 17

**Involve all affected stakeholders in the process of finding solutions and making improvements**

Agree in principle. The detail will be telling.

**Strongly agree that this clause requires reform and needs to be consistent with other EPA guidelines**

a) and b) Agree - Particularly the ability to consider reverse amenity uses. The review process to also consider the recently released EPA Guidelines - Assessing planning proposals within the buffer of a landfill.

**Strongly support the recommended modifications and in particular the review on the application of “reverse amenity” matters in growing areas with expanding residential uses.**

Cl. 52.10 should be amended to:

- Clarify the general amenity purpose of the clause which covers: dust, odour, noise, vibration, hazard and safety which are appropriate for the planning scheme. This is very different to the EPA Separation Distances which cover only ‘residual air emissions’ of odour and dust.
- Improve the current definition of ‘threshold distance’ which is confusing and merely refers to certain zones.
- Clarify that if the threshold distance cannot be met, that this triggers a referral to either EPA or WorkCover and provide a reference to the referral in the clause (currently the clause only explains what a Note 1 and Note 2 is, without stating that it triggers a Cl. 66 referral (66.02-7)).
- Expand the zones that the clause applies to – currently it cherry picks certain zones – it should apply to any zone that has a zone purpose that allows/supports residential / sensitive uses.
- Include a ‘Requirements to be met’, Permit required’ and Decision Guidelines sections in the clause, consistent with many other particular provisions, to improve interpretation of the clause.
- Include ‘Application requirements’ – varying the threshold distance requires a very technical assessment which the applicant must undertake to justify a reduction. This information should be flagged in the clause so that when the application is referred to either EPA or WorkCover, they have the information needed to make an informed decision. It causes unnecessary delays in the planning process as often Council refer the application after an RFI is sent, which means when EPA or WorkCover request the additional information, the clock does not stop. Applicants should be made aware that if they wish to reduce the threshold distance these assessments will be required to streamline the process.
- In a ‘Permit required’ section clarify where Cl 52.10 is applied as this has been subject to much debate and legal interpretation. Currently the IN1 Zone has Industry as a Section 1 use subject to a condition that requires compliance with Cl 52.10. If the distance is not met, a permit is required, which is appropriate. However, the IN3 zone lists Industry without any condition so there is no explicit requirement to meet the Cl 52.10 threshold distances. Some Councils/applicants have had legal advice that this means that the Cl 52.10 is not triggered in...
an IN3 zone which makes no sense given it is usually the interface zone to residential areas/sensitive zones. Cl 52.10 should apply in all zones that allow any of the uses listed under the clause to ensure they are not located within the recommended threshold distance, without the Responsible Authority and relevant referral authority first having an opportunity to assess the application to ensure that there are no adverse amenity impacts on sensitive uses/zones.

• In the ‘Requirements to be met’ section clarify that the clause applies to both use and development. Cl 66.02-7 refers to ‘use’ only for a referral to EPA but refers to both ‘use’ and ‘development’ for WorkCover. This is at odds with the name of the clause which refers to ‘uses with adverse amenity potential’. Cl 52.10 should trigger a referral to EPA for ‘development’ as well – if it is proposed that an existing industrial ‘use’ is to be increased in the size (i.e. concrete batching plant or coffee processor) this would increase the potential for adverse amenity impacts so an assessment should be taken to ensure the Cl 52.10 threshold distance is met.

• Inclusion of a ‘reverse amenity’ buffer in the clause.

a) Sensible to review.

b) Clarifications are generally to be welcomed.

The name of the clause should be changed to specifically mention air emission amenity impact. A similar clause should be established for significant noise sourced such as nightclubs and other live music venues; be they occasional or permanent; indoor or outdoor.

Further review is required of the list of activities within this clause to reflect more current practices, particularly in light of the growth of microbreweries and artisanal products. Further guidance on the range of activities that are encompassed by terms in the table would be welcome.

Review of threshold distances is strongly supported, along with removing confusion regarding reverse amenity scenarios. Embedding protections for industry in industrial zones is an important consideration. This should be done in conjunction with the EPA, as they have released a recent guideline regarding buffers. It would be useful for the amended Clause 52.10 to be consistent with the separation distances that the EPA use to guide their assessments/referrals.

We again refer to the value and importance of protecting multimillion dollar community assets that are not able to be relocated. A review of the clause would provide an opportunity to better reflect encroachment.

Also need to clarify the ‘purposes’ listed, and in particular how to deal with the catch all purposes such as ‘food and beverage production other than those listed within this group’, as it is not clear and could be argued that it prohibits a number of potentially acceptable uses in certain zones.

It is noteworthy that some industries previously associated with possible adverse impacts now employ technology that reduces the impact of the use this should be considered when examining these uses.

Melton City Council has been actively involved in a range of processes, which have sought to identify and if necessary create land use planning controls for buffers for a variety of facilities, which have external impacts. Examples include the Metropolitan Waste and Resource Recovery Group, the Environmental Protection Authority, the Department of Economic Development, Jobs, Tourism and Resources and through the Major Hazards Advisory Committee review into buffers for Major Hazards sites and High Pressure Gas Pipeline infrastructure. Council would strongly encourage DELWP to go further than just include buffer distance recommendations as part of Clause 52.08. This is particularly important as there have been a range of State Government bodies looking into this matter, but no outcomes have been implemented.

Whilst Council agrees with modification a) that the direct interpretation of buffer distances from EPAs recommendations in 2013 into the Clause would go a way to provide protection of buffers, there needs to be another level of review to look into what these buffers are actually allowing. Through Amendment C162 of the Melton Planning Scheme, which was for the Mt Atkinson and Tarneit Plains Precinct Structure Plan there was considerable differences of opinion from experts as to what can, occur in these buffers. Furthermore, it was
recognised that these buffers have not been formulated with considerable rigour, there is limited scientific justification around how they were formulated and they are now from a document, which is four years old. Without adequate direction, even with arbitrary distances, there is still the potential for land use conflict and risk.

In modification b) Council officers agree that the clause should be reviewed to consider the clause being used for ‘reverse amenity’. The content of this needs to be carefully considered, particularly given the complexities highlighted above. Given the experience gained from the above forums, Council officers could assist with providing advice on this matter (from a land use planning perspective, in conjunction with the relevant technical experts). Failing this, Council request the opportunity to review any changes made to this provision.

Close consideration of changes to definitions needs to be incorporated with this review.

Strong support as a short term / high priority project.

Supported where they provide clarity and consistency.

Update to include coffee roasting and small beer manufacturing for boutique business or provide and exemption from them. This will remove uncertainty for new business owners.

Buffer distances need to consider noise, as well as, air emissions.

Update this provision as it is old and out of date. Does not address technological improvements and some of the buffer distances are from the 70’s a comprehensive review should be a priority.

• Concrete batching plant threshold distance is currently 300m in VPP, EPA Guideline = 100m, as previously supported by CCAA.
• Quarrying without blasting = 250m
• Quarrying with blasting = 500m
• CCAA supports the clause operating in reverse amenity matters, which is when a sensitive use is proposed near an existing use creating amenity impacts on an existing operation. The onus of proof that EPA requirements will still be met at the new sensitive site should rest with the sensitive use proponent to protect the existing use rights of the existing operation.
• The application should also be referred to the Work Authority holder and DEDJTR for comment.
• CCAA does support the ability for the separation distance to be reduced, given appropriate, site specific scientific evidence and modelling to support such a decision. This process should follow a risk management approach and needs to be clear, simple and not impose unnecessary regulatory burden.

Strongly support.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

The VPPs should consider the inclusion of ‘risk’ in this clause with relation Major Hazard Facilities and pipeline infrastructure. This issue needs to be further resolved with regard to ‘reverse amenity’ impacts related to this infrastructure and clarified via the addition of a definition for a ‘sensitive use’ within Clause 73.


**Service stations**

- Agree: 36
- Agree with comments: 11
- Disagree: 10
- Unsure: 18

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involve all affected stakeholders in the process of finding solutions and making improvements</td>
</tr>
<tr>
<td>Combine with Car Wash noting that there are traditional service stations and boutique smaller service stations and car wash including Woolworths with limited control building</td>
</tr>
<tr>
<td>You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.</td>
</tr>
<tr>
<td>Review doesn’t go far enough to take into account modern service stations and associated uses</td>
</tr>
<tr>
<td>This appears to make sense. Councils should be involved in any review.</td>
</tr>
<tr>
<td>Changes may also need to consider that these uses are often co-located with convenience restaurants and shops</td>
</tr>
<tr>
<td>Service Stations should never be permitted in residential zones. For a petrol station to be permitted, the site should go to council for re-zoning as an industrial/commercial zone. This would ensure that all issues arising from the nature of this type of business are given thorough investigation before being granted a permit.</td>
</tr>
<tr>
<td>Policy should be preparing for, and allowing for electric service stations, autonomous vehicles, and the associated changes in practical requirements and behaviours. We don’t want to find ourselves trying to retrospectively apply outdated policy to new technology. This is an opportunity to get on the front foot.</td>
</tr>
<tr>
<td>Limit service stations to commercial zones.</td>
</tr>
<tr>
<td>Supported where they provide clarity and consistency.</td>
</tr>
<tr>
<td>Review provisions, roles and types of service stations are changing and introduces a number of uses combined with the service station, maybe clarify dominant and ancillary uses and potential codified pathway, subject to the location of sensitive uses.</td>
</tr>
<tr>
<td>I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways</td>
</tr>
<tr>
<td>Council is neutral on this proposal and no further comments are provided.</td>
</tr>
</tbody>
</table>
Car wash

- Agree: 37
- Agree with comments: 10
- Disagree: 10
- Unsure: 17

| Involve all affected stakeholders in the process of finding solutions and making improvements |
| You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect. |
| This appears to make sense. Councils should be involved in any review. |
| Car Wash businesses should not be permitted in residential zones. For a car wash to be permitted, the site should go to council for re-zoning as an industrial zone. This would ensure that all issues arising from the nature of this type of business are given thorough investigation before being granted a permit. |
| Adequate controls must be placed on the need for minimising water use, maximizing water recycling and prevention of water run-off into local waterways. |
| Melton Council officers agree that this provision could be updated to reflect current practices and design requirements. Council request the opportunity to review any changes made to this provision. |
| Is this still a relevant provision or could it be incorporated into zone controls? |
| Supported where they provide clarity and consistency. |
| Limit car wash stations to commercial zones. |
| Potential codified pathway, subject to the separation from of sensitive uses. |
| I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways |

Motor vehicle, boat or caravan sales

- Agree: 35
- Agree with comments: 11
- Disagree: 10
- Unsure: 17

| Involve all affected stakeholders in the process of finding solutions and making improvements |
| Difficult provision to administer due to range in facilities provided e.g. corporate showroom/service facility compared with small sing lot used vehicles. |
| a) Agree subject to this comment - Support review to update but removal all together is not supported. |
You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

This appears to make sense. Councils should be involved in any review.

Motor vehicle, boat or caravan sales businesses should not be permitted in residential zones. For these to be permitted, the site should go to council for re-zoning as an industrial or commercial zone. This would ensure that all issues arising from the nature of this type of business are given thorough investigation before being granted a permit.

Policy needs to include consideration of new definitions, and changes related to electric and autonomous vehicles. We don’t want to find ourselves trying to retrospectively apply outdated policy to new technology. This is an opportunity to get on the front foot.

Supported where they provide clarity and consistency.

Limit sites to commercial zones.

Strongly support.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

So, someone came up with a one-stop-shop use-based clause, which has then languished without review, and become outdated over time? Funny, this is exactly the problem the proposed system structure will now create on a grand scale.

Telecommunications facility

- Agree: 35
- Agree with comments: 11
- Disagree: 12
- Unsure: 17

Involve all affected stakeholders in the process of finding solutions and making improvements

Agree in principle. The detail will be telling.

a) and b) Agree - This will achieve greater consistency of information to Council.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

The lack of detail makes response difficult to this proposal. However, the potential for the proliferation of towers and masts in rural landscape requires the urgent negotiation for the sharing of such facilities (co-location) between service providers.

Important to simplify permit triggers, as currently confusing
A Permit should be required.

In accordance with modification, a) Melton City Council supports the need to review the Code of Practice and particular provisions to recognise advancement in technology. Council recognises that telecommunications infrastructure and access to telecommunications is an essential service. This however should not be at the expense of the ability for Councils and the community to make comment on, and recommend locations for the siting and design of new facilities.

In regard to modification b), whilst it seems appropriate to streamline the need to cross-reference to other documentation, this could come at a cost whereby when one document is revised, this requires all other relevant documentation to be updated. Outdated information in publications could cause significant issues for all parties involved in these processes. A cautious approach to this should be adopted.

Council request the opportunity to review any changes made to this provision.

Agree – provision refers to 1997 Act. Act should be translated into the planning scheme. Councils must be able to identify siting and design requirements.

Supported where they provide clarity and consistency.

Consideration given to local amenity.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

I think all telecommunications facilities should be made subject to planning scrutiny and the public objections process.

Support the review of the Code of Practice - it is quite hard to navigate to determine if a permit is required - needs simplification.

**Licensed premises**

- Agree: 23
- Agree with comments: 23
- Disagree: 26
- Unsure: 19

Involving all affected stakeholders in the process of finding solutions and making improvements

I believe Council’s should continue to have a say that incorporates local knowledge of sites and surrounds.

We support the proposal to explore opportunities to remove conflict and overlap with the liquor licensing process. In particular, we note there is opportunity to streamline assessment of amenity impacts under the two schemes. However, we strongly oppose the proposal to make licensed premises in commercial zones exempt from the requirement for a planning permit. Please see our attached submission for further information.

The Flagship group believe the proposed changes to Local Govt’s role in appropriate planning for licensed premises in particular packaged liquor, would impact in the following ways:
There has been a fivefold increase in the number of liquor licenses in Victoria from 4,000 in 1986 [I] to almost 21,000 in 2016.

This proliferation is a concern given the link between packaged liquor outlet density and family violence. Research has found that higher density of outlets, particularly of packaged liquor outlets, was associated with increased rates of family violence. [ii].

In 2012, the Victorian Auditor-General’s Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm Report examined the effectiveness of the Department of Justice, Victoria Police and the Victorian Commission for Gambling and Liquor Regulation (Commission) in preventing and reducing the impact of alcohol related harm on the community. The Auditor-General’s findings included the following:

- Alcohol-related harm has increased significantly across almost all indicators over the past 10 years. Alcohol harm is “widespread and increasing”.
- The liquor licensing regime is not effectively minimising alcohol-related harm due to a lack of transparency of decision-making, guidance on regulatory processes and engagement from councils.
- The licensing process is “complex, inconsistent and lacks transparency”, and is weighted in favour of the liquor and hospitality industry.
- The grounds for objecting to a licence are narrow
- Significant Council resources are allocated towards addressing issues that arise because of alcohol fuelled violence and anti-social behaviour; such as graffiti, vandalism to public property and street cleaning.
- The assessment of broader social harm falls outside the scope of current planning regulations. VCGLR should modify its regulatory approach to take account of the negative social outcomes from increased availability of packaged liquor.
- Local Government needs the ability to respond on an individual merits basis to all liquor licence applications.
- We are supportive of diverse social and entertainment precincts. However, in terms of alcohol-related harm, Councils must be given the ability to respond to the social, health and wellbeing impact of any individual liquor licence application.
- In terms of packaged liquor, research has shown a correlation between packaged liquor outlet density and associated harms e.g. family violence. To reduce alcohol-related harm we need to look beyond pubs and nightclubs. Drug Alcohol Rev, 2013. 32(2): p. 113-4. Cumulative impact is best assessed at the local government level, as Councils have intimate knowledge of the unique issues that relate to their community. The current planning provisions only provide an opportunity to comment in relation to ‘amenity’ and does not allow councils to give broader consideration to potential harms. The work of the South-East Councils Alliance must be given greater consideration.
- We oppose any move to remove the need for a planning permit and to make premises in commercial zones exempt from the need for a planning permit.
- We do not support assessment of liquor licences relying on the Victorian Commission for Gambling and Liquor Regulation licensing process instead. We view any such move as a backward step in reducing alcohol-related harms.
- Any review of the role and function of the planning system in regard to licenced premises that does take place should involve close consultation with Councils.


