

## 5. REFORMING THE VICTORIA PLANNING PROVISIONS

### PURPOSE

The purpose of this report is to:

- Brief Council on the State Government's consultation document "*Reforming the Victoria Planning Provisions*", and
- to endorse Council's submission for lodgement with State Government prior to the deadline of 24 November 2017.

### BACKGROUND

#### Smart Planning

The Victorian State Government commenced a two-year reform program, 'Smart Planning', on 1 July 2016 with the purpose of making Victoria's planning system more efficient, accessible, open and collaborative through simpler rules and policy and modern digital planning resources. This includes reviewing the Victoria Planning Provisions (VPP), which contribute to long and complex planning schemes as a consequence of cumulative amendments to the VPP and local planning schemes over the past 20 years.

The Minister for Planning amended the *Ministerial Direction on the Form and Content of Planning Schemes* on 24 May 2017 under Section 7(5) of the *Planning and Environment Act 1987*. The proposed VPP reforms envisage substantial further amendments to this Direction, which would have significant and far greater impact on future amendments to the Stonnington Planning Scheme than was envisaged by the previous review of the State Planning Policy Framework proposed in 2014.

#### Previous Council Submission on SPPF Review 2014

At its meeting in May 2014 Council adopted a submission on the State Planning Policy Framework (SPPF) Review, which proposed a future integration of the State and Local Planning Policy Frameworks (SPPF and LPPF). The current VPP reforms also propose an integration of the two Policy Frameworks as part of a wider restructure of planning scheme provisions. The Council Report on the SPPF Review outlined the following five key considerations:

Key consideration one: "*whether the future integration of the Municipal Strategic Statement and local policies into the new combined Planning Policy Framework structure will enable Stonnington to appropriately express the vision for the municipality.*"

Key consideration two: "*the effect of the new structure on decision making at the local level. Whether any of Council's local policy and context will be lost in the future integration of the LPPF into the new combined format.*"

Key consideration three: "*whether any state policies have been modified and if so what the implications are for decision making and Council's strategic planning priorities.*"

Key consideration four: "*the implications of moving from area based policies to theme based policies.*"

Key consideration five: "*the impact of the new combined format on Council's resources including current planning scheme amendments and upcoming planning scheme review.*"

These key considerations are re-considered against the proposed VPP reforms and inform part of Council's final submission. Another consideration is the potential impact on the current planning scheme review being undertaken, due to be completed by June 2018.

### **Short timeframe for finalising Council's submission**

The consultation period of six weeks and deadline of 24 November 2017 for submissions provides Council officers with little time to review and prepare a submission to meet Council reporting deadlines. It is understood this is a concern state-wide. Consequently, the key issues are outlined in the report which would inform a more detailed submission.

## **DISCUSSION**

### **Discussion Paper – 'Reforming the Victoria Planning Provisions' (October 2017)**

The VPP reforms are informed by a discussion paper, *Reforming the Victoria Planning Provisions (October 2017; DELWP)*, which seeks comment on proposed changes grouped under five proposals:

- Proposal 1: A simpler VPP structure with VicSmart assessment built in (page 10).
- Proposal 2: An integrated planning policy framework (page 15).
- Proposal 3: Assessment pathways for simple proposals (page 23).
- Proposal 4: Smarter planning scheme drafting (page 30).
- Proposal 5: Improve specific provisions (page 36).

The streamlining of planning schemes under the above proposals and improvement of the Victorian planning system through 'Smart Planning' initiatives is generally welcomed and supported. However, there are several concerns about the specifics of the proposed changes, which are further outlined.

### **Expansion of Principles underlying the VPP**

Four Principles underpin the current VPP, which intended planning schemes to have a policy focus, facilitate appropriate development, be usable and be more consistent across the state. These have been adapted and expanded to six Principles of a modern planning scheme, with added emphasis on digital technology and imposing a regulatory burden that is proportional to the planning and environmental risks (refer Figure 1, page 7 of the Discussion Paper).

The six Principles guide the changes outlined under the five main Proposals, which would alter the structure of planning scheme Policy, Decision and Operational rules, as shown in Figure 2 on pages 12-13 of the Discussion Paper. The new emphasis on digital technology is intended to improve access and usability of planning schemes, including potential digital access to external documents through insertion of hyperlinks in planning scheme provisions.

### **Summary of VPP Reforms**

The relevant changes to the structure of planning schemes are (refer Attachment 3 for a more detailed summary):

#### Changes to Policy Rules (New Structure of Planning Policy Framework)

Proposed new policy rules intend to merge the existing State and Local Planning Policy Frameworks (SPPF and LPPF) into one new Planning Policy Framework (PPF) (Proposal 2.1). Planning policy statements would be made more relevant to each municipality by commencing with vision and context statements for the municipality, then three levels of policy (State, Regional and Local) arranged according to state policy themes. Each policy level would be given equal weight; whereas, currently, State policies prevail over Local policies.

The MSS would be redistributed into the vision and context statements and the local tier of each relevant policy. The current Local policies would also be directed into the Local policy tier (Proposals 2.2 and 2.3).

A new Business Unit within DELWP would draft all proposed provisions in accordance with stricter policy rules. The main purpose of the new Business Unit is to improve the consistency and quality of local policies across all planning schemes and to help prevent approval of local policies that go beyond the bounds of policy coverage that is envisaged by the VPP (Proposal 4.2).

Changes to Decision Rules (Zones, Overlays and Particular Provisions):

Changes to the decision rules includes integrating the VicSmart provisions with overlays and schedules and the Particular Provisions (Proposal 3.1), with the latter to also be restructured according to function (Proposal 1.1).

New code-based assessment provisions (Proposal 3.2) are intended to provide an additional quick assessment pathway for simple proposals, such as small cafes, home occupation, secondary dwellings and small lots. These provisions would likely cover car parking waiver/reduction, low-impact advertising signs, liquor licenses and minor buildings and works.

Potential changes to specific provisions are outlined in Appendix 2 of the Discussion Paper (Proposal 5.1).

Changes to Operational Rules (General Provisions and Definitions):

All operation and administrative clauses would be merged into current Clause 61 ('Administration of this scheme') of the General Provisions (Proposal 1.3). The List of Incorporated documents would also be moved into the General Provisions under a new Clause 68, with documents updated to current versions (Proposal 1.3). Outdoor Advertising Terms would be removed from a dedicated clause and merged with General Terms, whilst Land Use Terms and nested uses would be updated (Proposal 5.2).

**Digital Platform for Planning Schemes**

The expansion of the Principles that underpin the VPP adds a new emphasis on digital technology, which would drive a shift from a documents-based planning scheme to a database-based scheme (Proposal 4). This change would be facilitated by:

- Development of a new VPP user manual that could be electronically integrated with the necessary templates and the *Ministerial Direction on the Form and Content of Planning Schemes* (Proposal 4.1);
- A new Business Unit within DELWP that would draft all planning scheme provisions in strict accordance with business rules to ensure a consistent drafting format (Proposal 4.2); and
- Creation of an Online Library that would contain all documents referred to in the scheme and that could be immediately accessed through hyperlinks inserted in planning scheme provisions, which would also allow rapid movement between different sections within a scheme (Proposal 4.3).