The OEHCSA is an Alliance of health and community support organisations operating in the outer East Metropolitan Region of Melbourne. We are one of 28 Primary Care Partnerships across Victoria and one of our key priorities is working together to prevent alcohol related harm in the local community.

Part of this work focuses strongly on the ensuring that the local built environment fosters a positive culture
round alcohol consumption. Vic Health state that "Councils can influence the quality and distribution of conditions needed for good health, that is, the natural, built and social environments in which we live, learn, work and play. They have a major role in supporting the objectives of the Victorian Public Health and Wellbeing Act 2008 by protecting, improving and promoting public health.

The built environment has a significant effect on how liveable a community /city is. "There is growing evidence that our economy and quality of life is directly related to the health of our environment. Liveable places support healthy, happy people. Sustainable, liveable cities provide confidence for businesses to invest and economies to grow." (Liveability Victorian)

Local communities need to have a voice in sustaining and growing the liveability of their local environment and Council need to able to support and ensure this in partnership with their local community. Taking away Councils ability to advocate for local needs will take this possibility away from local communities.

- There has been a fivefold increase in the number of liquor licenses in Victoria from 4,000 in 1986 [I] to almost 21,000 in 2016.
- This proliferation is a concern given the link between packaged liquor outlet density and family violence. Research has found that higher density of outlets, particularly of packaged liquor outlets, was associated with increased rates of family violence.[ii].
- In 2012, the Victorian Auditor-General’s Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm Report examined the effectiveness of the Department of Justice, Victoria Police and the Victorian Commission for Gambling and Liquor Regulation (Commission) in preventing and reducing the impact of alcohol related harm on the community. The Auditor-General’s findings included the following:
  - Alcohol-related harm has increased significantly across almost all indicators over the past 10 years. Alcohol harm is “widespread and increasing”
    - The liquor licensing regime is not effectively minimising alcohol-related harm due to a lack of transparency of decision-making, guidance on regulatory processes and engagement from councils.
    - The licensing process is “complex, inconsistent and lacks transparency”, and is weighted in favour of the liquor and hospitality industry.
    - The grounds for objecting to a licence are narrow.
  - The assessment of broader social harm falls outside the scope of current planning regulations. VCGLR should modify its regulatory approach to take account of the negative social outcomes from increased availability of packaged liquor.
  - Local Government needs the ability to respond on an individual merits basis to all liquor licence applications.
  - In terms of alcohol-related harm, Councils must be given the ability to respond to the social, health and wellbeing impact of any individual liquor licence application.
  - Council is recognised by the Victorian Government as a key platform for driving local prevention efforts to reduce the harmful impacts of alcohol misuse. Specific reference is made to the Victorian Public Health and Wellbeing Plan to the role of local government in supporting place based approaches to improving the health of communities which includes as a priority reducing harms related to alcohol
    - "Place-based approaches: This platform provides a focus on all of the key settings where people live, learn, work and play. These include early childhood care settings and schools, workplaces, communities, liveable neighbourhoods, health and human services and residential and custodial care. The plan recognises the importance of local integrated action and the key role played by local government in community health and wellbeing. A particular focus is on reducing gaps in health and wellbeing between more and less advantaged areas and between rural/regional and metropolitan Victoria”. Executive summary Victorian Public Health and Wellbeing Plan
  - In terms of packaged liquor, research has shown a correlation between packaged liquor outlet density and associated harms e.g. family violence (Livingston, M.), To reduce alcohol-related harm we need to look beyond pubs and nightclubs. Drug Alcohol Rev, 2013. 32(2): p. 113-4). Cumulative impact is best assessed at the local government level, as Councils have intimate knowledge of the unique issues that relate to their community. The current planning provisions only provide an opportunity to comment in relation to ‘amenity’ and does not allow councils to give broader consideration to potential harms. The work of the South East Councils Alliance must be given greater consideration.
• Local Councils are again identified in Freedom from Violence, Victoria’s strategy to prevent family violence and all forms of violence against women
Local councils are in a good position to engage and communicate with the Victorian community. Victoria’s 79 councils have extensive reach within their respective communities and can tailor their approach to be meaningful to the people who live there, engaging them where they live, work, learn, socialise and play. Freedom from Violence, Victoria’s strategy to prevent family violence and all forms of violence against women page 43

• We oppose any move to remove the need for a planning permit and to make premises in commercial zones exempt from the need for a planning permit.

• We do not support assessment of liquor licences relying on the Victorian Commission for Gambling and Liquor Regulation licensing process instead. We view any such move as a backward step in reducing alcohol-related harms.

• Any review of the role and function of the planning system in regard to licenced premises that does take place should involve close consultation with Councils.


a) Agree - Consistency between these areas is important.
b) Disagree - Whitehorse has a dry area so removal of permit triggers in commercial 1 zone not supported.
c) Agree - will provide greater guidance.

Communities that Care Knox (CTC Knox) is a partnership (established in 2014) of local organisations and businesses planning and collaborating to address the issues of early adolescent alcohol consumption. CTC Knox strongly advocate for the protection of children and young people against the harm from alcohol by addressing community laws and norms favourable to alcohol use. We apply evidence based public health practices to change cultural perceptions and social practices regarding the normalisation alcohol in our community. We understated that as part of our public health practice it is imperative to address the regulatory environment to create lasting social and cultural change and the current regulatory environment regarding alcohol does not support or facilitate positive impacts for our Knox community’s health and wellbeing.

We offer the following information to support the submission-

Council is recognised by the Victorian Government as a key platform for driving local prevention efforts to reduce harmful impacts of alcohol misuse. The Victorian Public Health and Wellbeing Plan is a key state government policy informing and guiding policies and strategies relevant to health and wellbeing of all Victorians. Specific reference is made to the role of local government in supporting place based approaches to improving the health of communities which includes as a priority reducing harms related to alcohol. “Place-based approaches: This platform provides a focus on all of the key settings where people live, learn, work and play. These include early childhood care settings and schools, workplaces, communities, liveable neighbourhoods, health and human services and residential and custodial care. The plan recognises the importance of local integrated action and the key role played by local government in community health and wellbeing. A particular focus is on reducing gaps in health and wellbeing between more and less advantaged areas and between rural/regional and metropolitan Victoria”. Executive summary Victorian Public Health and Wellbeing Plan

Additionally, we state:

• There has been a fivefold increase in the number of liquor licenses in Victoria from 4,000 in 1986 [I] to almost 21,000 in 2016.
• This proliferation is a concern given the link between packaged liquor outlet density and family violence.
Research has found that higher density of outlets, particularly of packaged liquor outlets, was associated with increased rates of family violence. [ii].

- In 2012, the Victorian Auditor-General’s Effectiveness of Justice Strategies in Preventing and Reducing Alcohol-Related Harm Report examined the effectiveness of the Department of Justice, Victoria Police and the Victorian Commission for Gambling and Liquor Regulation (Commission) in preventing and reducing the impact of alcohol related harm on the community. The Auditor-General’s findings included the following:
  - Alcohol-related harm has increased significantly across almost all indicators over the past 10 years. Alcohol harm is “widespread and increasing”.
  - The liquor licensing regime is not effectively minimising alcohol-related harm due to a lack of transparency of decision-making, guidance on regulatory processes and engagement from councils.
  - The licensing process is “complex, inconsistent and lacks transparency”, and is weighted in favour of the liquor and hospitality industry.
  - The grounds for objecting to a licence are narrow.
  - Significant Council resources are allocated towards addressing issues that arise because of alcohol fuelled violence and anti-social behaviour; such as graffiti, vandalism to public property and street cleaning.
  - The assessment of broader social harm falls outside the scope of current planning regulations. VCGLR should modify its regulatory approach to take account of the negative social outcomes from increased availability of packaged liquor.
  - Local Government needs the ability to respond on an individual merits basis to all liquor licence applications.
  - We are supportive of diverse social and entertainment precincts. However, in terms of alcohol-related harm, Councils must be given the ability to respond to the social, health and wellbeing impact of any individual liquor licence application.
  - In terms of packaged liquor, research has shown a correlation between packaged liquor outlet density and associated harms e.g. family violence. (Livingston, M), To reduce alcohol-related harm we need to look beyond pubs and nightclubs. Drug Alcohol Rev, 2013. 32(2): p. 113-4). Cumulative impact is best assessed at the local government level, as Councils have intimate knowledge of the unique issues that relate to their community. The current planning provisions only provide an opportunity to comment in relation to ‘amenity’ and does not allow councils to give broader consideration to potential harms. The work of the South-East Councils Alliance must be given greater consideration.
  - We oppose any move to remove the need for a planning permit and to make premises in commercial zones exempt from the need for a planning permit.
  - We do not support assessment of liquor licences relying on the Victorian Commission for Gambling and Liquor Regulation licensing process instead. We view any such move as a backward step in reducing alcohol-related harms.
  - Any review of the role and function of the planning system in regard to licence premises that does take place should involve close consultation with Councils.
  - Local Councils are again identified in Freedom from Violence, Victoria’s strategy to prevent family violence and all forms of violence against women -
    “Local councils are in a good position to engage and communicate with the Victorian community. Victoria’s 79 councils have extensive reach within their respective communities and can tailor their approach to be meaningful to the people who live there, engaging them where they live, work, learn, socialise and play”. Freedom from Violence, Victoria’s strategy to prevent family violence and all forms of violence against women: page 43)
There is a need to review the role and function of the planning system in the assessment of a ‘licensed premises’. Consideration should be given to:

- Community benefit
- Administrative Burden
- Integration of regulatory processes.

No community benefit
The current double assessment framework is not delivering a community benefit. This is not to say that restricting the licensing process to that of the VCGLR would automatically provide a community benefit, but its regulatory approach is supposed to have a broader objective of minimising harm. In contrast to this, the planning assessment deals only with safety and amenity issues in proximity to the licensed premises. Such an assessment, undertaken within legislative considerations that are not specifically tailored to alcohol regulation, cannot deliver the greatest community benefit.

Administrative Burden
Traditionally local government has hesitated to object to its own planning process. Removing the licensing component of the planning assessment may resolve this conflict and reduce the administrative burden from two advertising processes - for applicants as well as those notified of the application such as community, local government and Victoria Police.

Integration of regulatory processes
The VCGLR regulatory process should be capable of addressing matters of safety and amenity as well as harm minimisation. These are legislative considerations within the Liquor Control Reform Act 1998 (LCRA). However, the current process, where the planning permit leads and the liquor license follows, means that there is a risk that planning consent is unduly influencing the VCGLR licensing decision.

Please note the response below to (b) assumes the proposed change to Commercial Zones is being considered separately from the reform of Clause 52.27 at (a):

If Licensed Premises’ were to be made a Section 1 Use in the commercial zone, this would reduce opportunities for planning authorities to influence the retail/entertainment mix, and to specify setbacks from sensitive uses. In addressing such matters, local planning policy seeks to influence outlet density and local amenity, to protect vulnerable communities. These approaches by local government have evolved over time to support a poorly executed regulatory response by VCGLR.

The Liquor Control Reform Act 1998 (LCRA) has more scope to regulate alcohol sales for broad social benefit than the Planning and Environment Act 1987. There should be no changes to planning regulations relating to liquor licensing without broader consideration of opportunities to strengthen the regulatory approach of the VCGLR (perhaps with corresponding support in the Particular Provisions). This is a possible outcome of the current review of the LCRA and the response (if any) to the VAGO Report Regulating Gambling and Liquor (February 2017).

Buildings and Works (Licensed Premises)
Responsible authorities are able to influence aspects of licensed venue design in the Commercial Zone, whether or not Licensed Premises is a Section 1 Use, through the permit trigger for buildings and works. This is an opportunity to make a positive contribution to community safety and amenity through the building design and the interface between the venue and the public realm. As such, it is important to retain this permit trigger. The “cumulative impact assessment” referred to in Clause 52.27 is designed to address immediate amenity impacts from clusters of on-premises licenced venues. It does not, and is unlikely to, address the effect of the spatial distribution of packaged liquor outlets. The negative social outcomes of packaged liquor do not necessarily occur in the immediate vicinity of the premises and, as such, are not considered when assessing the effect on amenity. However, evidence is emerging that there is significant social harm resulting from increasing a community’s access to packaged liquor outlets.

There is scope for VCGLR to use the volumetric sales data to analyse the social outcomes from this type of
licensed premises. In contrast to this, the assessment of broader social harm falls outside the scope of current planning regulations. VCGLR should modify its regulatory approach to take account of the negative social outcomes from increased availability of packaged liquor.

It is agreed that the removal of duplication of function is a desirable outcome however more information is required to ascertain whether the planning system should be changed to address this. It is considered imperative that where it is proposed to exempt premises in commercial zones that there remains a process that considers cumulative impact of licence premises approvals in the zone. If, as proposed, the role of responsible authority was to be removed from Councils it will be critical to ensure that a transparent decision-making process is in place.

It is considered that planning plays an important role in liquor licence controls, particularly at the local level. However, it would be good to have clearly defined criteria for Council and that for VCGLR

Agree; Generally agree, Planning should consider use impacts (not liquor) this would mean uses such as taverns should be section 2 permit required Agree.

Liquor Licensing should always require a permit.

Land use planning and licensing serve different roles. These need to be clarified and understood, with their effectiveness and intended areas of performance improvements identified before any streamlining into one overall assessment process can be presumed.

Health promotion, prevention, and harm minimisation, as well as amenity management and best practice design of liquor outlets and venues, are not adequately covered by either statutory process at present. Including consideration of the principles of the Public Health and Wellbeing Act and Charter of the Local Government Act, may support clearer and more holistic decision making in relation to liquor.

While it is desirable for duplication in process to be removed, any perceived duplication should be reviewed in light of its effectiveness to deliver the outcome being sought. Regulation – regulates the industry, whereas land use planning balances competing land use tensions with community interests. Can one process achieve both and which level of Government will implement that process?

The role of community participation should be extended and not limited in any new approach to liquor licensing decision making.

Melton City Council would be willing to work with DELWP and VCGLR to look at these processes in more detail.

If the licensed premises clause is to be reviewed, Council officers recommend that an Advisory Committee undertake this so the views of Councils, planning professionals, the community, and operators can be reviewed by planning professionals and recommendations made to DELWP on the adequacy of the existing provisions.

Include definitions review.

Strongly agree with removal of duplication of efforts between the planning system and Gambling and Liquor licensing process. Referral process should also be reviewed with exemptions for minor matters.

Supported where they provide clarity and consistency.

Limit licensed premise to commercial zones.

Streamline the process so there is less double up with the state regulatory body to save council and businesses time.
Consideration needs to be given to the cumulative impact of liquor outlets. Update Practice note to include packaged liquor premises.

Agree. There is significant opportunity to simplify this provision and make many premises exempt if prescribed criteria is met and reduce duplication with other regulatory regimes.

This should include a review of the various uses subject to a liquor license.

The Planning Practice Note 61: Licensed premises: Assessing cumulative impact should be reviewed to provide guidance on general amenity impacts, not just cumulative amenity impacts.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

VCGLR should take over liquor licensing permits and should refer applications to Council being the determining referral authority.

The discussion (notably the last paragraph) doesn’t seem to recognise the potential to control this through the table of uses. If you don’t want to trigger permits under 52.27 in commercial zones, isn’t that a hint you should be using the table of uses for more nuanced zone/use based control, rather than a ludicrously broad particular provision?

52.27 should be removed – the liquor licensing system and table of uses between them can do the job. The work to underpin this was done several years ago but never implemented.

Hobson’s Bay City Council does not support any removal of existing planning permit triggers for consideration of licensed premises. Council has adopted policy relating to the reduction of alcohol related harm and has strong policy views especially related to the sale of packaged liquor and late-night venues and related social harm these uses generate. It should not be assumed that the State licensing authority will regulate these uses to support the overall community benefit and planning permit assessment by Council must remain.

Council’s Minimising the Harm of Alcohol Policy Statement 2016 aims to mitigate the negative impacts of alcohol by adopting a harm minimisation approach, focussing on demand, supply and harm reduction. One key way in which Council can do this is via the supply of alcohol, including the availability and accessibility of alcohol through location of outlets/venues, opening hours and venue management. Research indicates that the type of licences with greater potential to impact negatively on communities are those in which opening hours extend beyond 1am and/or provide for take-away options such as: general, on-premises, late night and packaged liquor licences.

It cannot be assumed that the Victorian Commission of Gaming and Liquor Regulation (VCGLR) will regulate these licences to achieve the aims of Council’s policy statement and to support the health and wellbeing of our community. The current role of the VGCLR is to regulate liquor whereas the role of local government is to consider the land use implications, balancing current and future land uses and responding to local needs. These roles are very different therefore as it currently stands there is not a duplication in process or roles. As such, it is recommended that planning permit assessment by Council remain unchanged. More specific comments are provided below in relation the proposals outlined in the Reforming the Victoria Planning Provisions Discussion Paper.

a) Review the role and function of the planning system in licensed premises and explore opportunities to minimise conflict and overlap with the Victorian Commission for Gambling and Liquor Regulation licencing process.

Council disagrees that there is a need for this review. The suggestion of ‘duplication’ between the permit process set out at Clause 52.27 and the liquor licensing process managed by the VCGLR is misguided. Different...
legislative frameworks guide Council (Planning and Environment Act 1987) and the VCGLR (Liquor Control Reform Act 1998) in making decision on these matters. Moreover, each responsible body also has a clear scope for decision making, based on the goals and objectives of the relevant legislation. For example, the VCGLR is focussed on licensing considerations (such as the fitness of a person or organisation to hold a licence), while Council is concerned with land use planning considerations (such as venue location, design and amenity).

Council is also able to directly represent the needs and aspirations of our community in relation to liquor applications, something that would be lost if the VCGLR became the sole authority. For example, Council may impose conditions on liquor-related planning permits that reflect local conditions. Indeed, these conditions (e.g. hours, number of patrons) may be helpful to the VCGLR in setting its own license conditions and help to reduce enforcement issues arising from inconsistent conditions attached to planning permits and liquor licenses for the same venue or operator. Council is also much better placed to engage directly with local communities, including through legislated planning requirements (e.g. exhibition periods), regular consultation processes (e.g. Annual Community Survey), dedicated community engagement resources, communications activities (e.g. social media, website, events) and sheer proximity to the people living in the municipality.

As noted above, Council has an adopted policy statement to guide its activities in seeking to reduce alcohol-related harm. Council also has well-established referral processes in place to ensure a range of opinions are sought (e.g. social planning, community development, disability access, traffic, etc.) when considering planning permit applications. These voices would be lost to a State-based approval process, inevitably leading to reduced local outcomes.

The planning permit process also provides a counter-balance to licensing process outlined in the Liquor Control Reform Act 1998 and administered by the VCGLR. There is a high threshold of evidence required to object to a liquor licence, with councils required to demonstrate a causal relationship between the prospective licensed premises and potential for harm. Moreover, in assessing the effectiveness of the Department of Justice, Victoria Police and the VCGLR in reducing the impact of gambling harm, the Victorian Auditor-General Office found in 2012 that the licensing process is ‘complex, inconsistent and lacks transparency’ and ‘the number of objections to liquor licence applications by councils is exceptionally low’. The planning permit process provides a critical safeguard for local communities in protecting amenity (as well as health and wellbeing) that may be overlooked through an exclusively State-based process.

b) Make premises in commercial zones exempt from the need for a planning permit, subject to certain conditions, and relying on the Victorian Commission for Gambling and Liquor Regulation licensing process

Council disagrees that premises in commercial zones should be made exempt from the need for a planning permit, subject to certain conditions. This change would significantly reduce the capacity for local input to be considered when making these decisions. Council has extensive local knowledge of commercial zones and activity centres within the municipality and takes these into account when making planning permit decisions. More specifically, this more nuanced understanding of community needs is often practically applied through permit conditions that reflect the views of the community and local traders.

Council’s capacity to influence local outcomes would be greatly diminished if commercial zones were made exempt. Moreover, the discussion paper lacks details and does not describe what ‘subject to certain conditions’ actually means. For the reasons stated above (and in the absence of further clarification) Council does not support this proposal.

c) Include and clarify common application requirements, such as ‘cumulative impact statements’.

‘Cumulative impact statements’ are more helpful in making decisions in Hobsons Bay with regards to packaged liquor, general and late night licences, rather than other types of licences. Nonetheless, there is a need to clarify and strengthen these and other common applications requirements, possibly through the development of updated guidance materials and practice notes to ensure local evidence can be achieved.
provide valuable resources that would allow these matters to be dealt with at a Resort Management Board level, particularly given the limited resources of the Department to deal with alpine issues. Per the comments in the introduction and at section 3.0.

**Gaming**

- **Agree:** 29
- **Agree with comments:** 11
- **Disagree:** 19
- **Unsure:** 20

If retained further guidance should be provided as to preferred locations for gaming premises.

**Involve all affected stakeholders in the process of finding solutions and making improvements**

a) **Agree** - There should be a review on the role that planning should play in gambling. Noting that Whitehorse currently has a Gaming Policy at Clause 22.17 that could be used to form a State level policy in the VPP.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

The Planning and Environment Act under s60 (1)(f) mandates consideration of significant social and economic effects a development or use may have. The challenge for Councils who clearly have identified the issues of electronic gaming machines as having a detrimental social impact on their community (and attempt to address this issue in the LPPF), is how this can be addressed through the planning process. The VPP could be improved to address what considerations/measures should be applied when considering “significant social and economic effects”.

The planning process has proved useful in allowing community groups to object to a proposal for electronic gaming machines, the current Victorian Commission for Gambling and Liquor Regulation licensing process does not allow individual/community groups to be heard unless it is a party to Council’s submission.

There are concerns that the first and/or only recreational/entertainment venue in a newly developed estate/area could be a gaming venue, increasing the known risk currently experienced in the municipality.

While it is unclear, what might come out of a review of the role and function of the planning system with regard to gaming, this is an area of considerable concern for Maroondah City Council.

Council is currently working on a policy to attempt to reduce the harm created from problem gambling within the community. While that policy is currently under development and is yet to be finalised, it is unlikely to be supportive of any moves that reduce Council’s ability to control gambling facilities within the municipality.

Gaming is known to cause significant amenity and social issues. Local councils are best positioned to assess these issues through consideration of planning applications. I think that assessments undertaken by VCGLR will not be as inclusive as the assessment undertaken by councils.

It is considered that planning plays an important role in gaming controls, particularly at the local level. Gaming establishments should be strictly controlled as to hours of operation, number of gaming machines and facilities. These types of businesses should never be allowed in a residential zone or within walking distance of a residential zone.
It is agreed that the removal of duplication of function is a desirable outcome however more information is required to ascertain whether the planning system should be changed to address this. It is considered imperative that where it is proposed to exempt premises in commercial zones that there remains a process that considers cumulative impact of gaming premises approvals in the zone. If, as proposed, the role of responsible authority was to be removed from Councils it will be critical to ensure that a transparent decision-making process is in place.

The existing arrangements create confusion, as permissions are required from Council and the VCLGR.

Land use planning and licensing serve different roles. These need to be clarified and understood, with their effectiveness and intended areas of performance improvements identified before any streamlining into one overall assessment process can be presumed.

Health promotion, prevention, and harm minimisation, as well as amenity management and best practice design of gaming (Gambling) environments are not adequately covered by either statutory process at present. Including consideration of the principles of the Public Health and Wellbeing Act and Charter of the Local Government Act, may support clearer and more holistic decision-making in relation to liquor and Gaming.

While it is desirable for duplication in process to be removed, any perceived duplication should be reviewed in light of its effectiveness to deliver the outcome being sought. Regulation – regulates the industry, whereas land use planning balances competing land use tensions with community interests. Can one process achieve both and which level of Government will implement that process?

The role of community participation should be extended and not limited in any new approach to gaming decision-making.

Melton City Council would be willing to work with DELWP and VCGLR to look at these processes in more detail.

If the gaming clause is to be reviewed, Council officers recommend that this be undertaken by an Advisory Committee so the views of Councils, planning professionals, the community, and operators can be reviewed by planning professionals and recommendations made to DELWP on the adequacy of the existing provisions.

Strongly agree with removal of duplication of efforts between Planning system and Gambling and Liquor licencing process.

Referral process should be reviewed with exemptions allowed for minor matters. Council strongly advocates for a whole of Government position on the process of increasing electronic gaming machines. Recently, the State Government lifted the cap in Mitchell from 239 machines to 299 machines based purely on a population based formula and without community or Council consultation.

Supported where they provide clarity and consistency.

Limit gaming premises to commercial zones.

Councils have spent community funds on undertaking gaming strategies due to shortcomings in Government policy. Any changes should not affect the policies included in a Council MSS derived from these studies.

But not remove Council’s ability to control applications.

Strongly agree. However, any reforms to the planning system should not weaken the consideration of social impacts under the Gambling Regulation Act 2003. Indeed, it would be appropriate for a concurrent review of the Gambling Regulation Act to ensure local social impacts are adequately considered.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of
consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

See submission attached - strongly opposition to gambling removal from planning.

Hobsons Bay City Council (Council) does not support any removal of existing planning permit triggers for consideration of electronic gaming machine (EGMs). Council has adopted policy relating to the reduction of gambling related harm and Council has strong policy views especially related to the location of EGMs in areas where they will result in increased levels of problem gambling and social harm. It should not be assumed that the State licensing authority will regulate these uses to support the overall community benefit and planning permit assessment by Council must remain.

Council’s Problem Gambling Electronic Gaming Machines Policy Statement 2015 articulates its commitment to managing and minimising the negative impacts of EGM gambling for the community of Hobsons Bay. Council also currently has a draft Gaming Local Planning Policy (Amendment C112) on public exhibition, with the aim of incorporating this into the Planning Scheme.

One key way in which Council can minimise harm from gambling is via land use planning, specifically the location of EGM venues within or adjacent to disadvantaged areas or sensitive land uses. It cannot be assumed that the VCGLR will regulate the EGM entitlements to achieve the aims of Council’s policy statement and future local planning policy, as well as supporting the health and wellbeing of our community. As such, it is recommended that planning permit assessment by Council remain unchanged. More specific comments are provided below in relation the proposals outlined in the Reforming the Victoria Planning Provisions Discussion Paper.

a) Review the role and function of the planning system in gambling and explore opportunities to minimise conflict and overlap with the Victorian Commission for Gambling and Liquor Regulation licensing process.

Council disagrees that there is a need for this review. The suggestion of ‘duplication’ between the permit process set out at Clause 52.28 and the EGM licensing process managed by the VCGLR is misguided. Different legislative frameworks guide Council (Planning and Environment Act 1987) and VCGLR (Gambling Regulation Act 2003) in making decision on these matters. Moreover, each responsible body also has a clear scope for decision making, based on the goals and objectives of the relevant legislation. For example, the VCGLR is focussed on licensing matters (such as the fitness of a person or organisation to hold EGM entitlements), while Council is concerned with land use planning considerations (such as venue location and design, including limiting incidental access for children as many EGM venues also offer dining options and children’s playgrounds).

Council is able to directly represent the needs and aspirations of our community in relation to gambling applications, something that would be lost if the VCGLR became the sole authority. Council is also much better placed to engage directly with local communities, including through legislated planning requirements (e.g. exhibition periods), regular consultation processes (e.g. Annual Community Survey), dedicated community engagement resources, communications activities (e.g. social media, website, events) and sheer proximity to the people living in the municipality.

As noted above, Council has an adopted policy statement to guide its activities in seeking to reduce harm caused by EGMs. Council also has well-established referral processes in place to ensure a range of opinions are sought (e.g. social planning, community development, disability access, traffic, etc.) when considering planning permit applications. These voices would be lost to a state-based approval process, inevitably leading to reduced local outcomes. Additionally, Council faces considerable challenges in allocating sufficient financial resources to object and appeal EGM applications made to the VCGLR, particularly in a rate-capped environment.

The planning permit process also provides a counter-balance to licensing process outlined in the Gambling Regulation Act 2003 and administered by the VCGLR. There is a high threshold of evidence required to object to an EGM application, with Councils required to demonstrate a causal relationship between new venues or
increased machine numbers and potential for harm. However, it is encouraging to note that the VCGLR has ascribed higher weight to research demonstrating links between family violence and EGM density in recent cases. Overall, the planning permit process should be retained for EGM applications as it provides a critical safeguard for local communities in protecting amenity (as well as health and wellbeing) that may be overlooked through an exclusively state-based process.

Land adjacent to a road zone category 1 or a public acquisition overlay for a category 1 road
- Agree: 27
- Agree with comments: 16
- Disagree: 10
- Unsure: 17

| Involve all affected stakeholders in the process of finding solutions and making improvements |
| Interpretation of altering access requiring clarification in planning scheme as indicated in several VCAT decisions |
| Provided that widening does not require tree removal. |
| Strongly support changes to minimise need for referral to VicRoads |
| a), b), c), d), e) and f) Agree - These changes will streamline the process and ensure consistency. |
| The suggested modifications are strongly supported. |
| You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect. |
| Protect trees. |

For 52.29, generally, Councils are well placed to deal with a typical application, on a typical service road. However, there would be scenarios when VicRoads would need to, or want to be made aware of the application as it may have an implication affecting the arterial road network (and its performance), or future works along an arterial road. However, provided Councils and VicRoads agree on a set of standard conditions that would be appropriate under certain circumstances, this could be beneficial. There would also need to be triggers that would still necessitate referrals to VicRoads on an as needs basis.

(b) Agree with including a definition of 'create or alter access'. This should be done in consultation with VicRoads, as Council understands their position to be that an intensification of use of a crossover constitutes alteration of access (see Peninsula Blue VCAT decision). This would generate more referrals and requires clarification.

This Clause should be integrated into an expanded clause called "Accessways". It shouldn’t exist in isolation to the recommendations of Clause 52.06-8, but rather be centralised in a separate clause on vehicle movement and access.

52.06-8, 52.17, and 52.29 should be the basis for the 'accessways' clause - and its sole focus should be describing and guiding innovate ways to manoeuvre vehicles (now and future technologies)

Permit triggers should be retained.
In modification a) it is proposed to clarify permit triggers and application requirements. Melton City Council officers support this change and Council request the opportunity to review any changes made to this provision.