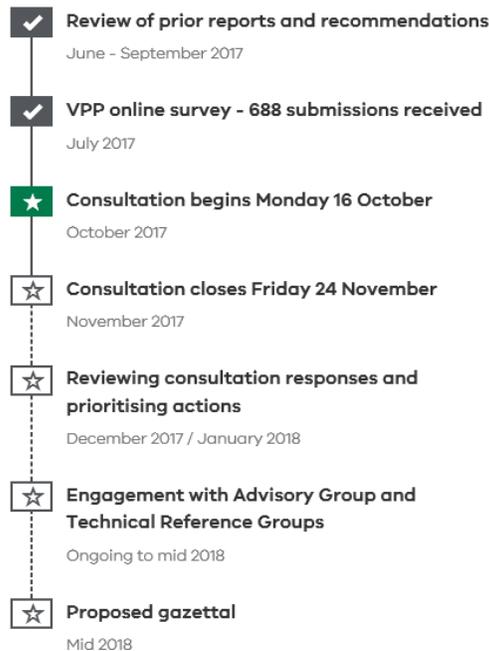
A database-based planning scheme would enable search queries for properties to indicate all relevant planning permit triggers for different proposals.

**Timeline for VPP Reforms and Implementation**

The Timeline for the VPP reforms is shown below and includes proposed gazettal in mid-2018 without any detail of what would be gazetted.

Discussions with DELWP indicate that initial gazettal would include the proposed state policy themes shown in Appendix 1 of the Discussion Paper and the potential changes to specific provisions outlined in Appendix 2. These could be further amended after submissions have been considered, which could also yield preliminary information on timelines for policy translation work. Council is expected to proceed with its current strategic projects as is until further advice is received from DELWP.

## Timeline



## Main Issues for Stonnington

Streamlining of planning schemes and reducing their complexity under the proposed VPP reforms is generally supported, subject to areas of concern for Stonnington being adequately addressed.

### Support for Proposed Changes

#### *Merging the policy frameworks:*

- The grouping of all planning scheme policies in one location (Proposal 2.1) is supported because it would make all relevant planning scheme policies easier to locate and more transparent.
- The re-structuring and grouping of all policy according to theme and consistency in how each level of policy is applied (Proposal 2.1) is supported to the extent that it would make it easier to compare Stonnington's local policies with state policies and the local policies of other planning schemes. This would help to more easily identify any policy gaps in the Stonnington Planning Scheme. However, this may also have the potential to fragment current area-based policy, which was a concern under **Key consideration four in response to the proposed SPPF Review in 2014**.
- Any efficiencies gained and/or overall improvement in the quality and consistency of policy drafting for the Stonnington Planning Scheme through adherence to stricter business and policy rules would be supported (Proposal 4.2). However, this should not be achieved by watering down any currently intended local policy outcomes under the proposed new policy structure (Proposals 2.1 – 2.5).

- Commencement of the policy section in each planning scheme with vision and context statements as relevant to each municipality followed by three tiers of thematically arranged policies (Proposals 2.1 and 2.2) would improve the relevance and overall usability of the Stonnington Planning Scheme. The new structure appears to generally address the previous concerns expressed for presenting Council's vision under **Key consideration one in response to the proposed SPPF Review in 2014**.
- The removal of regional and local objectives that repeat state objectives (Proposal 2.4) is generally supported to reduce repetition. The current Planning Scheme Review being undertaken may need to examine if this will affect existing and any proposed local objectives in the Stonnington Planning Scheme.

*Integrating VicSmart Provisions:*

- The integration of the VicSmart provisions with Overlay schedules and Particular Provisions (Proposals 1.2 and 3.1) will make the VicSmart provisions more visible and help to more easily identify quicker assessment pathways for planning applications triggered by Overlay schedules and Particular Provisions.

*New digital format:*

- The move to a digital platform (Proposal 4) for the Stonnington Planning Scheme is supported, especially if this would improve the ability to navigate between different sections of the scheme and to quickly access any document or legislation that are referred to in planning scheme provisions. This would benefit regular and professional users of the Stonnington Planning Scheme and occasional users who have limited or no understanding of how planning schemes govern land use and development, especially if property queries can readily identify all relevant permit triggers, application requirements and decision guidelines.

*More detail required:*

- Potential expansion of exemptions to permit requirements (Proposal 3.1) is generally supported, especially if this would result in a reduction in the number of planning applications. However, this should not be achieved at the expense of Council's ability to protect the general amenity of the Stonnington Community, e.g. liquor licensing (Proposal 3.2), which Council can appropriately consider by deciding such planning applications on their individual merits.
- The updating of definitions (Proposal 5.2) and regular review and monitoring of the VPP (Proposal 5.3) is generally supported in principle.

Areas of Concern

*Expansion of State Policy themes and implications for current Local Policy:*

- Current local policies and potential future policies that are flagged in the MSS (and current MSS Review) need to be compared against the proposed themes shown in Appendix 1 of the Discussion Paper to inform submission comments on additional State themes that could be required (Proposal 2.3). For example, 'Affordable Housing' may need to be added as a theme under Clause 11, which is dedicated to Settlement.

There is no guarantee that the Minister for Planning will accept all themes put forward in submissions from Local Government. Consequently, there is concern about Council's future ability to address all local issues that are important to the municipality under the proposed and potentially expanded policy themes.

There is also concern that elements of current local policy content that do not fit neatly into the new structure could be discarded. Similar concerns were expressed in **Key considerations two and three during the previous SPPF Review in 2014**. These concerns are amplified by the intention for the proposed new Business Unit to more strictly adhere to policy rules.

One example of a potential consequence of being made to fit into the new policy structure is that Council's substantial investment in structure planning for activity centres could be undermined or even wasted if the hierarchy of centres implied in Stonnington's current MSS, Local Policies and Incorporated documents is made to align more closely with the hierarchy of centres outlined in Plan Melbourne when translated into the new PPF structure. This could result in Council not being able to achieve all of the currently intended policy outcomes for activity centres in Stonnington.

There is a concern that a new theme-based policy structure (Proposals 2.1 and 2.3) could fragment policies for particular areas, e.g. structure planning for activity centres. This mirrors the concern expressed under **Key consideration four in response to the proposed SPPF Review in 2014**.

*Impact on current strategic projects:*

- There is uncertainty resulting from how shifting goal posts (Proposals 1, 2, 3 and 5) could affect current strategic projects, e.g. the Planning Scheme Review 2018 and current amendments such as C223 (Glenferrie Road and High Street Structure Plan) just to name two. Amendment C223 includes alterations to three MSS clauses and has recently been heard by a Panel.

Proposed VPP reforms include merging of the policy frameworks and integrating VicSmart provisions into overlays and their schedules. Simpler and faster assessment pathways and current exemptions could also be expanded. These changes could affect MSS clauses and all overlays that are currently proposed to be implemented and that are at various stages of the amendment process, including upcoming panel hearings. However, DELWP has advised to proceed with these projects as is until Council is advised further. Therefore, it remains unclear if, how and when these amendments may need to be altered in the future and their resource implications. The Department should provide timely advice and support to ensure such amendments are not unnecessarily delayed

It is also unclear if their intended policy outcomes could be achieved under stricter policy rules once the LPPF has been translated into the new policy structure. Consequently, it is difficult to assess if the intended outcomes may require alternative approaches with the policy tools and provisions that are made available under the reformed VPP.

The previous planning scheme review was delayed by two years on the understanding that the previous SPPF review would be implemented. The new VPP reforms could significantly impact the current planning scheme review. The work involved in undertaking the review is substantial and maps out the further strategic work to be undertaken.

The proposed VPP reforms would inevitably impact on the recommendations of that review. However, Councils are expected to proceed with their current projects until further advised by DELWP. Consequently, potential impacts on these projects cannot be assessed without that further advice. These concerns mirror the concerns expressed under **Key consideration five regarding the previous SPPF Review in 2014**.

*Implications of code-based assessment:*

- The introduction of code-based assessment for simple proposals is intended to eliminate much of the subjectivity and delay in decision-making. However, it could also result in some loss of planning control over issues that are important to the municipality and should be assessed against the appropriate planning provisions, e.g. liquor licensing and single dwellings on small lots (i.e. under 300m<sup>2</sup> or 500m<sup>2</sup>).

Liquor licensing can contribute to adverse impacts on residential and commercial amenity if not appropriately regulated. Therefore, proposed measures to remove liquor licensing from assessment under the planning scheme (Proposal 3.2 and Proposal 5.1 - Clause 52.27 'Licensed premises') are not supported.

The inclusion of smaller lots standards as part of code assessment is not supported, especially if it could result in the loss of the assessment process against the relevant planning provisions in relation to side and rear setbacks of dwellings and upper-storey additions. This could result in unacceptable visual bulk and detrimental impact on neighbouring private open space.

An increase in the number of assessment pathways could result in a substantial increase in the number of applications that Council would be expected to decide quickly, which could increase the workload of Council's existing planning staff.

It is considered that VicSmart categories could be increased to maintain the current two assessment pathways (i.e. standard 60 days and 10 days for VicSmart applications) rather than increase the number of assessment pathways for simple proposals. This would be more consistent with the intent to streamline planning schemes and planning processes.

*Lack of information on timelines and funding:*

- Although the discussion paper states that translation work would need to be undertaken through a series of amendments in cooperation with Local Government (Proposals 1 and 2), no timeframes are stated for when this work is expected to commence or what length of time would be allocated for the translation to be completed. Additionally, there is no indication of what funding resources would be allocated to support this work.

The translation of the LPPF and local content in schedules and overlays could be supported if sufficient funds and lead up times were allocated for this task and if sufficient training was provided with regard to interpretation and navigation of new planning scheme provisions. However, this does not eliminate the uncertainty over how current strategic projects might be affected and the urgent need for further guidance on this issue from DELWP.

Council would need assurance from the State government that sufficient funding would be allocated for the translation work to minimise the potential financial burden on municipalities.

*No information on how new initiatives would be tested:*

- The Discussion Paper states that new initiatives should be tested in partnership with local government; however it does not explain how they would be tested (Proposals 1 and 2). A trial run with selected planning schemes would be supported, provided there was subsequent opportunity for Councils to make a submission on the results of such a trial.

*Ownership of policy translation work:*

- It is important for Council to maintain ownership of its strategic work to translate local policy content into the new PPF structure (Proposals 1, 2 and 5) to help ensure that intended policy outcomes are achieved. However, this ability could be limited by the proposed new Business Unit's enforcement of stricter policy rules (Proposal 4.2).

### **POLICY IMPLICATIONS**

The proposed VPP reforms will have major policy implications for Council because all of the LPPF will need to be translated into the proposed new policy structure. However, the Discussion Paper does not explain when Local Government is to commence undertaking this work or how long to complete it. The lack of information on timelines also makes it unclear if, how or when Council's current strategic work may need to be amended.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The implementation of the reforms to the Victoria Planning Provisions will entail a series of amendments that propose to transform Victorian planning schemes. The impact on Stonnington will be significant because the entire content of the Stonnington Planning Scheme's MSS and Local policies will need to be rewritten and translated into the proposed new Planning Policy Framework structure. Additional strategic work may also need to be undertaken on existing and proposed schedules to various planning scheme overlays. The translation work will likely require substantial allocation of financial and human resources.

At this stage it remains unknown what resources will be provided by the Victorian Government for Councils to undertake the translation work or the timeframe for which additional resources would be needed. Council may need to invest substantial resources to maintain ownership of the policy translation work; however this could also be precluded to a large extent by a new Business Unit that would have responsibility for the drafting of provisions, including all planning scheme policies.

It also remains unclear how existing strategic projects, e.g. Planning Scheme Review 2018 and current planning scheme amendments, would be affected. These projects may require additional allocation of resources if they need to be amended closer to when implementation of the reforms is due to commence in mid-2018.

Council may need to invest heavily in obtaining legal advice on how existing local policies should be re-written to fit a new policy structure and on the interpretation of new planning scheme provisions. However, it remains unclear which budgetary periods would be affected because the only timeframe indicated in the Discussion Paper for implementation of the reforms is proposed gazetted in mid-2018, with no details given on what is to be gazetted and no timelines provided for the policy translation work. Lack of details on timelines notwithstanding, it seems inevitable that there would be some impact on Council's 2018-2019 budget and could also impact funding allocation for the current 2017-2018 period.

## LEGAL ADVICE & IMPLICATIONS

Legal advice is not yet required at this stage. However, proposed re-arrangement of policy structure and new planning scheme provisions may require legal interpretation and advice on the translation of policies and when new provisions are tested in future VCAT cases and at planning panel hearings. This could result in legal advice needing to be sought more often than Council is normally accustomed to in the lead up to, during and immediately after any translation periods that may be set by the Minister for Planning and/or under the *Planning and Environment Act 1987*.

## CONCLUSION

The proposed VPP reforms are supported in principle because they promise a more usable, transparent and streamlined Stonnington Planning Scheme. This includes the grouping of planning scheme policies in one location and the integration of the VicSmart provisions with Overlay schedules and Particular Provisions. However, there are some concerns regarding the future translation of the LPPF into the new PPF structure. Additionally, the lack of information on timelines for implementation creates uncertainty regarding the potential impact of the reforms on Council's strategic work programme. The short timeframe available for making a submission requires that the recommendation of this report seek approval to make a submission generally in accordance with the main issues for Stonnington that have been outlined in this report.