Council officers support modification b) which seeks to include a definition for the term to ‘create or alter access’. Council request the opportunity to review any changes made to this provision.

Council officers seek information on modification c) which seeks to amend the provision to provide additional permit exemptions. Council request the opportunity to review any changes made to this provision.

Council officers are cautious about modification d) which seeks to explore using standard conditions from VicRoads to avoid referral. MCC are cautious about this as we are not experts in this field. Council request the opportunity to review any changes made to this provision.

It is proposed in modification e) to make access to a service road exempt from referral to VicRoads. Council officers provide support for this change. Council request the opportunity to review any changes made to this provision.

It is proposed in modification f) to make applications under this clause exempt from normal notice and review provisions. Council officers are concerned about this, as applications can include the construction of acceleration and deceleration lanes in front of people’s properties. Council request the opportunity to review any changes made to this provision.

Get VicRoads out of the picture at any opportunity possible! Everyone else can make much more sensible decisions.

Short term priority. Strong support for standard VicRoads conditions to avoid unnecessary referrals.

Supported where they provide clarity and consistency.

Minimising referrals is a worthy goal. However, standard conditions will not suit all circumstances and may not consider safety issues at particular locations, particularly in rural areas. Improved technology, GIS 3D modelling, etc., may in time streamline referrals.

Within the definition it must include clarification of if the intensification of a use is considered in this definition and therefore a permit trigger if the physical access is not changed.

Strongly support. There are too many referrals, especially after the VCAT decision Peninsula Blue Developments Pty Ltd v Mornington Peninsula CC (Revised) (Red Dot) [2015] VCAT 571

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

A permit should not be required if the approval of the acquiring authority has been obtained. (This relates to all PAOs).
### Bicycle facilities

- Agree: 36
- Agree with comments: 15
- Disagree: 11
- Unsure: 14

Need to make this a section on sustainable transport not just bicycle

| Involve all affected stakeholders in the process of finding solutions and making improvements |
| Should be with car parking provisions. Varies significantly by locality and topography |
| a) and b) Agree - Strengthens the current provisions. |
| You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect. |
| Support the review of bicycle parking rates in Clause 52.34 – Bicycle Facilities and opportunities to consider how managing bicycle parking for public can be reviewed for particular projects (i.e. large scale bulky goods or materials recycling etc.). |

Suggested improvements to strengthen the section are:

The provision of bicycle facilities in 52.34.1 be changed so that application of 52.34 is extended to apply where:
- A new use commences.
- The floor area or site area of an existing use increases.

Review bicycle rates and require a planning permit to depart from the required rates.

Review and set ambitious rate base on future cycling targets and trends from Victorian Cycling Strategy and transport data sets, i.e. VISTA. A permit could then be required to

The rate of parking and facilities to be boosted by 25% if the development site area is within 500m of shared trail or pathway.

Update the design guidelines of bicycle parking, compounds, showers and change spaces to reflect contemporary best practice standards.

Developments within 500m of an existing shared trail or pathway must provide ride up access by a constructed shared trails or pathways of matching to door a high profile building entrance.

Provisions for cycling and other active transport modes must be enhanced. Provision of adequate cycle parking, street level access by cycle lanes or pedestrian footpaths sufficiently wide enough to accommodate the likely pedestrian, mobility devices and cyclist traffic expected. Waiver of parking facilities should include a levy or street level setback to improve active transport access.

It would be appropriate to also consider whether bicycle design requirements need updating to take into consideration apartment development (e.g. Accessibility and security of bike storage facilities).

Need to ensure this not only addresses the increase in popularity in inner city areas, but also the real usage in other areas (which will be much less)
Agree – consider all uses contained with clause 74.

Melton City Council officers agree to modifications a) and b) which seek to update bicycle rates to reflect environmental sustainability goals, and provide rates for more types of development.

Council request the opportunity to review any changes made to this provision.

Supported where they provide clarity and consistency.

Update to include more uses or lower the thresholds so that more uses are required to provide bicycle facilities to staff particularly. Make reductions, exempt from notice and review.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

These facilities should not be provided at the expense of on-site car parking but rather and bicycle facilities and on-site car parking should be provided.

### Post boxes and dry stone walls

- Agree: 34
- Agree with comments: 5
- Disagree: 23
- Unsure: 24

It would be an enormously resource intensive task to map and assess all dry stone walls for the purposes of inclusion in the heritage overlay. Retention of a particular provision might be better.

Involve all affected stakeholders in the process of finding solutions and making improvements

a) Agree - Strengthens the current provisions.

The Heritage Overlay should be solely used to identify dry stone walls and post boxes worthy of protection. This would result in the avoidance of unnecessary protections (and associated red tape) and ensure that features worth of protection are adequately protected by the HO.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.
Dry Stone Walls
The HO is the tool to provide appropriate protection, but it requires that Councils identify and map all such assets.

To enhance protection through identification, the City of Whittlesea is planning a mapping and assessment study from 2018 that will give us greater clarity about location, condition and levels of significance (using categories developed by City of Melton).

In the case of DSWs this can be a significant undertaking in terms of time and cost for Councils. Those walls not mapped (because Councils cannot afford and/or do not have internal resources to undertake a study) are at risk of demolition if a DSW survey is not done and the walls assessed for their cultural heritage significance and inclusion on the HO.

The danger is that until a comprehensive exercise to identify them has been completed, it is too easy to demolish them. They are also vandalised by people who souvenir the rocks for their own gardens/garden walls.

There are many dry stone walls in this area... what on earth do they need to be reviewed (sic) for??

Melton City Council officers agree to modification a) which is to examine the feasibility of removing the provision, and identify these assets through mapping and protecting them through the Heritage Overlay.

Supported where they provide clarity and consistency.

Assistance will be required as many Councils are yet to map these significant places due to a lack of resources, or more pressing priorities. There needs to be a fast track process to include these significant places in the Heritage Overlay to ensure their protection.

Help promotes more consistent approach to heritage assessment. Would be more transparent to map such assets.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Whilst the intent is understood, it will be quite an undertaking to map these items accurately. Including a demolition control in the significant landscape overlay has also been previously discussed.
## Residential development and subdivision provisions

- Agree: 30
- Agree with comments: 20
- Disagree: 17
- Unsure: 15

This is hyper important as this section describes neighbourhood character, amenity etc and this is lacking elsewhere in this document.

Complex area that requires further discussion

Involve all affected stakeholders in the process of finding solutions and making improvements

There is significant existing confusion.

Consulting Surveyors Victoria has significant interest in these provisions and seeks involvement in the development of future actions in relation to these clauses.

a) Agree subject to comment - Objectives should stand alone and not be deemed compliant just because a numerical figure is met.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

We do not want to see an extension to the VicSmart application system without proper community consultation.

Provisions need to be comprehensively reviewed (such as ESD). We believed this was occurring as part of the Residential Zones review.

However, there may be merit in the rationalisation of these requirements.

Can it be a mandatory requirement for subdivision plans, that building envelopes be incorporated into the plan. Some Surveyors currently do this already, whilst others don’t.

Melton City Council officers agree to modification a) which seeks to clarify the relationship between the standards and objectives, and whether full compliance with standard means the objective has been met.

Council request the opportunity to review any changes made to this provision.

A better and more functional way of detailing Cl. 54, 55, 56 & 58 provisions should be explored to make it more user friendly – having regard to exempt objectives in certain circumstances.
The minimum standards in Clause 54/55 (ResCode) are not meeting community expectations with respect to the quality of housing.

The Energy Efficiency objective (Clause 55.03-5) and Dwelling Diversity objective (Clause 55.02-3) are two examples where the standards are significantly less ambitious than the objective. With respect to Neighbourhood character, opportunities to achieve a “preferred character” are eliminated by ResCode objectives and standards at present (especially the Landscape objective – Clause 55.03-8 – which aims for landscaping consistent with existing rather than allowing for enhancement).

The recently introduced Clause 58 sought to lift standards to ensure basic amenity in apartments and is significantly more ambitious than ResCode. This reflects the change in community expectations.

The objectives of Clause 56 are also more ambitious than those of Clause 54/55 but the effect on development approvals appears to be that the standards are simply not met. For example, research into liveability has shown that the percentage of dwellings located within defined distances of bus stops, tram stops and/or railway stations is well under the Clause 56 target of 95%. Another example is the Neighbourhood Street Network objective. A neighbourhood street environment that facilitates walking and cycling and safe driver behaviour is not being implemented. Clarifying that full compliance with standards is required to meet the objective might achieve a better outcome, but the word “should” would have to be removed from the standards.

Providing clarity regarding what is an adequate proposal in regard to standards and objectives is strongly supported. Providing greater weight to the overall objectives rather than a focus on meeting minimum numerical standards is strongly supported.

This should also clarify the role of the decision guidelines within each clause, on the basis of VCAT decisions, including, Li Chak Lai v Whitehorse CC (No.1) [2005] VCAT 1274 (30 June 2005) and Lamaro v Hume CC & Anor (includes Summary) (Red Dot) [2013] VCAT 957 (13 June 2013).

This is the greatest cause of confusion delays and frustration to my office in the VPP A clearly stated building envelope will provide certainty to ALL stakeholders including surrounding residents. Building envelope is the largest source of contention but is most simply defined. The concept of being able to meet ALL of the standard but not the objectives is an indictment on the way this current planning environment has evolved from Vic Codes 1& 2 through to the Good Design Guide to the current ResCODE. Clear vision and leadership is required to sweep away the hugely costly delays and uncertainties. Any proposal outside of the standards should be subject to rigorous scrutiny, but compliance should be swiftly followed by approval.

Specifically relating to clause 56.07 - need to be clearer and consistent, such as the wording for Drinking water requirements are more direct than for wastewater, but the practise note is less explicit. Ongoing issue regarding whether this should be the Responsible Authorities decision or the water agency. Within higher density residential zones, reticulated services should be mandatory, however this is not clearly defined.

There is also an issue about whether rainwater tanks are considered adequate for drinking water from a health perspective, there are not regulatory actions for the ongoing management and safe operation of water tanks as a drinking supply unlike Water Corporations responsibilities to the Department of Health and Human Services for safe supply.

Does Cl 56.07-1 actually mean that if there is a potable water supply in the town, residential lots should be connected when being developed? What does 'cost-effective' actually mean (very subjective). Cl 56.07-3 – needs to provide greater clarity regarding when reticulated services must be provided and when a domestic wastewater management plan is suitably resourced and implemented to meet these requirements.

In reality it appears that the environmental health units are making the decision based on individual land capability assessments, not a broader view. In other provisions, what does ‘where available’ actually mean?
Clauses 54 through 58 comprise a total of 111 pages of content within the Whitehorse Planning Scheme.

The tree society does not object to a review of these clauses however to be asked to provide a viewpoint and comments based on ‘the details outlined in the discussion paper’ is a curious request. It’s almost as if the authors of the discussion paper were tiring of their task so included just one general modification and one sentence in the discussion paper (see page 62) to invite comments for over 100 pages of content in the local planning scheme.

Unless more detailed information is provided the tree society disagrees with this proposed modification in its current form.

**consider incorporating garden space requirements, currently at zone level. Would be more effectively applied through Clause 54/55 and rescude**

Maintain discretion for Councils.

Supported where they provide clarity and consistency.

Mornington Peninsula Localised Planning Statement should prevail.

Consider streamlining the way the PSP and Clause 56 operate.

This has been of on-going concern for a number of years. There has also been inconsistent approaches by VCAT on this matter (see Chak Lai Li v Whitehorse CC [2005] VCAT 1274 Lamaro v Hume CC & Anor (Red Dot) [2013] VCAT 957, Red Star Beaumaris Pty Ltd v Bayside CC (Correction) [2015] VCAT 305, Belokozovski v Port Phillip CC [2015] VCAT 1046

Again, neighbourhood character is important when considering development and subdivision. Above comments apply re right to object and right to appeal.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Clause 54, 55, 56 and 58, officers consider that it would be appropriate to include the provisions of Infrastructure Design Manual in applicable standards and objectives as.

Strongly agree.
The discussion about this clause dishonestly characterises the discussion about how objectives and standards work. That standards were not intended to be deemed-to-comply (i.e. that meeting a standard does not automatically meet the objective) is extremely well documented, as I have established at length. DELWP has, for reasons best known to itself, declined to provide clarity on this point for several years.

It is dishonest to now try to create confusion about this point.

DELWP should simply fix the controls to work as intended. Note that this will also ensure that the clause 58 controls work as intended – several of those clauses are nonsensical if applied in a deemed-to-comply manner.

If you wish to instead change how ResCode works, so that standards are deemed-to-comply, this should be properly strategically justified, consulted on, and the controls amended to work consistent with this approach.

On other points - a clause that addresses three and four storey developments is badly needed. The existing ResCode tools are poorly suited for such forms, and for neighbourhoods undergoing intense change. Clause 57 is the perfect spot for this – the clause should be reserved for that and consultation and strategic work should commence as soon as possible.

Clause 58 is incomplete. The Better Apartments review was improperly scoped, as it was almost entirely focussed on internal amenity. The apartment clauses are therefore missing vital tools such as external amenity standards.

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**Metropolitan green wedge land**

- Agree: 26
- Agree with comments: 22
- Disagree: 20
- Unsure: 22

**Involve all affected stakeholders in the process of finding solutions and making improvements**

As long as the strongest protection is given to natural environment.

For decades, green wedge plans have focused on how to crack down on private landowners and to convert their land into forest. All changes have been "pro-environment" planning changes and have never provided any compensation to the affected landowners. I have been absolutely affected. Nillumbik Council told us we were OK to buy some land in Eltham to build a house. We bought it. Then they fought us for years making us spend over $200k on the permit approval process. DEWLP approved. The CFA approved.

But Council lied at VCAT about the risks and impacts and sure enough won. I'm about $550k out of pocket and that is our whole life savings. So, certainly Green Wedge needs some review. But I'm tired of reviews that decide that the Green Wedge needs to be protected. Green Wedge landowners need to be bought out and the planning process clarified. It shouldn't take years, VCAT cases, and going to the Supreme Court to build a home in the Green Wedge. The Council Planning office has been disgraceful I hope the State takes a good look at the impacts they have had on human beings. I am keen to speak to anyone involved in that process.

**Green Wedge Zone controls on the preservation and enhancement of the natural environment shall not be weakened.**
Open green space around Melbourne is diminishing at a rate of knots. Green wedges are one thing, a genuine green residential environment is quite another. Suburbs are losing their tree cover owing to residential consolidation and high-rise, infrastructure (Telco) tree interference. With temperature rise tipped to push whole populations over the edge in the next 50 years or so, why are we allowing so much green space to be destroyed in our suburbs?

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Metropolitan Green Wedge land needs a clear and specific policy. It is critical that the Mornington Peninsula Localised Planning Statement be given prominence and commitment given to its principles. Green Wedge policies and controls must be reinforced rather than weakened to prevent inappropriate development and intrusion of urban uses incompatible with the GWZ, its cultural landscapes and farming activities. The maintenance of the UGB (involving the containment of urban areas) complimentary to the GWZ, is essential.