## HUMAN RIGHTS CONSIDERATION

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

## ATTACHMENTS

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| 1. Attachment 1 - VPP Reforms - Discussion Paper  | Excluded |
| 2. Attachment 2 - VPP Reforms - Discussion Paper - Appendix 1 - Proposed Table of Contents with track changes | Excluded |
| 3. Attachment 3 - Table summary of Proposed VPP reforms   | Excluded |

## RECOMMENDATION

### *That Council:*

- 1. Notes Reforming the Victoria Planning Provisions – A discussion paper, October 2017, has been released by the State Government and that the proposed reforms, if implemented, would impact Council's future key strategic planning projects and policies.***
- 2. Authorises Council Officers to make a submission on Reforming the Victoria Planning Provisions generally in accordance with the issues for Stonnington outlined in this report and attachments for lodgement with State Government prior to 24 November 2017.***
- 3. Continues to advocate on the implementation of projects and policies that have an impact on the City of Stonnington.***
- 4. Monitors the implementation of initiatives under the Victorian Government's Smart Planning programme.***

**City of Stonnington Submission on changes outlined in Discussion Paper –  
Reforming the Victoria Planning Provisions, Appendix 2 (Proposal 5.1)**

Possible reforms - specific provisions ID No.		City of Stonnington comments
1	<p><b>Review all zone schedules</b></p> <p><i>a) Enhance the Ministerial Direction – The Form and Content of Planning Schemes to limit structural modifications</i></p> <p><i>b) Ensure the distinction between the state and local clauses remains clear.</i></p>	<p>Supported subject to comments below.</p> <p>a) &amp; b)</p> <p>Generally supported in principle; however there is concern that further restriction over the use of schedules (coupled with the potential removal of local policies) could limit Council’s ability to apply area specific controls and to achieve the policy outcomes sought for different local areas.</p>
2	<p><b>Consider zone function and wording</b></p> <p><i>Review zones having regard to the following:</i></p> <p><i>a) Rename zones from being numerical (for example, ‘Industrial 1 Zone’) to being descriptive and adopting everyday words, such as used for the residential zones</i></p> <p><i>b) Examine the role and function of the following zones to establish whether they can be replaced with other VPP tools (such as the Mixed Use Zone or the Commercial 1 Zone and an Incorporated Plan Overlay or Development Plan Overlay), or amalgamate the following zones into a single zone that can be tailored to reflect local circumstances:</i></p> <p><i>i. Priority Development Zone</i></p> <p><i>ii. Activity Centre Zone</i></p> <p><i>c) Create consistency in use of phrasing where a common meaning applies (such as the phrases ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’).</i></p>	<p>Supported in part subject to comments below.</p> <p>a) Generally agree with this change.</p> <p>b) Insufficient information has been provided to properly comment on this change. Both the ACZ and PDZ provide area specific controls that effectively serve as one-stop shop controls, similar to the intention for some uses under other proposed VPP reforms, e.g. for a café use. Council would need more information on how current ACZ controls, e.g. for Chapel Street Activity Centre, could translate into other zones.</p> <p>The recent implementation of the <i>Chapel Street ReVision Structure Plan</i> applied vertical zoning through ACZ1 Section 1 and 2 conditions, which may be more difficult to implement through other zones, e.g. additional (area specific) section 1 and 2 conditions could make the land use tables of other zones too complex and more difficult to interpret.</p> <p>c) Generally agree with this change subject to the wording of the updated terminology.</p>
3	<p><b>Review residential zones</b></p> <p><i>Review the following:</i></p>	<p>Not supported, especially Proposal ID No. 3 a).</p>

Possible reforms - specific provisions ID No.	City of Stonnington comments
<p>a) <i>Make single dwellings on lots greater than 300sqm exempt from a planning permit by lowering the threshold for a permit from 500 to 300sqm (they are already exempt on lots greater than 500sqm), relying on the building code to address siting and design issues</i></p> <p>b) <i>Make 'Childcare Centre' a Section 1 (as of right) land use within the Residential Growth Zone, subject to conditions, such as relating to size</i></p> <p>c) <i>Redraft the following phrase used uniquely in the residential zones as a permit trigger: 'construction and extension of ...' and adopt the more commonly used 'to construct a building or construct and carry out works ...' to create consistency with other zones.</i></p>	<p>a) Not supported.</p> <p>The inclusion of smaller lots standards as part of code assessment is not supported, especially if it could result in the loss of the assessment process against the relevant planning provisions in relation to side and rear setbacks of dwellings and upper-storey additions. This could result in unacceptable visual bulk and detrimental impact on neighbouring private open space. The avoidance of such negative impacts is a reason why Stonnington's GRZ and NRZ schedules specify a permit requirement for the construction or extension of a dwelling on a lot with an area less than 500m<sup>2</sup>.</p> <p>The Discussion Paper main text indicates that Code assessment could be extended to lots less than 300m<sup>2</sup> and that "<i>There are existing codes for greenfield development on small lots in Victoria (in growth areas)</i>" (Page 25). This is, presumably, a reference to a clause in most UGZ schedules that exempts a permit requirement for a dwelling on a lot with an area equal to or &gt;250m<sup>2</sup> provided it complies with the <i>Small Lot Housing Code</i>. UGZ schedules generally require such lots to be identified on layout plans as part of conditions attached to a subdivision permit. This can be a mixed blessing because it limits any subsequent Council design input. This would be potentially exacerbated re infill development in an established residential area, especially where design guidelines and or restrictions are unlikely to have been previously applied through subdivision permit conditions.</p> <p>b) Insufficient information has been provided to understand what conditions will be imposed as a childcare centre may result in adverse amenity impacts on surrounding residents. The current permit requirements do not impose an unreasonable burden on permit applicants.</p> <p>c) The currently used term allows external alterations and reconstruction to occur without a planning permit and that this is working as intended. The proposed change will place an additional burden on homeowners and Councils to assess such changes, which generally will not result in amenity impacts. Additional exemptions should be considered if the revised wording is adopted.</p>
<p>4 <b>Mixed Use Zone</b></p> <p><i>Review the following:</i></p> <p>a) <i>Make more commercial uses in the Mixed Use Zone Section 1 (as of right) land uses where they are low impact, subject to conditions</i></p>	<p>Unsure – see comments below.</p> <p>a) This may be acceptable subject to further information being provided as to what conditions would be imposed, especially with regard to noise and hours of operation. It is important to consider that the mixed use zone is designed to provide amenity protection to residential uses while facilitating commercial uses.</p>

Reforming the VPP – City of Stonnington Submission – Attachment 3 – Changes to Specific Provisions

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p>b) Make 'Manufacturing Sales' a Section 1 (as of right) land use with a condition relating to floor area size to support the establishment of small 'makers' and creative industries</p> <p>c) Make 'Childcare Centre' a Section 1 (as of right) land use, subject to conditions, such as relating to size.</p>	<p>b) See response to point a) with additional regard to odour, pollution and emissions. It may be more appropriate to allow it as a section 2 use to allow a closer assessment of the potential impacts given the close proximity to residential uses.</p> <p>c) Insufficient information has been provided to understand what conditions will be imposed as a childcare centre may result in adverse amenity impacts on surrounding residents. The current permit requirements do not impose an unreasonable burden on permit applicants.</p>
5	<p><b>Industrial 1 Zone</b></p> <p>Review the following:</p> <p>a) Make 'Motor Repairs' a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone</p> <p>b) Make 'Convenience Shop' a Section 1 (as of right) land use.</p>	<p>Unsure – see comments below.</p> <p>a) &amp; b)</p> <p>Although IN1Z has not been applied in Stonnington, all section 1 uses should be subject to their proximity to residential areas and restrictions on hours of operation. Further information is needed regarding parameters, e.g. compliance with SEPPs or size/floor area thresholds.</p>
6	<p><b>Industrial 3 Zone</b></p> <p>Review the following:</p> <p>a) Make 'Motor Repairs' a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone</p> <p>b) Make 'Office' a Section 1 (as of right) land use subject to maximum floor area requirements</p> <p>c) Make 'Indoor Recreation Facility' and 'Take Away Food Premises' Section 1 (as of right) land uses.</p>	<p>Unsure – see comments below.</p> <p>a) - c)</p> <p>All section 1 uses should be subject to their proximity to residential areas and restrictions on hours of operation. Further information is needed regarding parameters, e.g. compliance with SEPPs or size/floor area thresholds.</p> <p>b) &amp; c)</p> <p>Concern that allowing take away restaurants and offices as section 1 uses will push out industrial uses that do not have other areas to locate.</p>
7	<p><b>Commercial 2 Zone</b></p> <p>Review the following:</p> <p>a) Make 'Convenience Restaurant' a Section 1 (as of right) land use</p> <p>b) Make 'Manufacturing Sales' a Section 1 (as of right) land use to support the establishment of 'small makers' and creative industries.</p>	<p>Supported subject to comments below.</p> <p>Although C2Z has not been applied in Stonnington, all section 1 uses should be subject to their proximity to residential areas and restrictions on hours of operation. Further information is needed regarding parameters, e.g. compliance with SEPPs or size/floor area thresholds.</p>

Reforming the VPP – City of Stonnington Submission – Attachment 3 – Changes to Specific Provisions

Possible reforms - specific provisions ID No.		City of Stonnington comments
8	<p><b>Rural Zones</b></p> <p><i>Review the following:</i></p> <p><i>a) Remove the need for a buildings and works permit for a dwelling extension or associated outbuilding if in relation to an existing dwelling, by removing the floor area size restriction if necessary.</i></p>	Unsure – Rural Zones have not been applied in Stonnington.
9	<p><b>Farming Zone</b></p> <p><i>Review the following:</i></p> <p><i>a) Allow more primary produce sales as a Section 1 (as of right) use by increasing the floor area condition and allow a wider range of related goods to be sold.</i></p>	Unsure - FZ has not been applied in Stonnington.
10	<p><b>Urban Floodway Zone</b></p> <p><i>Review the following:</i></p> <p><i>a) Assess the role and function of the zone, in the context of the suite of flooding overlays, and consider whether it can be replaced with a flood overlay only (see also Floodway Overlay proposal).</i></p>	Unsure - UFZ has not been applied in Stonnington.
11	<p><b>Urban Growth Zone</b></p> <p><i>Review the following:</i></p> <p><i>a) Upon gazettal of a precinct structure plan, land is rezoned to the applied zones specified within the zone, with the PSP implemented using existing VPP tools, and therefore eliminating the concept of applied zones and removing the need for a later planning scheme amendment</i></p> <p><i>b) Reduce the complexity of future UGZ schedules through a more limited and rigid structure.</i></p>	Unsure - UGZ has not been applied in Stonnington.
12	<b>All overlays</b>	Supported in part subject to comments below.

Possible reforms - specific provisions ID No.	City of Stonnington comments
<p><i>Review the following:</i></p> <p>a) <i>Review whether the distinction of overlays controlling development, as opposed to use, remains valid, and provide updated guidance, acknowledging that some overlays already control use (AEO, SRO, DPO)</i></p> <p>b) <i>Review the approach of using overlays to identify buffers, such as the Environmental Significance Overlay, and examine how the VPP can transparently and consistently identify and protect significant sites requiring buffers (for example: landfills, treatment plants, water supply catchments and quarries)</i></p> <p>c) <i>Create consistency in use of terms where a common meaning applies (such as the phrases ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’) and in the use of common assessment techniques (e.g. Determining tree protection zones)</i></p> <p>d) <i>Clarify that if a permit is not required within the head provision, then the provisions of the schedule to that control do not apply. This may require holistic review of how the VPP reacts with local provisions.</i></p>	<p>a) Although there are several exceptions, overlays should continue to generally control development rather than use, which should be controlled by zones. This would maintain a distinction between the respective purposes of zones and overlays, i.e. overlays apply additional development controls in areas where zones alone are insufficient to control development. Any redundant overlays can be removed through planning scheme amendments when they are no longer required.</p> <p>b) Overlays should continue to be allowed to be applied as buffers since this provides greater flexibility in selecting the most appropriate planning tools to suit the purpose of the buffer.</p> <p>c) Consistency in the use of terms where a common meaning applies is supported.</p> <p>There is a concern that revised wording to achieve common assessment techniques with regard to determining tree protection zones could exacerbate existing differences with the assessment of tree protection under Council’s local policies and laws. This could further complicate the planning process for the layperson where two separate assessments apply. It is preferred that any revised wording include reference to any applicable separate local laws to aid transparency. Revised wording should also clarify whether Tree Management Plans will be included in application requirements.</p> <p>d) Generally agree that the head clauses should be clarified, especially as they relate to the DDO (Clause 43.02) and the NCO (Clause 43.05). However, care should be taken to ensure that existing permit triggers are not removed unintentionally.</p>
<p>13 <b>Environmental and landscape overlays</b></p> <p><i>Review the following:</i></p> <p>a) <i>Amend the head provision to relocate the ‘Table of exemptions’ to Clause 62.02-3 and insert the following words “No permit is required to remove, destroy or lop vegetation to the minimum</i></p>	<p>Supported subject to comments below.</p> <p>a) Generally agree in principle; however need to ensure that the new exemptions would not affect tree and landscape controls where they relate to neighbourhood character rather than environmental protection.</p>