What about green wedge preservation concerns in NON-METROPOLITAN areas. This of considerable concern in the Mt Clear/Mt Helen/Buninyong areas

Support for the proposed changes, there is a lack of general understanding regarding this clause mainly because it is a ‘hidden’ provision i.e. all of the Whittlesea Township is ‘Green Wedge Land’ even though there is GRZ, C1Z etc. in the centre of the township. The review refers to the lack of transparency of controls that are provided in the Particular Provisions. The challenge with incorporating Clause 57 in the zones is that Clause 57 does not apply to all Rural Living Zones or all Rural Conservation Zones, as these zones also exist outside the Metropolitan Green Wedge. This would involve the introduction of schedules to these zones for Councils in the Metropolitan Green Wedge. With respect to the stated concerns around transparency, it is therefore somewhat surprising that the proposed Sustainable Animal Industries reforms will include a new particular provision with a rather obscure permit trigger relating to Grazing Animal Production (currently extensive animal husbandry).

Protect our green wedge. This needs to be a high priority of government.

Improvements in clarity are to be welcomed.

It is vital that planning discretion is continued to be required for housing developments to ensure the values and character of the Green Wedge Zone are not further eroded.

The Green Wedge area is the most critical element of the character and values of the Mornington Peninsula and Westernport Bay environ. It is critical that planning policy continues to have in place measures to control the encroachment of ‘rural living’ on the Green Wedge Zone.

This provision is specific and provides a level of control that must not be ‘watered down’ through its removal or absorption into the zones. Improve transparency and consistency by including reference to Clause 57 in Planning Certificates in Section 32 Statements, so that people buying land in the Green Wedge would at the time of purchase have full disclosure of the provisions at Clause 57.

This is another clause that is not transparent, so incorporating into other areas is supported provided the content of Clause 57 is appropriately translated, and the controls it imposes are not weakened.

We repeat our reference to the critical importance of the Green Wedge on the Mornington Peninsula. It requires protection “into perpetuity’.

Most GWZ landowners have no idea how restricted they are.

Supported where they provide clarity and consistency
The Green Wedges are crucial to Melbourne, increasingly more so as our city grows. Tourism advances run the risk of spoiling what we all enjoy about them. Not all open space needs to form part of "active" leisure. Views, tracts of vegetation and open green areas are intrinsic to our wellbeing.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Clause 57 is very important for the protection of Green Wedge land so its transference into other sections of the Scheme must be done carefully.

Strongly agree.

Might need repetition across zones that are not Green Wedge but are 'Metropolitan Green Wedge Land' for the purposes of the Act. Could be mapped instead?

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<th>General provisions</th>
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<td>• Agree: 38</td>
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<td>• Agree with comments: 11</td>
</tr>
<tr>
<td>• Disagree: 17</td>
</tr>
<tr>
<td>• Unsure: 14</td>
</tr>
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Involving all affected stakeholders in the process of finding solutions and making improvements

Should be located in head clause

a) Disagree - Don’t support because it means too much cross referencing between different parts of the scheme. Support mandatory information requirements. More information on this proposal is needed.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

This means too much cross referencing between different parts of the scheme. Support mandatory information requirements. More information on this proposal is needed.

Similar to previous feedback, it will be important that if application requirements are dealt with through this part of the planning scheme, that it covers everything. There is the potential for there to be unintended gaps in the event all themes are not covered.

Strongly agree with consolidating application requirements.

Supported where they provide clarity and consistency.

Proposals to review all existing requirements is supported.

See our general comments about the MAV draft submission on an alternative structure to the VPP.
I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Interim uses such as pop up shops, mobile food vans should be included under general provisions.

Strongly agree.

This is an example of the strange approach to system structure that pervades this document. Application requirements should be outlined (where needed in the scheme at all) at the permit triggering clause. Moving away from this structure is counterproductive. See comments relating to clause 66.

I think a better approach is probably to move away from using the scheme to specify application requirements, especially for quite generic / self-evident requirements. These perhaps should move to index / supplementary provisions that I have suggested elsewhere may be a better model for the kind of category-based provisions these reforms are so centred around.

Decision guidelines

- Agree: 33
- Agree with comments: 13
- Disagree: 18
- Unsure: 14

Residential concerns are more important that business ones and must be taken into effect.

Involve all affected stakeholders in the process of finding solutions and making improvements.

Should be located in head clause.

The risk of over simplifying is making things meaningless.

If possible or at least explore two parts: related to all and special cases.

a) Disagree - Don’t support because it means too much cross referencing between different parts of the scheme.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Carefully review.

Provisions should be kept within planning scheme e.g. within zones. Does not improve system usability.

This appears to mean there will much cross referencing between different parts of the scheme.

City of Kingston Council supports the proposed change provided that an appropriate balance is struck to ensure that all relevant matters are able to be considered for an application, including for those applications that are relatively confined in nature with only one permit trigger.
Abandon proposal. Localised/tailored decision guidelines are effective for users of the planning scheme to identify the key issues that an application will be assessed upon to reflect the specific circumstances.

Supported where they provide clarity and consistency

Consider removing or rationalising the Clause 65 Decision Guidelines in favour of a limited number of decision guidelines in the Zones, Overlays or Particular Provisions.

The Clause 65 decision guidelines are of great importance, particularly for subdivision applications, across all zones.

It would be appropriate to include as many relevant decision-making requirements in the zones and overlays rather in a separate section at the end of the planning scheme

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways

Inadequate time to review.

Strongly agree.

Again, moving decision guidelines away from the permit-trIGGERING clause and into clause 65 is really unhelpful.

**Referral and notice provisions**

- Agree: 33
- Agree with comments: 27
- Disagree: 16
- Unsure: 10

Need to simplify and have clear as of right provisions

In involve all affected stakeholders in the process of finding solutions and making improvements

Important improvement so that the system operates more effective

The risk is that safeguards and checks are sacrificed for expediency

The Corangamite CMA supports the proposal to review the classification of referral agencies as ‘recommending’ authorities or ‘determining’ authorities and encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters.

Reclassification of Floodplain Management Authorities from determining to recommending authorities has had the unintended consequence of offering the potential for permit applicants (who have had their permit application refused by planning officers) to exercise and/or encourage Councillors discretion to overturn planning officer recommendations. This has resulted in poor planning decisions, increased the level of flood risk in the community and has increased the incidence of CMA’s addressing these issues at VCAT hearings.
Consulting Surveyors Victoria endorses actions to clarify and bring consistency to referrals and believes action is necessary as part of this review on excessive internal Responsible Authority referrals.

a), b), c) and d) Agree subject to this comment - This Clause should reflect how referral authorities worked historically by removing the reference to either a recommending or determining authority. An application should either need a referral or not.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Agree with all apart from point C.
We think that referral agreements are unnecessary and place a burden on Council and the agency. If standard conditions that can be applied, i.e. BMO schedule, this is a better and more transparent way of managing the issue.

With appropriate checks and balances.

Under Section 66.01 Referral and Notice provisions, certain subdivision types i.e. two lots require Responsible Authorities to include Mandatory conditions on the permit without the need for a referral. South East Water would like these mandatory conditions applied to all subdivision types. This will significantly reduce referrals and the associated work load for both Responsible & Referral authorities.
To undertake this change, South East Water requests that under the first mandatory condition pertaining to agreements, ‘Recycled Water (if applicable)’ be included with our drinking water and sewerage facility provisions. The second mandatory condition pertaining to easements and the third one requiring Section 8 referrals shall still apply.

South East Water currently receives many Council referrals under Section 52(1)(c) regarding proposed structures over our easement or within close proximity to our asset. These are known as ‘Build Over’ consents which attract a fee for service due to the complex assessment requirements. Therefore, we are not able to provide advice to Councils on these matters under a planning referral. Can there be a formal direction in place that advises Councils to no longer send these Section 52 referrals to us and perhaps include a standard condition in all building/subdivision permits that: “Any works over an authorities easement or within 1m of their asset requires the authorities written consent’?

Where Councils have referred Scheme Amendments and we have had no objection, the Responsible Authority & often Planning Panels continue to send us ‘information only’ correspondence on this matter. Our preference for all ‘no objections’ would be to no longer receive any follow up correspondence.

An application should either need a referral or not. Refer to my attached document.

There is no formal process through which local governments refer developments to electricity networks for consideration. This lack of co-ordinated referral means that land use and network planning decisions are less efficient and effective than they could be. We recommend updating the provisions of Section 66 as currently this clause does not require the mandatory referral (under Section 55 of the Planning and Environment Act 1987) of large developments such as apartment towers or development that will have a significant impact on the electricity network. Improving this referral section would mean better mandatory collaboration between councils and networks and potential for better energy outcomes.

Aboriginal Heritage Victoria should have a referral status regarding the need for a CHMP.
Coliban Water considers the role as a determining referral authority as vital part of the planning process to ensure public health and wellbeing and environmental protection and benefits through supply of potable water supplies and collection and treatment of sewerage. The determination of what is considered minor or low risk can be very site specific (particularly with respect to the location of our broader asset base, such as rural channels), the referral process provides the vital opportunity to assess and make a considered judgement on associated risks.

Removing 'comment' referrals is supported, and should become either 'determining' or 'recommending'.

Notice provisions are relevant to third parties and community groups. Clear and timely notice is vital to enable considered input into the planning process. Short or inadequate notice prejudices third parties and potentially compromises the quality of their contribution. This review should recognise the resource disadvantage affecting third parties, including community groups.

Supported where they provide clarity and consistency.

All referral authorities should be determining authorities. The Comrie Review mentioned above made recommendations regarding referrals to Catchment Management Authorities re: flooding.

It may also be worth DELWP actually meeting with the referral authorities to make sure that they still want to be included as a referral authority. Sometimes we just get standard responses.

Cement Concrete & Aggregates Australia supports the change of Clause 66.02-8 Stone Extraction that all Determining Authorities should be changed to Recommending Authorities. Currently Earth Resources Regulation (ERR) must make a decision that is consistent with the comments received from the various referral authorities, i.e. the referral authorities are all determining referral authorities. This can lead to unnecessary delays in the approval process and conditions that may conflict with industry best practice as approved and understood by ERR.

No right of review for secondary dwellings if secondary dwelling meets certain spatial criteria (as per NSW model)

Strongly support.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Clause 66 seems to be a model for how you want to re-draft other clauses, as noted above, but it's not a good structure. Again, referrals should be consolidated in the triggering clauses. Clause 66 – a late and ill-advised addition to the VPPs – should be removed, not seen as a model for other parts of the scheme.

Alternatively, this might be a good example of a provision to move to a non-statutory index / supplemental clause.

Only agree so long as this proposal doesn't lead to a reduction in the role of referral authorities. However, referral authorities must be resourced adequately to enable them to actually do assessments when asked.
The use of referral authorities is fully supported; however, Melton City Council would like to ensure that any authority listed is adequately resourced and have the right technical expertise to provide appropriate referral responses. There are many occasions where responses are not received from key referral authorities, which is of great concern to Council and the community, particularly when matters relate to uses, which could cause considerable risk to surrounding areas. Councils do not have the technical expertise to deal with a range of technical land use matters such as high-pressure gas pipelines, quarries, landfills, major hazard facilities etc. It is for this reason Councils seek technical advice through formal referrals on these matters.

Considering the above, Council officers seek more information on what is meant by modification a) which seeks to remove references to seeking the views of referral authorities and use the formal processes of Clause 66 instead. What is the benefit of this? By listing the referral, authority in the VPP’s makes it clear to all parties that the views of the referral authority are required and are important.

Council officers also seek further information on what is meant by modification b) which seeks to remove the classification of referral authorities as recommending or determining authorities. What is proposed to replace this? Is it proposed that they all become determining authorities? Council request the opportunity to review any changes made to this provision.

Given the above, Council agrees that a formal referral process, rather than an informal process is appropriate. This ensures a robust approach to the assessment of planning permit applications and provides Council with the support it needs to make an assessment on complex land use matters.

In terms of modification c), the use of agreements for minor matters might be appropriate however; Council would caution that these agreements must be strictly for minor matters only. Councils should not have to wade through long Practice Notes and Codes or Practice to make a determination on technical land use issues, rather than receiving formal referrals and advice, when considering planning permit applications.

In terms of modification d) Council supports the inclusion of the Department of Economic Development, Jobs, Transport and Resources as a referral body for land near existing quarries. Council requested this as part of the planning panel for Amendment C162 to the Melton Planning Scheme, in order to receive direction regarding impacts from quarry uses on land within the Mt Atkinson and Tarneit Plains Precinct Structure Plan.

Through this Panel and other recent ones relating to growth areas, Council also identified a key need for additional authorities to be referral authorities. Council requests that DELWP review the abovementioned Panel report and also consider advice in the Major Hazard Advisory Committee Report which highlight the need for authorities like high pressure gas pipeline authorities, to provide direction on land uses adjacent to high pressure gas pipelines, and for the Environment Protection Authority (EPA) to provide direction on the impacts of the Melbourne Regional Landfill and other resource and recovery facilities.

It is essential that anybody, who is the technical expert in relation to high-risk infrastructure (or failing this a relevant State Government authority to act for these bodies), are included as referral authorities as part of the Victorian Planning Provisions. Again, Council planning officers cannot be experts in all planning and land use matters and need appropriate guidance and support from relevant bodies from time to time.

- a) Agree with removal of reference to seeking views and comments throughout VPP and using formal Clause 66 processes.
- b) Agree with the intent of limiting formal referrals.
- c) Strongly agree with more standard agreements to reduce need for referral for minor and low risk matters.
- d) Agree with this modification but emphasis needs to be provided for all of DEDJTR to assess such applications and not just the resources area. Also consider all of DEDJTR’s role with proposed quarries. Note: Mitchell has recently experienced opposite opinions from within different divisions within DEDJTR on a proposed quarry

Strongly agree.
Energy Safe Victoria and Worksafe should be included as a referral authority with regard to development in proximity to Major Hazard Facilities and Pipelines. A VPP spatial planning response to managing the risk associated with these uses and nearby ‘sensitive uses’ is currently missing from the VPPs. Bringing ESV and Worksafe into the Planning System and formalising their roles with regard to mediating these risks is an important step in addressing this regulatory gap.

Serious consideration should be given to including Telstra and the NBN as referral authorities. Alternatively, the VPP’s should be revised to ensure that Telstra meets its requirements in providing early notification that it can service lots for Telecommunications purposes, so as land subdivisions in particular can proceed as early as possible, without relying on development.

Introduce permit exemptions if a determining referral authority has provided approval, or at least consider reducing notice to the referral authorities only.

**General terms**

- Agree: 48
- Agree with comments: 12
- Disagree: 10
- Unsure: 12

Involve all affected stakeholders in the process of finding solutions and making improvements

a) and b) Agree - Ensures completeness of General Terms section.

You are not trustworthy enough to have such responsibilities when you have too many vested interest involved in a process change that doesn’t serve the people and regions it is in place to protect.

Terms should not be so broad as to lose meaning.

Agree. Other terms to be reviewed: caretaker dwelling, background noise.

Supported where they provide clarity and consistency

A complete review and consultation about additional inclusions should be conducted. This should be combined with the process of updating the land use terms.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways

Strongly agree.

Hobsons Bay City Council supports the addition of a definition for ‘sensitive use’ within this section. This needs to be provided to guide exactly what uses are sensitive and need to be more carefully considered especially with regard to development in proximity to pipelines and Major Hazard Facilities.

Interfaces with the potentially contaminated land practice note and Ministerial Direction 1 and EAO. Not relevant to this clause but relevant to the EAO will be the need to update the provision following the introduction of the new EP Act and 2 step audit process.
## Land use terms

- Agree: 37
- Agree with comments: 21
- Disagree: 12
- Unsure: 12

### Involve all affected stakeholders in the process of finding solutions and making improvements

Attention needs to be paid to where land used for the following can occur:

- 'Model Shop' or 'Hobby Shop'

These shops sell quite large remote control equipment and are quite often a 'Bulky goods outlet' or sorts, which could have a specific listing in the 'Restricted retail premises'. As this does not have a specific definition currently, this leads to problems.