Possible reforms - specific provisions ID No.	City of Stonnington comments
<p><i>extent necessary if any of the exemptions listed in the Table to Clause 62.02-3 apply”.</i></p> <p><i>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</i></p> <p><i>c) Ensure consistency across all schedules.</i></p>	<p>b) Further information is required to allow an informed response.</p> <p>c) No in-principle objection.</p>
<p>14 <b>Heritage Overlay</b></p> <p><i>Review the following:</i></p> <p><i>a) Review the proposed reforms to the overlay as proposed by the Heritage Provisions Advisory Committee, such as clarifying whether the overlay recognises precinct-wide or site specific values</i></p> <p><i>b) Create consistency in use of words where a common meaning applies, such as ‘cultural significance’, ‘heritage value’, ‘heritage interest’ and so on</i></p> <p><i>c) Create a new permit exemption for minor buildings and works, which do not affect heritage values, such as small verandas and pergolas and maintenance and the minor upgrade of railway infrastructure. Consider limiting exemptions to non-contributory buildings</i></p> <p><i>d) Review the use of exemptions for certain minor buildings and works, such as those cited in Yarra and Moreland Council incorporated documents, to determine if these exemptions can be introduced more broadly across Victoria and made more transparent and accessible.</i></p>	<p>Supported in part subject to comments below.</p> <p>a) Generally agree that the decision guidelines should be reviewed in line with the recommendations of the Advisory Committee.</p> <p>b) No in-principle objection provided that definitions are consistent with the Burra Charter and Heritage Victoria documentation and that Councils be allowed an opportunity to revise incorporated and reference documents in accordance with changes to definitions.</p> <p>c) If exemptions relate to significant or contributory buildings, there is concern that the proposed exemptions would not distinguish between street-facing and other verandahs. The requirement for a planning permit also helps to capture the development history of significant buildings, which is important in assessing any changes to original fabric and the level of intactness of a heritage place. Therefore, it is desirable that any changes to permit triggers should be limited to inclusion in VicSmart provisions with regard to significant or contributory buildings. A process would still be necessary to determine whether or not a proposed modification would affect heritage values, which ultimately might not achieve the saving in time intended by the proposed reform. Limiting exemptions to non-contributory buildings is supported.</p> <p>d) All permit exemptions should be contained within the overlay in order to achieve greater transparency.</p>
<p>15 <b>Development Plan Overlay</b></p>	<p>Supported.</p>

Reforming the VPP – City of Stonnington Submission – Attachment 3 – Changes to Specific Provisions

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p><i>Review the following:</i></p> <p><i>a) Amend the exemption from notice and review provision to remove the 'catch 22' provision.</i></p>	Generally agree with changes to facilitate clarifications if policy neutral.
16	<p><b>Neighbourhood Character Overlay</b></p> <p><i>Review the following:</i></p> <p><i>a) Examine the role and function of the Overlay in the context of the new Neighbourhood Residential Zone, and other VPP tools.</i></p>	<p>Not supported for reasons stated below.</p> <p>This overlay should be comprehensively reviewed to clarify a number of confusions relating to its purpose and ability to trigger a Clause 54/55 assessment, especially in relation to front fences and external alterations. However, although it should be applied conservatively, the purpose of the NCO is clearly separate to the purpose of the NRZ and, therefore, should be retained.</p>
17	<p><b>Land management overlays</b></p> <p><i>Review the following:</i></p> <p><i>a) Review the role and function of the three inundation related overlays (Land Subject to Inundation Overlay, Special Building Overlay, and Floodway Overlay, together with the Urban Floodway Zone) to understand if amalgamations are possible and the distinctions between the overlays and their objectives, are made clearer.</i></p>	<p>Supported.</p> <p>Generally agree with changes to facilitate clarifications if they are policy neutral in nature.</p>
18	<p><b>Erosion Management Overlay</b></p> <p><i>Review the following:</i></p> <p><i>a) Ensure provisions reflect the level of risk and purpose of the overlay</i></p> <p><i>b) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the control</i></p> <p><i>c) Modify the overlay to allow the waiver of a geotechnical risk assessment from minor matters, such as subdivision applications where each proposed lot contains an existing dwelling, and two lot subdivisions in a rural zone.</i></p>	Unsure - EMO has not been applied in Stonnington.
19	<p><b>Salinity Management Overlay</b></p>	Unsure - SMO has not been applied in Stonnington.

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p><i>Review the following:</i></p> <p><i>a) Amend the head provision to relocate the 'Table of exemptions' to Clause 62.02-3 and insert the following words "No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the exemptions listed in the Table to Clause 62.02-3 apply"</i></p> <p><i>b) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</i></p> <p><i>c) Review referral authority requirements.</i></p>	
20	<p><b>Flood Overlay</b></p> <p><i>Review the following:</i></p> <p><i>a) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</i></p> <p><i>b) Improve access to flood levels required to ensure drawings are compliant prior to submitting a planning permit application.</i></p>	<p>Unsure - FO has not been applied in Stonnington.</p>
21	<p><b>Land Subject to Inundation Overlay</b></p> <p><i>Review the following:</i></p> <p><i>a) Update the purpose of the overlay from referring to a 1-in-100-year flood, to "flooding from a waterway in a 1% Annual Exceedance Probability (AEP) flood event"</i></p> <p><i>b) Update the purpose of the overlay to include the words "to provide for the protection of drainage assets".</i></p> <p><i>c) Ensure permit triggers are linked to the purpose of the overlay</i></p> <p><i>d) Increase the opportunities for permit exemptions, such as</i></p>	<p>Supported subject to comments below.</p> <p>a) It is appropriate to refer to both terms simultaneously since a 1% AEP relates to a 100 year ARI (Average Recurrence Interval). This would be more consistent with how floodplain management authorities generally respond to planning referrals.</p> <p>b) Generally agree in principle. Clarification should be provided as to whether additional permit and/or application requirements would be necessary. The views of floodplain management authorities should be considered.</p> <p>c) Agree in principle.</p> <p>d) Further clarification is required to determine how "not impeding water flow" would be determined. An option is to include the LSIO with</p>

Possible reforms - specific provisions		City of Stonnington comments
ID No.		
	<p><i>developments not impeding water flow</i></p> <p><i>e) Allow greater flexibility by expanding the floor space allowable for a building extension before a permit is triggered for buildings and works</i></p> <p><i>f) Examine whether finished floor level height above flood level should be a planning scheme requirement or a self / code assess mechanism, or a matter for the Building Act.</i></p>	<p>VicSmart, which would bring into play the current referral requirements under Clause 91.</p> <p>e) The views of floodplain management authorities should be considered.</p> <p>f) Generally agree that this could be addressed by the Building Act if the other elements of the proposed development do not trigger a permit requirement.</p>
22	<p><b>Special Building Overlay</b></p> <p><i>Review the following:</i></p> <p><i>a) Revise the name of the overlay to better reflect its purpose</i></p> <p><i>b) Update the purpose of the overlay to include “to provide for the protection of drainage assets”, and remove reference to Clauses 33 and 35 of the SEPP (Waters of Victoria) from the purpose of the overlay</i></p> <p><i>c) Make buildings and works (including dwelling extensions and new dwellings) permit exempt where minimum flood levels are met and the Building Act applies</i></p> <p><i>d) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</i></p> <p><i>e) Amend the wording of the overlay so that a planning permit application that is subject to flooding from councils’ overland flow paths (less than 60ha catchments) can be assessed solely by council and do not require a referral to Melbourne Water</i></p>	<p>Supported subject to comments below.</p> <p>a) Strongly agree with this change.</p> <p>b) Generally agree in principle. Clarification should be provided as to whether additional permit and/or application requirements will be necessary. The views of floodplain management authorities should be considered.</p> <p>c) This change could be acceptable if the current buffer of 300mm above the flood level is maintained and/or adapted as a threshold permit trigger. This would help to address flood mapping that may be out of date or not 100% accurate. However, any new flood modelling, especially modelling undertaken by floodplain management authorities, should be routinely implemented by the Minister for Planning to maintain currency rather than left to be implemented by individual councils.</p> <p>d) Generally agree in principle subject to a review of the existing exemptions. The views of floodplain management authorities should be considered.</p> <p>e) Strongly agree with this change.</p>