Often Councils advise applicants that they should look for a tenancy in the C1Z, however, these are not frequently visited shops with high profits or the need to display their goods to passing traffic.

These businesses often search for a large warehouse in the IN3Z as is the case with ACS BrandCo, located at FACTORY 7/41-45 RAILWAY AVENUE WERRIBEE 3030.

The business owner was subject to a Planning Compliance Officer from Council issuing him an infringement notice for undertaking a prohibited use in the IN3Z as the use in the opinion of the Council was that of a 'Shop', not having a frontage to a road in a Road Zone or adjoining or being on the same Lot as a Supermarket.

In summary, pay close attention to how the drafting of the IN3Z and Clause 74 definitions cause considerable disturbance to new types of land uses such as remote control model shops who often sell large bulky goods that require a trailer for them to be moved.

### Long overdue - should be reviewed regularly e.g. every 5 years.

In principle. The detail will be telling.

The test should not be the 'number' of terms but the relevance of terms and minimising those that are unnecessary or virtual duplications. In my experience, the 'minor utility' 'utility' has been an important differentiation - but as long as the differences (in terms of land use tables) were not lost in a single term, then it would be acceptable.

Similarly, consider in the light of the comments above under 3.1, as another case study.

I agree there should be more "as a right" sorts of permit applications. I had to produce hundreds of pages of planning permit materials and hire a lawyer and several experts to try to achieve what Council told me we could do before we bought the land. Turns out they didn't say we needed to fight Council. I wouldn't have bought the land if I knew there were no black and whites and EVERY SINGLE THING was up the discretion of a junior planning officer and an environmental office in the Nillimbik Council who didn't give a shit about human beings. They are pro-tree fanatics and have been seizing vacant land from private landowners without any compensation. What rights do we have? None. It should be written down somewhere.
Agree - Strongly support review of definitions to ensure contemporary and modern land uses are included and older terminology is removed. This review should also consider advertising signs definitions.

Examples of terms that have changed or do not exist include:
- Tavern to bar
- Massage premises (currently undefined)
- Day spa (Currently undefined)
- Restaurant to cafe

In relation to the following land use terms:
- Minor utility installation - greater clarification could be provided around the term ‘serve a neighbourhood’
- Utility installation – consider adding the following sub-clause, ‘Land used...‘to store electricity.’

Please refer to our submission regarding the need to review the term used for extractive industry to be in line with industry practice and government policy.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Detailed consultation is required.

Maroondah City Council supports the removal of obsolete uses. In any review, please be mindful that similar uses can have very different parking requirements. An increase in the levels of specificity and clarity between very similar terms and definitions would be useful.

Terms should not be so broad as to lose meaning.

ID 44: Definitions
We support the ongoing review of the VPPs to ensure the provisions remain contemporary. Of particular importance is the update of land use definitions. One specific issue is that the definition of a camping and caravan park does not identify a duration of stay for users which has seen a number of caravan parks in our municipality converted to retirement villages outside of settlements.

The revised definitions should be tested with councils on existing applications before changes are made to the VPPs to ensure there aren’t unintended consequences or further improvements.

There is earlier reference to 'pop up' or temporary uses. This should be defined if it is a concept/land use introduced into the rest of the planning scheme. That said, there is a risk that ‘pop up’ and temporary uses would be discouraged from establishing in the event an overly regulatory approach to the approvals process was implemented.

Definitions of 'shared housing', 'community care units' and 'crisis accommodation' should be considered depending on the current work happening regarding these land uses to ensure clarity.

Further clarity on Utility Installations and Minor Utility Installations

Definitions are necessary to narrowly clarify the use of particular words or terms. The BDTPS is wary that ‘reducing the number of terms’, ‘remove obsolete uses’, ‘be less prescriptive by removing overly specific terms’ and ‘broaden terms and definitions to account for rapidly shifting industries and lifestyles’ may all be ‘bureaucratese’ for diluting and dumbing down the VPP. The result will invariably be an increase in the level of planning disputes.

Any amendment to the definitions requires full consultation with, and agreement by, local government, community groups and the broader community.
Melton City Council officers agree that the VPP land use terms and definitions should be reviewed.

Council officers agree that the reduction in the number of terms (modification a), the removal of obsolete terms (modification b), use of plain English terms (modification d), modernisation of definitions (modification e), and providing definitions for undefined terms (modification f) could help to resolve confusion and dispute about the definition of words.

Council request the opportunity to review any changes made to this provision.

Include regular review and update of land use terms. Make changes consistent through relevant zone/overlay provisions.

Strongly agree with reviewing land use terms. Disagree with adding term ‘Holiday Dwelling’. Dwellings in regional areas of high amenity are used variously as full-time accommodation for locals or those transitioning into full-time regional living. Unsure what benefit issuing a permit for a ‘holiday dwelling’ would serve and can cause significant impact on Council’s infrastructure which is difficult to service given a seasonal population.

Supported where they provide clarity and consistency.

Mornington Peninsula Localised Planning Statement should prevail.

Expand on uses that have become more prevalent since this was last written. Use VCAT cases to assist in determining which land definitions need to be included.

Significant review of land use terms need to be undertaken and this should be a comprehensive consultative process.

Need to consider changing business types with rural land uses need updating due to primary producer changing and improving their practices and businesses with a number of producers now grow, pack and distribute on site.

Once updated the definitions should be required to be reviewed and updated on a regular basis.

Child care centres should be recognized as a sensitive land use.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Inadequate time but have reservations about the rural land use term changes.

Strongly agree.

The discussion of land use clauses is quite contradictory. You (rightly) argue for the reduction of overly specific terms, and terms that don’t require different treatment in zone tables, but then talk of adding “café” – a use not in the scheme because there’s no land use reason to distinguish it from a restaurant.

Land use terms without definitions may have value where they are used to clarify nesting.
Further clarity on food and drink premises uses is needed, particularly with regard to differentiating the different car parking requirements that should be expected for restaurants, cafes or takeaway food premises.

The addition of a definition for a food truck park would also be timely.

Note previous comment re Railway infrastructure definition in Rail Management Act 1996.

Land use terms (regarding commercial battery storage facilities)

- Agree: 35
- Agree with comments: 9
- Disagree: 10
- Unsure: 20

Involve all affected stakeholders in the process of finding solutions and making improvements

Should be grouped with renewable energy facilities

Agree in principle. The detail will be telling.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

The definitions for ‘wind energy facility’ and ‘renewable energy facility’ are potentially broad enough to include large scale electricity storage systems as part of the facility – ‘or thing.’ However, to avoid doubt the following changes are suggested. In addition to the comments at 44, the following definitions should be amended:

**Wind Energy Facility:** Land used to generate electricity by wind force. It includes land used for:
- any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force
- an anemometer
- a utility installation
- electricity storage*

It does not include turbines principally used to supply electricity for domestic, commercial, industrial **or rural use of the land. *this could be deleted if the definition of a utility installation is amended in time. **It should reflect other land uses

**Renewable Energy Facility**
- Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth’s heat.
- It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource.
- It includes a utility installation and electricity storage**
- It does not include a renewable energy facility principally used to supply energy for an existing use of the land.
Melton City Council officers agree that the VPP should be amended to include commercial battery storage facilities.

This raises the question on how the land use terms deal with other emerging technologies such as facilities required to service drone deliveries, electric cars and automated vehicles. The land use terms should be reviewed frequently to ensure the needs of emerging technologies are addressed, particularly where they have the potential to radically change the movement patterns of people and goods.

Supported where they provide clarity and consistency.

Mornington Peninsula Localised Planning Statement should prevail.

Significant review of land use terms need to be undertaken and this should be a comprehensive consultative process.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

**Nesting diagrams**
- Agree: 41
- Agree with comments: 10
- Disagree: 10
- Unsure: 17

Involve all affected stakeholders in the process of finding solutions and making improvements

Seems sensible on the face of it.

a) Agree - No issues, this is a logical shift.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Suggest reviewing all nesting diagrams.

The current diagrams suck. Any improvement and modernisation would be welcomed!

Melton City Council officers agree that shifting Cinema Based Entertainment Facility from an un-nested use to be part of the Place of Assembly group is a sensible change. If this modification was made all zones should be checked to ensure whether its designation as Section 1, 2 or 3 use should be changed as it would be undesirable for this use to be permitted in some areas such as rural zones.

Council request the opportunity to review any changes made to this provision.

Other nesting is likely to require review as a result of the land use terms review process.

Supported where they provide clarity and consistency.
Significant review of nesting diagrams need to be undertaken and updated as the land use terms change and this should be a comprehensive consultative process.

Would be appropriate to do as part of review of land use terms

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

This was nested separately for a specific strategic reason that is different to other places of assembly (i.e. to construct controls to prevent stand-alone cinea centres).

If you want to revisit that policy, this needs strategic justification. It isn’t just an administrative clean-up.

I'd love to know who suggested this! It's like someone is trying to slip a major change to activity centre policy through the back door.

### Incorporated documents
- Agree: 44
- Agree with comments: 12
- Disagree: 7
- Unsure: 16

Very complex section requiring simplification

Incorporate all affected stakeholders in the process of finding solutions and making improvements

Long overdue and cumbersome to manage.

Outdated items, yes. But, just because something is old does not mean it is no longer relevant.

Not convinced a standard template can be used. Key focus should be consolidating existing documents into the planning library.

a), b), c), d) and e) Agree - No issues, ensures consistency and accessibility of incorporated documents.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Review carefully.

a) Would this apply retrospectively?
   b) supported. The paywalls make them less accessible to community users.
   c) Seems to make sense.
   d) Makes sense.
   e) Makes sense. Should really be part of any planning scheme review as it relates to Council documents.

We have concerns about some of the implications of the use of IDs - the removal of normal planning processes and controls.
Melton City Council officers strongly disagree with modification a) that seeks to include a standard template for incorporated documents. Precinct Structure Plans and Development Contribution Plans are incorporated into the Melton Planning Scheme. These have been prepared by the VPA. It would be a large exercise for these to be adapted to a standard template.

Many incorporated documents have been developed to be fit for purpose, and it would be difficult to develop a standard template that covers all matters covered by incorporated documents in a standard template. If a standard template was created it would be a lengthy and difficult process to adapt documents to the template, and may result in loss of important material.

Council officers agree that the use of Australian Standards is problematic where a fee is payable for access (modification b). This reduces the accessibility to these incorporated documents. Addressing this should be a high priority action for DELWP.

Council officers strongly disagree with modification c) which states that extracts should be taken from particularly large incorporated documents. It is unclear what is considered to be a large document, and who would decide what should be extracted. This is problematic as many incorporated documents have been added to the planning scheme as a result of planning scheme amendments and panel processes. It is possible that critical information could be removed. It would be preferable for existing incorporated documents be retained as is.

Council officers recommend that guidance should be provided on the creation of incorporated documents to ensure future documents are concise and easy to use.

Council officers support modification d) which seeks to remove obsolete or outdated incorporated documents.

Council officers support modification e) which seeks to replace document references with updated references where available.

| Great idea. Also suggest giving weight to most recently incorporated documents. |
| Supported where they provide clarity and consistency |
| Not sure if this is practical – such a range of different matters addressed within Incorporated Documents. |
| I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways. |
| This seems to be just stating what should be existing practice. |
| Standardising or tempting incorporated documents may be difficult to achieve - by their nature they are tailored to the circumstance - i.e. code of practice or AS, versus an incorporated plan under the HO or an incorporated document under 52.03. If a document exists that already has status, e.g. an AS or code of practice, these should be used. |
### Practice notes

- Agree: 45
- Agree with comments: 16
- Disagree: 7
- Unsure: 14

Maybe a practice note on applying PAO would also be helpful.

*Involve all affected stakeholders in the process of finding solutions and making improvements*

*Format should updated readily and part of planning Library*

*Many in need of review. Use plain English and need to be much more concise.*

*a), b) and c) Agree - Practice Notes should be updated and easier to access from the DELWP website. They are currently difficult to locate and the search function is inadequate.*

*You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.*

*The current system works very well why change something that works.*

*It would be good to be clear on what weight a practice note has*

*a) Support.
b) Support – this could be helpful e.g. if people paint walls with advertising.
c) Support - This should include further consultation.*

*We recommend updating State Planning Provisions and relevant Planning Guidelines and practice notes to better support the uptake of new energy technologies to align with the State Government Climate Change Act, Renewable Energy Target, Energy Efficiency Strategy and Plan Melbourne Refresh.*

*Mandatory controls – Practice Notes need to be urgently revised to reflect current government policy/approach.*

*Melton City Council officers support modification a) which seeks to repackage the practice notes to make them easier to navigate. Officers support changes, which make it easier to access information.*

*Council officers support modification b) which seeks to create a practice note addressing advertising sign provisions. Council request the opportunity to review any changes made to this provision.*

*Council officers support modification c) which seeks to update practice note 59 (the role of mandatory provisions). This would provide the planning community improved guidance on the role of mandatory provisions and the circumstances whereby they can be applied. Council request the opportunity to review any changes made to the practice notes.*

*b) Suggest creating a new category of advertising signs in heritage areas to influence design of signage.*

*Supported where they provide clarity and consistency*

*Add a link within the relevant section of the planning scheme to make them easier to find, e.g.: ResCode practise note in Clause 54 and 55, cumulative impact in clause 52.29*
These should be incorporated into the online library and relevant practice notes should be communicated to applicants.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Strongly agree.

All the practice notes need a thorough review, particularly those relating to contaminated land, public land (and applying zones to) and the Ministerial Powers of Intervention. The latter perpetuates an unfortunate negative attitude toward the Minister legitimately exercising powers under the Act. To my knowledge the word ‘intervention’ never appears in the P&E Act. See LXRAs submission package emailed to Smart Planning.

**Technology and the availability of documents**

- Agree: 52
- Agree with comments: 12
- Disagree: 7
- Unsure: 10

Section 173 agreements are important tools to achieve planning outcomes however they are timely and costly to prepare. A template might be useful particularly for contributions or works in kind agreement, restrictions on use to comply with requirements of other legislation - i.e. - proximity to gas pipeline, flight routes.

Involve all affected stakeholders in the process of finding solutions and making improvements.

Smaller Councils have difficulty in making some documents online.

Strongly agree. Existing permit availability on-line should be mandatory after a transition period. The ability to source existing permits (supposedly free of charge during office hours - according to the Act) is a major hold-up. If not possible going back in time, it should be mandated from a recent date.

a) and b) Agree - Strongly support greater electronic accessibility.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

Councils need to over sight development in the interest of the rate payers to make sure it fits into the scheme for the best practice.

Support for the proposed changes. The online planning library would be a great outcome however this will need to be led and completed by DELWP. Council does not have the resources (time, resources and technology) to complete these ourselves. It should be acknowledged that to make it a full library, our plans (like Development Plans, PSP etc.) would need to be included; however, these documents would need to be made accessible which is a time intensive effort.

a) Improvements in digitisation support the usability of the system Support – but be mindful of sensitive information.

b) Welcomed.
Increasing accessibility to planning information is supported, noting that this does potentially have resourcing implications, particularly where Council does not yet have a system in place to receive applications electronically.

This requires changes to the Planning and Environment Act 1987 and associated Regulations 2015. The availability of documents needs to be worked through having regard to privacy and the existing freedom of information opportunities.

The availability of documents for inspection also applies to objections (section 57(5) of the P&E Act) so there should be consideration of whether this also needs to change.

Whether or not documents are available online, it essential that relevant documents are readily available to the community.

Council officers agree with modification a) that seeks to encourage councils to make documents relating to planning applications freely available on their website. This modification makes it easier for people to view applications. Consideration should be given to the creation of a web-based platform to accept, consider and determine planning applications across the State.

Council officers agree with modification b) that seeks to provide a plain text version of planning schemes online to allow copy and paste into reports. This should be a high priority action by the State Government as this would improve planning reports across the State.

There is a word version of all planning schemes available, however it would be a timesaver to not have to access this when needing to copy and paste large sections of scheme text. Legislation regarding availability of hard copy Planning Scheme Amendment documentation, particularly post approval, should be reviewed as these documents are freely available online.

Supported where they provide clarity and consistency

Many councils are already pursuing this with their online services.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don't support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

Council uses the Greenlight application to provide electronic copies of all permit related documents via a public portal and to coordinate referral of applications to internal and external stakeholders. This capability should be supported by the Victorian Government and ideally a consistent level of service and functionality should be established for all councils.

Strongly agree.
### Section 173 agreements

- Agree: 37
- Agree with comments: 21
- Disagree: 12
- Unsure: 12

Unless the planning or legal system can provide an alternative tool, S173’s are the only tool we have to embed decisions and obligations with the subject land into perpetuity.

**Involve all affected stakeholders in the process of finding solutions and making improvements**

Previous reviews have referred to their over-use but nothing has been done in this area. It is overdue.

I have attached the story of how the Nillumbik Shire and this entire broken system of the planning scheme have affected my family. The saga is ongoing. There is no solution in sight. Apparently this planning provision review process is something which apparently might help fix these sorts of problems so I encourage you to read my situation. I am happy to speak to anyone.

There may be impact on the agreement in relation to the quality of a property for offset. Special qualities may need protection.

The extreme length and complexity of this questionnaire will most likely deter many residents from responding. What a pity. When will we hear about this move in the media?

**Section 173 regime works well 'as is'.**

Consulting Surveyors Victoria believes that review of Section 173 agreements should also include review of the inappropriate use by many Councils of these agreements as subdivision permit condition related to development permit condition compliance.

a) and b) Agree subject to this comment - The ability to use Section 173 agreements should be retained, they are a necessary tool to ensure community expectations are achieved and enforced. Consideration could be given to including sunset clauses to allow cessation of the agreement once the obligations of the use and development are met.

S.173 Agreements have an important role in Victoria’s planning system. We agree with the introduction of standardisation to S.173 Agreement format and content. There may be a role to broaden S.173 Agreements to apply between proponents and other parties aside from the responsible authority. In some instances, where a planning purpose is served, consideration should be given to the responsible authority not being a party to a S.173 Agreement.

For example, some Councils have demonstrated reluctance to being a party to S.173 Agreements where they do not benefit (e.g. a financial contribution or additional planning outcome) [e.g. no further subdivision] from their role as a party to the S.173 Agreement. An example of this would be a S.173 Agreement where a farmer hosting a wind energy facility would be supportive of a noise level exceeding the required standard.

You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect.

**Basically. My Further Comments in item 1.1 apply to all areas - Lack of Notice and Loss of RIGHTS of appeal!**

S173 Agreements are a useful and essential tool for the City of Whittlesea. The benefits of S173 Agreements are:
- they allow Council to negotiate agreements with land owners/developers which improve development
outcomes for both parties.

• they ensure critical restrictions/obligations are followed through as they form restrictions on the title of land.
• they provide for flexibility and are considered to be useful instruments overall.

This is a ridiculously-long and complicated response form for a simple resident of a rural area to complete. Again, those with staff, resources and vested interests will doubtless be swamping this mail box and leading to a skewed and biased set of results/comments

I have real concerns about some of these changes, not helped by the complexity of this survey, which took sheer commitment to complete! General comments:

• Need to allow for differences in processes for different municipalities to maintain unique neighbourhood character.
• Need to not use a tick box approach to anything that destroys neighbourhood character i.e.: heritage, trees.
• I am appalled by the nature of this survey, which is so complex and detailed I almost gave up!! Not a good omen for the VPP.

South East Water’s opinion is that 173 agreements play an important role on Title by advising owners or prospective owners that they may be responsible for connection or contribution costs in the future. We use 173 agreements as a last resort and issue very few per year (no more than 20), so don’t see it as an overuse. South East Water does have a standard template that we provide our customers, requiring very little amendment.

• Additional guidance around their role and function would be useful.
• Support – this would be useful.

Further information is required to fully assess this change. It is noted that this may also require a Legislation change in terms of changes to the Planning and Environment Act 1987.

These are being WAY overused by Councils trying to dictate now and into the future what can happen on a block of land rather than using permit conditions to ensure adequate control of what happens now.

Coliban believes there is a need to ensure that the use of a Section 173 agreement should be supported when it is the most sensible mechanism for a referral agency to ensure requirements to current and future owners of the land are met, even if the Responsible Authority does not see a role for themselves.

If legislative changes are required to the Planning and Environment Act it may be worth considering that a section 173 agreement could be between any Public Authority and an owner of land.

Standard templates for Section 173 agreements would be a big benefit, saving time and money

no comment at this time

As long as they are administered in a robust manner, Section 173 agreements are crucial in providing for the management, protection and enhancement of local areas of high quality, endangered remnant vegetation and should be retained.

The attached supporting documents provide a background to achieve city-wide tree and vegetation controls in the City of Whitehorse, best read in the following order:
1. Whitehorse Tree Study Options Report (May 2016)
2. Tree Society submission re Whitehorse Tree Study Options report (May 2016)
3. City of Whitehorse Tree Study. web archive (July 2016)
4. MAV State Council Resolutions from Membership (May 2017) - see page 8 regarding increased penalties for tree removals. Note that the City of Whitehorse Mayor, Denise Massoud, put this Motion and it was carried by
the vast majority of municipal, rural and regional local government authorities in Victoria.

http://202020vision.com.au/media/7141/final-report_140930.pdf is the link to the 2014 Institute of Sustainable Futures Benchmarking Australia’s Urban Tree Canopy: An i-Tree Assessment, Final Report. It should/could/must be used as a benchmark measurement for tree canopy loss/gain over time. Page 18 and 19 provide canopy cover figures for Victorian municipalities

Also there was an interesting program on ABC Radio National 'Money' program aired on Thursday 31 August 2017 on the economic value of trees. The following link provides a podcast of the program:
www.abc.net.au/radionational/programs/themoney
It’s specifically about street trees but has many valid points re their economic value.

Also attached is the Melbourne City Council Amenity Tree Valuation tool (Whitehorse has one as well) that the tree society advocates must be used to provide a dollar value for all trees in the local urban landscape on both public and private property.

Melton City Council officers disagree with modification a) which states Section 173 Agreements are overused in the State.

Council officers agree with modification b) which states a standard template should be created for Section 173 Agreements. However, the template must have enough flexibility to respond to specific or unique elements of developments. Melton City Council has created a standard template, and would be happy to share this with DELWP.

Fully agree. We need to be able to remove S173 agreements that have already been implemented. need sunset clauses for S173s.

Agree that Section 173 agreements are overused for minor matters relating to small developments. However, a review of Section 173 agreements must consider:

- Section 173 agreements are required to secure contributions for major developments and are a genuine tool in providing essential infrastructure to meet the needs of growing communities.
- DCPO’s are difficult to implement. Section 173 agreements provide Council with an important negotiation tool and provide certainty regarding contributions.
- Any review of Section 173 Agreements will need to consider the recent ICP reforms and should not be considered in isolation.

Supported where they provide clarity and consistency.

Mornington Peninsula Localised Planning Statement should prevail.

I have disagreed with every category in protest over the process of this proposal.
‘Simplify and modernise Victoria’s planning rules’ is a great aim but not at the possibility of giving more power to developers and remote decision makers at the expense of Local Councils, community groups and residents.
With climate change about to descend upon us the environment should be front and centre of every decision made. We must protect the amenity of our cities and our food producing areas.
Please start again with proper consultation.

Changing the use of Section 173 agreements won’t necessarily lead to time savings as other means will be negotiated to address complex matters, such as, development contributions.

These negotiations usually don’t relate to standard Agreements required by Schedules.

These agreements although may be considered to be overused in the overall system are critical for dealing
with some issues that cannot be covered by planning permits and run with the property often in perpetuity ensuring the landowners are clear of their obligations when land is sold.

Standard agreements are useful but flexibility is important for the unusual cases.

Agree with creating a standard template after industry consultation on draft.

The S173 Agreement increase has been so to increase gaps in uncertainty created by the State absence in addressing issues, the current proposal does little to remedy this as it seeks to remove clarity.

Please find attached the word document containing VicRoads response.

Section 173 Agreements are used to implement Development Contributions arrangements through the Works in Kind process. This process is important for enabling the implementation of DCP’s.

Standardising Section 173 Agreements would be in part contradictory to the role Section 173 Agreements play within the Planning and Environment Act.

There may be a place for a standard agreement template for certain types of straightforward matters but the template shouldn’t be applicable for all circumstances.

I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. The achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

As a resident of a Green Wedge Shire courtesy of the forward-thinking Premier Sir Rupert Hamer I find much of this proposal frightening in its capacity to seem to think that all the state and regions can be considered to be a one size fits all where planning is concerned. In my experience, this leads to the lowest common denominator of development. Same unsuitable McMansions and townhouses devoid of architectural merit with air conditioners on roofs everywhere.

Eltham, Broadmeadows, Caroline Springs, Altona developers building the same little boxes helped by government broad planning laws.

Neighbourhood character and residents enjoyment of their chosen suburb appears to be a secondary consideration. Welcome to the brave new world of mediocrity.

Strongly agree. Section 173 Agreements very cumbersome and overly bureaucratic.

Greater consistency in drafting of agreements via the provision of a standard template and Practice Notes and/or other guidance are required.

Section 173 Agreement process needs to be streamlined and consideration given to standard documents.

I am outraged that this huge change is being made without appropriate consultation. One only wonders who is to benefit. Not the people, that’s for sure.
## 5.2: Update definitions section of the VPP