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p>f) Consider the greater use of VicSmart where the Special Building Overlay is the only trigger</p> <p>g) Ensure schedules are uniform and consolidated across Victoria.</p>	<p>f) More information is needed on the additional development categories that are proposed to be included in VicSmart. SBO-only applications are exempt from notice and review, which already helps to reduce timeframes. The views of floodplain management authorities should be considered.</p> <p>g) No in-principle objection.</p>
23	<p><b>Airport Environs Overlay</b></p> <p>Review the following:</p> <p>a) Ensure the overlay reflects the new Federal standards and associated noise contours</p> <p>b) Consider the amalgamation of the overlay with Melbourne Airport Environs Overlay.</p>	<p>Supported.</p> <p>a) &amp; b)</p> <p>No in-principle objection.</p> <p>b) Suggest including helicopter flight path requirements in a new amalgamated overlay, e.g. to replace Stonnington's current use of DDO17 and DDO18 in relation to the Alfred Hospital.</p>
24	<p><b>City Link Project Overlay</b></p> <p>Review the following:</p> <p>a) Review the role and function of the overlay and consider deletion and replacement with Clause 52.03 Specific Site and Exclusions if a need for special provisions remains, noting the recommendation to map Clause 52.03 items</p> <p>b) Amend the head provision to rename the document as 'Melbourne City Link Project – Advertising Signs Location September 2014' in the Purpose and in Clauses 45.07-2 and 45.07-3.</p>	<p>Supported.</p> <p>No in-principle objection.</p>
25	<p><b>Specific Sites and Exclusions</b></p> <p>Review the following:</p> <p>a) Remove outdated provisions</p> <p>b) Establish clear rules around when it can be used to avoid overuse</p> <p>c) Establish the practicality of mapping all items within a new Specific Provisions Overlay to improve transparency and public awareness.</p>	<p>Supported.</p> <p>No in-principle objection.</p>

Possible reforms - specific provisions		City of Stonnington comments
ID No.		
26	<p><b>Car parking</b></p> <p><i>Review the following:</i></p> <p>a) <i>Review car parking rates in Table 1 in the context of transport mode shifts, lifestyle and technology changes and densification, and provide rates for those land uses not listed</i></p> <p>b) <i>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)</i></p> <p>c) <i>Assess the recommendations not yet implemented from the Car Parking Provisions Advisory Committee Final Report (2011) including the recommendation to make a Clause 52.06 application exempt from notice and review in all circumstances.</i></p>	<p>Supported in part subject to comments below.</p> <p>a) Strongly agree with the review of table 1. Car parking rates should be considered in the context of the zoning of land, e.g. commercial vs. residential. Decision guidelines should be expanded to allow consideration of ESD issues, especially in response to the Tribunal’s decision in <i>Dinopoulos v Darebin CC</i> [2017] VCAT 118 (2 February 2017) (i.e. Nightingale model).</p> <p>b) Strongly agree with this change.</p> <p>c) Disagree; some car parking dispensations (particularly from large developments) should be subject to notice and review.</p>
27	<p><b>Earth and energy resources</b></p> <p><i>Review the following:</i></p> <p>a) <i>Review the role and function of the planning system in earth and energy resources and explore opportunities to minimise conflict and overlap with the Work Authority process under the Mineral Resources (Sustainable Development) Act 1990</i></p> <p>b) <i>Add a new sub-clause to Clause 52.08 to specify that permits cannot be issued with conditions that duplicate or conflict with an approved work plan</i></p> <p>c) <i>Combine the provision with Clause 52.09 Stone Extraction</i></p>	<p>Unsure – This clause is highly unlikely to impact Stonnington.</p>

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p><i>and Extractive Industry Interest Areas</i></p> <p><i>d) Rationalise the permit triggers and permit exemptions.</i></p>	
28	<p><b>Uses with Adverse Amenity Potential</b></p> <p><i>Review the following:</i></p> <p><i>a) Review buffer distances taking into account the Environmental Protection Authority's Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013)</i></p> <p><i>b) Review and clarify the clause's application in 'reverse amenity' matters.</i></p>	<p>Supported subject to comments below.</p> <p>a) &amp; b)</p> <p>No in-principle objection.</p> <p>b) Further information will be required to understand how reverse amenity impacts can be considered.</p>
29	<p><b>Service Stations</b></p> <p><i>Review the following:</i></p> <p><i>a) Ensure the provision is updated to reflect current practices and modern service station designs, including reviewing the site area and crossover dimensions.</i></p>	<p>Supported.</p> <p>No in-principle objection.</p>
30	<p><b>Car Wash</b></p> <p><i>Review the following:</i></p> <p><i>a) Ensure the provision is updated to reflect current practices and modern car wash design, including reviewing crossover dimensions.</i></p>	<p>Supported.</p> <p>No in-principle objection.</p>
31	<p><b>Motor Vehicle, Boot and Caravan Sales</b></p> <p><i>Review the following:</i></p> <p><i>a) Review the role and purpose of this provision, and the relevance of the dimensions, with a view to either removing or updating.</i></p>	<p>Supported.</p> <p>No in-principle objection.</p>
32	<p><b>Telecommunications Facility</b></p>	<p>Supported.</p>

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p><i>Review the following:</i></p> <p><i>a) Update the Code of Practice for Telecommunications Facilities in Victoria (2004) (an incorporated document in the VPP) and the particular provisions to recognise advances in equipment technology.</i></p> <p><i>b) Clarify permit triggers and exemptions without requiring cross-referencing to another document.</i></p>	<p>a) &amp; b)</p> <p>Strongly agree with these changes.</p>
33	<p><b>Licensed Premises</b></p> <p><i>Review the following:</i></p> <p><i>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</i></p> <p><i>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</i></p> <p><i>c) Include and clarify common application requirements, such as 'cumulative impact statements'.</i></p>	<p>Not supported, especially proposal ID No's 33 a) &amp; b).</p> <p>a) Not Supported.</p> <p>Liquor licensing can contribute to adverse impacts on residential and commercial amenity if not appropriately regulated. Therefore, proposed measures to remove liquor licensing from planning control (Proposal 3.2 and Proposal 5.1 - Clause 52.27 'Licensed premises') are not supported.</p> <p>b) Not supported, as per proposal ID No. 33 a).</p> <p>At the very least, buffer distance from residential zones and uses should be included and conditions should apply with regard to patron capacity, type of licence, and licensed hours of operation.</p> <p>c) No in-principle objection.</p>
34	<p><b>Gaming</b></p> <p><i>Review the following:</i></p> <p><i>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.</i></p>	<p>Supported.</p> <p>No in-principle objection.</p>