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<tr>
<td><strong>Submissions</strong></td>
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<tr>
<td>Gannawarra Shire Council</td>
<td>- Clause 5.2 should be reviewed not less than every 5 years to respond to technology, work practices and the section regrouped rather than by date that it was included in the Planning Scheme.</td>
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| City of Kingston | - A number of definitions need updating within the Scheme while others could be deleted. New and emerging industries such as bespoke microbrewery’s and coffee roasters should also be defined as these currently fall under "industry" and are therefore highly restricted in terms of where they can be located.  
- A change to the definition of 'Dwelling' should be considered. This creates confusion when considering ‘granny flat/dependent persons unit’ and ‘shared housing/crisis accommodation/community care units’. |
| Yarra City Council | - Council is supportive of improvements to the planning scheme, in response to the specific examples used within the paper the following comments are offered:  
  - Support making more permit exempt uses/works;  
  - Do not support providing more conditions to section 1 uses as this would make the permit table less clear (especially as it relates to vastly different Councils).  
  - Should be no change to ‘prohibited’ land uses for above reason.  
  - Agree that there should be less referral requirements.  
  - Agree with the principal to clarify/simplify/modernise definitions (land use and other), Eg. restaurant/convenience restaurant/cafe/take away food premises/food and drinks premises. Hotel/tavern/bar etc.  
  - This is supported, however, examples of proposed definitions are needed to inform comments. |
| Melton City Council | - Updates to definitions is supported as some definitions such as shop versus retail premises are similar or ambiguous and are therefore open to too much interpretation.  
- Council officers agree that land use terms and definitions could be improved to:  
  - Increase use of everyday terms that the community understands  
  - Remove or modernise obsolete terms and provide for new or emerging land uses  
  - Remove unnecessarily specific terms and broaden terms, where appropriate  
  - Provide definitions for undefined terms where appropriate  
- Council officers would like the opportunity to review and comment on proposed amendments to the definition section. |
| Murrindindi Shire Council | - This is supported with definitions to be updated to include modern types of accommodation and other uses such as wellness centres that do not fit neatly into the existing definitions. |
| Cardinia Shire Council | - Prior to updating definitions opportunity to input into the definitions changes and additional definitions to be included should be sought, particularly from Councils. |
| Wyndham City Council | - This is supported, however creating new definitions may create confusion as to the meaning of existing uses/or permits that describe specific uses. This would need to be carefully worked through and be subject to legal review before implementation.  
- It should include a review of "missing" definitions e.g. Contractor’s depot  
- With the growth of on-line businesses, it would be appropriate to review the Home Occupation definition (and also the Particular Provision). |
| City of Stonnington | - Supported in-principle; however, examples of proposed definitions are needed to inform comments. |
| Maribyrnong City Council | - Uses that should be defined include bars, cafes, beauty salons, gymnasium, microbrewery, urban manufacturing, office/warehouse, creative industries and massage parlours. |
| Greater Shepparton City Council | - Officers support this reform, it is considered that one of the most contentious part of the planning scheme is the definitions of terms. Planners use the definitions section of the planning scheme to ascertain if a use is permissible or prohibited.  
- In some cases, the definitions are out dated and not fit for purpose and can lead to contentious decisions on the need for a planning permit or an application being prohibited. In light of the above, the proposal to update the definitions is timely and supported by council officers.  
- This is particularly the case around horse stables/animal keeping and this was not captured by the recent review of the animal industries. In this regard, if a term is in the definition, it should be defined, not left blank. |
| Frankston City Council | - I agree subject to.  
- Food and drink premises vs restaurant. When is a Food and drink premises/café actually a restaurant?  
- The current Cl 74 definitions are hard to decipher through. |
| Australian Institute of Architects | - The changes proposed to specific provisions are extensive, and would require a longer timeframe to implement that what is allocated. |
| Planning Institute Australia (PIA), Victoria | - Definitions requires review to ensure this reflects current best practice including emerging and important planning matters such as housing trends e.g. requirements for a clear and consistent definition for affordable housing and other emerging housing trends such as community-led development models (i.e. co-housing).  
- Definitions needs to be clearly worded and avoid confusion to ensure decision makers can be confident in their decisions without the need for testing at VCAT.  
- Appropriate consultation will be required. |
| Tomkinson Group | - Great idea - desperately needs updating, and should be reviewed on a yearly basis in line with the pace of technological change. |
| Bosco Jonson Pty Ltd | • Consider providing a definition for 'secondary consent'.
• Consider providing a definition for 'Adopted Policies' or 'Reference Documents'.
• Consider providing a definition for 'Urban Design' – giving it scope and scale of projects to which it applies. Too often, Urban Design departments are involved with Planning Permit applications for Advertising Signs at Major Activity Centres. These types of applications should be able to be assessed by application of the decision guidelines of particular provisions in 52.06 by a Statutory Planning Officer. This would allow Urban Designers to focus on broader issues at a larger scale giving direction to their role as a professional rather than an ad hoc giver of critique to a Statutory Planner who has internally referred an application to them.
• Definitions should be updated to reflect more commonly used terms that are undefined in the current planning scheme. This would assist where there are conflicts between existing definitions and undefined ones, i.e.: Student Accommodation and Shared Housing. |
| --- | --- |
| Small Change Design & Construction Pty Ltd | • A state wide VPP amendment to Clause 74 Land Term Use to add definition for 'Small Secondary Dwelling' – a self contained dwelling established in conjunction with main dwelling and on the same lot of land. The Dependent Person Unit definition would no longer be necessary and could be deleted.
• Niche understands and agrees with the necessity and proposal to update the definitions component of the VPP. Indeed, it remains pertinent that various definitions included in this section are out-dated words that do not apply to modern-day land uses, such as tavern. Further, there are many definitions that are not included, which are commonly referred to within planning permit application, or other clauses of the scheme, such as balcony and veranda, which deserve definitions. |
| Niche Planning Studio | • This definitely needs to be done, many terms are now redundant and many new terms are now in use that are not included in the definitions. |
| Surveying & Spatial Sciences Institute | • The VPPs need to be flexible and responsive to new development and changes. To work out how any new issues can be nominated and put into the scheme.
• A new definition for urban or city open space may be required, acknowledging that open space will not always be a park.
• A cross reference to the Rail Management Act 1996 definition of railway infrastructure would be useful – most planners wouldn’t know it exists, and what it includes (i.e. more than track). |
| Coliban Water | • Coliban Water believes the definitions for water infrastructure both man made (such as reticulated systems or Open water channels) or natural features (Waterways, streams and drainage lines) should be included in definitions as they are currently poorly represented. |
| Level Crossing Removal Authority | • The various definitions of open space needs examination along with the interface with Ministerial Direction no 1 and the potentially contaminated land practice note.
• A new definition for urban or city open space may be required, acknowledging that open space will not always be a park.
• A cross reference to the Rail Management Act 1996 definition of railway infrastructure would be useful – most planners wouldn’t know it exists, and what it includes (i.e. more than track). |
| Eltham Community Action Group | • This need to be done to close loop-holes and strengthen what is good about the system (and not be taken as an opportunity to re-define land use as in the Neighbourhood Residential Zone). |
| Toxic Free Fawkner | • There already exist too many tracks towards applying for permits - Vic Smart; state master plans; various state authorities; State Minister; code assess etc. The planning system is indeed a mess at present, but removing requirements (where residents are and or get involved) is foolish to say the least. Adding more would be doubly foolish. |
| Flinders Community Association | • Definitions may refer to subjects that are closely related and overlaps may lead to inconsistent interpretation and unintended outcomes. The main policy principles of the UGB and Green Wedge including separation of essentially industry/farming must be maintained at all costs.
• For example: the proposal that: “prohibited uses” be converted to “consent uses subject to conditions” is unacceptable and will create unnecessary uncertainty, ongoing dispute and potentially unintended land use conflicts particularly in the Green Wedge. Similarly, the arbitrary extension of primary produce sales to include “related goods” undermines the principle of the sale of farm-gate/farm-produced items and has the potential to promote out of centre retail activity and unfair competition with urban centres. |
| Nepean Historical Society (NHS) | • We support the comments of the MPSC in particular the comments relating to the Green Wedge area of the shire, and the risk of “residential creep” into agricultural land and the need for protection of agricultural land “into perpetuity”. We note here that the peninsulas a food bowl.
• As such we strongly encourage greater diversity in the definition of housing typologies in the VPP to support the provision of affordable housing and lifestyles, greater environmental and social benefit, economic resilience and greater security of tenure through the provision of innovating housing solutions.
• (Please refer to attached supporting documents). |
| Cohousing Australia | • Cohousing Australia believes that the review of the Victorian Planning Provisions is a good opportunity to reflect on the role of planning in housing delivery. The Victorian housing delivery systems are in crisis and there is demand for greater diversity in the housing market that address economic, environmental and social concerns that urban and regional centres currently face.
• As such we strongly encourage greater diversity in the definition of housing typologies in the VPP to support the provision of affordable housing and lifestyles, greater environmental and social benefit, economic resilience and greater security of tenure through the provision of innovating housing solutions.
• (Please refer to attached supporting documents). |
| Nillumbik Pro Active Landowners | • Agree. See submission attached. |
| Individual responses | • Definitions need to be written in a way that a lay person can understand them. Or a Councillor!
• There is a big problem with having a fixed set of headings for issues in the state section and excluding consideration of anything else outside of those headings. What happens to new issues which we do not know about. For example, twenty years ago climate change was not a big issue and hence it was not really mentioned in the VPPs. Today no one would argue that planning has a role in addressing this issue.
• There needs to be a general heading titled "New Issues" to cater for unforeseen planning matters that will need a planning response in the future but are not currently mentioned i the VPPs. There can be guidelines to work out how any new issues can be nominated and put into the scheme.
• The VPPs need to be flexible and responsive to new development and changes.
• Involve all affected stakeholders in the process of finding solutions and making improvements. |
| Attention needs to be paid to where land used for the following can occur: | --- |
- 'Model Shop' or 'Hobby Shop'
- These shops sell quite large remote control equipment and are quite often a 'Bulky goods outlet' or sorts, which could have a specific listing in the 'Restricted retail premises'. As this does not have a specific definition currently, this leads to problems.
- Often Councils advise applicants that they should look for a tenancy in the C1Z, however, these are not frequently visited shops with high profits or the need to display their goods to passing traffic.
- These businesses often search for a large warehouse in the IN3Z as is the case with ACS BrandCo, located at FACTORY 7/41-45 RAILWAY AVENUE WERRIBEE 3030.
- The business owner was subject to a Planning Compliance Officer from Council issuing him an infringement notice for undertaking a prohibited use in the IN3Z as the use in the opinion of the Council was that of a 'Shop', not having a frontage to a road in a Road Zone or adjoining or being on the same Lot as a Supermarket.
- In summary, pay close attention to how the drafting of of the IN3Z and Clause Clause 74 definitions cause considerable disturbance to new types of land uses such as remote control model shops who often sell large bulky goods that require a trailer for them to be moved.

- You are not trustworthy enough to have such responsibilities when you have too many vested interest involved in a process change that doesn't serve the people and regions it is in place to protect.

- I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways.

- Thinning out the advertising sign definitions as recommended by the Advisory Committee would be a good idea. Note however you’d need to transition everyone’s policies somehow as they would still refer to old categories.
- Note that your central example of a code for a “café” is an example of a land use term that shouldn’t be added because there is no valid land use distinction between restaurant and café. This is an example of the muddled approach to drafting in this document.

- Until your department does the right thing and properly consults the communities that will be so badly affected by the proposals, the whole idea should be abandoned.
5.3: Regularly review and monitor the VPP

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- Whittlesea City Council
  - The VAGO – Managing Victoria’s Planning System report recommended that DELWP, in conjunction with Council’s, develop a measurement and performance monitoring framework for planning schemes, to measure how successful planning schemes are in meeting the objectives of the Planning and Environment Act. This would be useful as part of the reviewing and monitoring of the VPP and planning scheme review process.

- City of Greater Bendigo
  - This should already happen.

- City of Kingston
  - Council supports the creation of a register of suggestions for the VPP’s however does not support the establishment of a drafting unit to achieve this where it would apply to local policy content.

- Yarra City Council
  - A regular review of the VPP’s is supported, Councils are required to regularly review the local content of the planning scheme, and this should also apply to the state-wide provisions.

- Melton City Council
  - Every review of the planning system and the VPP’s have recommended that the VPP’s should be regularly reviewed and monitored.
  - Council officers agree that this is necessary to ensure the VPP’s are kept up to date and relevant.

- Cardinia Shire Council
  - What resources does DELWP have to implement the changes for each Council’s PFP and clear direction to the content and format of this section and if the if the legislative reviews will also be incorporated into the Act if this is to be introduced to define the requirement to be ‘regularly reviewed’. Also consider introducing a streamlined amendment process for amendment to the MSS that is amended to update Council Plan.

- Wyndham City Council
  - DELWP (and predecessors) are the custodian of the planning system but have failed to properly review and monitor the VPP (as AG reports have proven).
  - As stated above, there should be a legislative requirement for the State Government to undertake a formal review of the VPP (including State policy), similar to the requirement on local government to review its planning scheme every four years.

- Greater Shepparton City Council
  - This reform is supported, particularly a mechanism that looks at VCAT and Panel decisions and endeavours to make reform and provide consistency in interpretation and implementation in line with these.
  - For example, it is considered that regular reviews of the performance of zones would be important, especially for lands with the Commercial 1 Zone, where certain reforms could encourage business to relocate from regional CBD areas to less desirable peripheral areas such as Industrial Zones and Commercial 2 Zones. This outcome has the potential to lead to CBD location being drained of commercial uses and would lead to high vacancy rates, which is not an acceptable outcome.

- Australian Institute of Architects
  - We support a website, portal or dedicated planning team to which practitioners and industry bodies may recommend improvements, updates, changes or clean-ups to the VPP’s based on their experience using it.

- Planning Institute Australia
  - An agreed timeframe for regular review should be adhered to. This will assist in ensuring the VPP is current and kept up to date.

- PIA Victorian Young Planners
  - As with many of the initiatives contained within this document without long term commitment by DELWP to work with Local Government and the private industry to listen, adapt and innovate when necessary then the planning system will not improve. The VPP’s should absolutely be regularly reviewed and updated; this job needs to be held to account and the means to this accountability should be rolled out with the proposed changes.

- Bosco Jonson Pty Ltd
  - If the documents contained in the VPP (Planning Library) are out of date they should be removed from the VPP. This would force the Relevant Authority to regularly review the relevance of a Reference Document – Case in point; the City of Casey Advertising Signs Policy, 1997. Many of the large Major Activity Centres did not exist 30 years ago. The signs contained on these now expansive buildings and the expansive land they sit on can add to the vitality and colour of a Major Activity Centre such as Chadstone and Southland rather than present stark, blank sheers walls. Many Councils are overly conservative in what they deem to have a negative impact on visual amenity based on out of date controls referenced in the VPP.
  - The review will ensure that the planning scheme does not become outdated as has happened as it can’t keep up with the progression of technology and society. If a Council doesn’t review as required then this could be taken over by the new department which has been created as part of the VPP review.

- Small Change Design & Construction Pty Ltd
  - Review with a view to assessing what could become as-of-right to remove from planning system.

- Surveying & Spatial Sciences Institute
  - The VPP’s need to be dynamic and resources allocated to this. SPEAR utilises a prioritised system that provides transparency to the process of proposed amendments.

- Level Crossing Removal Authority
  - The online register should also include a discussion feed to generate conversation on a topic rather than relying on undertaking surveys and consultation exercises. May assist in determining priorities.

- Eltham Community Action Group
  - Timelines need to be set and first review to be sooner than the other regular reviews to ensure the reforms are working as planned.

- Toxic Free Fawkner
  - The current statements are pretty short on detail. Who reviews planning issues? Who monitors the VPP?
  - There is scant monitoring by councils at present when it comes to developer behaviour, practices, and by-law rule breaking. Can residents of Melbourne rally believe Planning priorities could be managed properly from Spring Street when they are not being managed at present in municipalities? Who polices the policeman? Nobody at present it seems. Overall this proposed reform increases uncertainty for the residents of Victoria whilst providing a MASSIVE FREE KICK to shoddy building practices and the development industry and all that will flow from that, which is not looking rosy from a resident’s point of view. Residents will simply lose control of their own environments and when that happens we will turn on the government who is current showing scant regard for its citizen if these proposals are anything to go by. Look at the privatization legacy the Kennett government left this state. The current government’s legacy in respect of planning will be viewed in as equal a negative light. Liveable cities, not out of control undemocratic planning laws thank you.
| Flinders Community Association | The requirement that Councils undertake regular review of Planning Schemes has been well established. A similar regular "performance review process" for the VPP would also seem appropriate. However, the current VPP Review has been the exclusive preserve of the planning, property and building industry professionals. An absence of any community input is a serious weakness. A review should be supported by an advisory panel/group with input from the community and organisations as well as referral agencies. |
| Cohousing Australia | Current planning provisions make cohousing developments unviable due to many planning restrictions and also economically prohibitive due to competition with traditional developer models. Key components should be included in the context of a cohousing definition in order to ensure that only genuine projects are developed and ensure community and council confidence. Regular reviews will help establish and maintain the appropriate thresholds, benchmarks, and waivers (i.e., car parking) are in place to ensure only high-functioning, well-conceived developments, are approved. (Please refer to attached supporting documents). |
| Nilumbik Pro Active Landowners | Agreement. See submission attached. |
| Individual responses | Involve all affected stakeholders in the process of finding solutions and making improvements. You are not trustworthy enough to have such responsibilities when you have too many vested interests involved in a process change that doesn’t serve the people and regions it is in place to protect. It seems that every time someone is given the job of reviewing and/or monitoring the VPP, they decide it needs re-writing! This is stating the obvious. I support the removal of duplication and improvements in the ease of use of planning provisions, but not at the expense of the things they are intended to protect, the natural environment for example. the achievement of consistency should not be a case of taking the lowest common denominator, rather it should be bringing up the lower denominators to best practice. I don’t support any changes that would weaken the capacity of the planning provisions to protect the natural environment, including native vegetation and waterways. Given that the Department has now had two adverse findings by the Auditor General that have singled out its lax system monitoring, this needs more development to ensure a robust and accountable monitoring system. In particular there needs to be much more in the way of: specific mechanisms that ensure transparency and accountability. monitoring of system efficacy, rather than just throughput and efficiency. establishment of KPIs when amendments are done. better strategic justification when amendments are done. structured stakeholder feedback mechanisms. I talk about this at some length in my book (pages 282-284) and the 2008 Auditor-General’s report has recommendations that should be implemented as a matter of urgency (let’s say by mid-2009)! Review, monitor regularly (but do that of the old scheme) and allow suitable time for community consultation and take note. |
Emailed submissions
Organisations who provided a written submission can be accessed below:

- Alpine Shire Council
- APA Group
- Australian Food Sovereignty Alliance
- Banyule City Council
- Baw Baw Shire Council
- Boroondara City Council
- City of Casey
- Catholic Education Office Melbourne
- City of Ballarat
- City of Greater Geelong
- City of Melbourne management submission
- City of Melton
- City of Port Phillip
- City of Stonnington
- City of Whittlesea
- Coliban Water
- Construction Material Processors Association Inc.
- Consulting Surveyors Victoria
- Dennis Family Corporation
- East Gippsland Shire Council
- EastLink
- Energy Safe Victoria
- ExxonMobil
- Glen Eira City Council
- Goulburn Broken CMA
- Greater Shepparton City Council
- Hanson Construction Materials
- Hobsons Bay City Council
- Housing Industry Association
- Hume City Council
- Jacobs Australia Pty Ltd
- Knox City Council
- Latrobe City Council
- Level Crossing Removal Authority
- Macedon Ranges Shire Council
- Manningham City Council
- Master Builders Association
- Mesh Planning
- Mineral Council of Australia
- Moreland City Council
- Mornington Peninsula Shire Council
- Moyne Shire Council
- Municipal Association Victoria
- National Trust of Australia Victoria
- Niche Planning Studio
- Nillumbik Shire Council
- North East CMA
- Outdoor Media Association
- Parks and Leisure Australia
- Peet Limited
- Plan A
- Planning Institute Australia
- Port Phillip and Westernport CMA
- Property Council of Australia
- Ratio Consultants
- South Gippsland Shire Council
- Spiire
- Surf Coast Shire Council
- Surveying and Spatial Sciences Institute
- Urban Development Institute of Australia
- Urbis
- Victorian Farmers Federation
- Victorian Local Governance Association
- Victorian Young Planners Committee
- VicTrack
- Viva Energy Australia
- Warrnambool City Council
- West Gippsland CMA
- Whitehorse City Council
- Wyndham City Council
- Yarra Ranges Council