Possible reforms - specific provisions ID No.		City of Stonnington comments
35	<p><b>Land adjacent to the Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road</b></p> <p><i>Review the following:</i></p> <p>a) Clarify permit triggers and application requirements, in particular whether an alteration to access can refer to a change in use as well as a physical alteration</p> <p>b) Include a definition for the term 'create or alter access'</p> <p>c) Amend the provision to provide additional permit exemptions</p> <p>d) Explore the possibility of using standard VicRoads conditions to avoid referral</p> <p>e) Make access to a service road (other than an excluded service road) exempt from referral to VicRoads</p> <p>f) Make applications under this clause exempt from normal notice and review provisions.</p>	<p>Supported in part subject to comments below.</p> <p>a) Strongly agree with this change.</p> <p>b) Strongly agree with this change.</p> <p>c) No in-principle objection. VicRoads' views should be considered.</p> <p>d) Insufficient information. Examples of standard conditions would need to be provided, along with the circumstances under which they are proposed to be applied without the need for referral. Any examples provided would need to be discussed with Council's engineers.</p> <p>e) No in-principle objection. The views of VicRoads should be considered.</p> <p>f) Strongly agree with this change.</p>
36	<p><b>Bicycle facilities</b></p> <p><i>Review the following:</i></p> <p>a) Update bicycle rates to reflect environmental sustainability goals, the needs of modern businesses and increased popularity of cycling as a transport mode, particularly with respect to offices</p> <p>b) Provide rates for more types of development.</p>	<p>Supported.</p> <p>a) &amp; b)</p> <p>Strongly agree with both changes.</p>
37	<p><b>Post boxes and dry stone walls</b></p> <p><i>Review the following:</i></p> <p>a) Examine the feasibility of removing the provision, identifying historic post boxes</p>	<p>Unsure.</p> <p>Not an issue for Stonnington; however some municipalities may still rely on Clause 52.37 if specific dry stone wall studies have not been undertaken with regard to their potential inclusion in the HO. The views of mainly regional and outer metro Councils are more relevant to consider.</p>

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<i>and dry stone walls through mapping and protecting them through the Heritage Overlay.</i>	
38	<p><b>Residential development and subdivision provisions</b></p> <p><i>Review Clause 54,55,56 and 58 having regard to the following:</i></p> <p><i>a) Clarify the relationship between the standards and objectives, and particularly whether full compliance with the standard means that the objective is also met.</i></p>	<p>Supported.</p> <p>Strongly agree with this change.</p>
39	<p><b>Metropolitan green wedge land</b></p> <p><i>Review the following:</i></p> <p><i>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.</i></p>	<p>Unsure - GWZ &amp; GWAZ have not been applied in Stonnington.</p>
40	<p><b>General provisions</b></p> <p><i>Review the following:</i></p> <p><i>a) Consolidate application requirements into a single clause similar to Clause 66 (Referrals and Notice), review all existing requirements, and add common application requirements (such as basic plans) to definitions to reduce duplication of description.</i></p>	<p>Not supported.</p> <p>Application requirements should be located in direct relevance to the permit trigger rather than found elsewhere in the planning scheme, which would be contrary to improving the useability and navigability of schemes for occasional or inexperienced users. This concern could be reduced once planning schemes have become fully digitised, including through insertion of hyperlinks in planning scheme provisions.</p>
41	<p><b>Decision guidelines</b></p> <p><i>Review the following:</i></p> <p><i>a) Review all decision guidelines across the VPP and consolidate under Clause 65, similar to Clause 66 Referral and Notice provisions.</i></p>	<p>Not supported.</p> <p>As per comments re Proposal ID No. 40, decision guidelines should be located in direct relevance to the permit trigger for transparency. Wait at least until full digitisation before implementing this change.</p>
42	<b>Referral and notice provisions</b>	Supported in part subject to comments below.

Reforming the VPP – City of Stonnington Submission – Attachment 3 – Changes to Specific Provisions

Possible reforms - specific provisions		City of Stonnington comments
ID No.		
	<p><i>Review the following:</i></p> <p>a) <i>Remove references to seeking the views and comments of referral authorities throughout the VPP and use formal processes of Clause 66 instead</i></p> <p>b) <i>Review the classification of referral agencies as 'recommending' authorities or 'determining' authorities</i></p> <p>c) <i>Encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters</i></p> <p>d) <i>Make the Department of Economic Development, Jobs, Transport and Resources a referral authority for land near existing quarries.</i></p>	<p>a) Not supported.</p> <p>This change will further complicate the planning process by requiring lay-people to check clause 66 as well as the zone, overlay and particular provisions. Currently serves as a useful prompt, especially for inexperienced planners. This reduces the risk of Councils making procedural errors.</p> <p>b) Support this current distinction being reviewed.</p> <p>c) No in-principle objection, especially where permit conditions are frequently repeated word-for-word and are predictable.</p> <p>d) Unsure - not relevant to Stonnington.</p>
43	<p><b>General terms</b></p> <p><i>Review General Terms to investigate the inclusion of:</i></p> <p>a) <i>'outbuildings normal to a dwelling'</i></p> <p>b) <i>'sensitive uses'.</i></p>	<p>Supported.</p> <p>No in-principle objection.</p>
44	<p><b>Land use terms and definitions</b></p> <p><i>Review all VPP land use terms and definitions, and associated treatment in the land use tables, having regard to the following objectives:</i></p> <p>a) <i>Reduce the number of terms</i></p> <p>b) <i>Remove obsolete uses</i></p> <p>c) <i>Separate out common land uses only when necessary to be treated differently in zone tables</i></p> <p>d) <i>Be less prescriptive by removing overly specific terms</i></p>	<p>Supported in-principle subject to comments below.</p> <p>Draft definitions should be provided to Council for comment; however agree that a review of Clause 74 is warranted.</p>

Possible reforms - specific provisions ID No.	City of Stonnington comments
<p><i>e) Broaden terms and definitions to account for rapidly shifting industries and lifestyles</i></p> <p><i>f) Use every day and plain-English terms that the community readily understands</i></p> <p><i>g) Modernise definitions including consideration of emerging social, economic and technological trends</i></p> <p><i>h) Provide definitions for undefined terms, excluding those where there is an appropriate ordinary dictionary meaning or definition in the Act.</i></p> <p><i>Review Land Use Terms to investigate adding the following (only where necessary and in recognition of the objectives above):</i></p> <p><i>‘Rural workers accommodation’, ‘Carbon sequestration’, ‘Contractor’s Depot’, ‘Holiday dwelling’, ‘Café’, ‘Music and arts festival’, ‘Maker’, ‘Community gardens’, ‘Storage facility’ and ‘Animal day care’.</i></p> <p><i>Review Land Use Terms to investigate revising the following:</i></p> <p><i>‘Tavern’, ‘Airport’ and ‘Airfield’, ‘Primary produce sales’, ‘Utility installation’, ‘Minor utility installation’, ‘Place of worship’, ‘Anemometer’, ‘Winery’, ‘Shop’, ‘Food and drink premises’, ‘Leisure and recreation’, ‘Animal keeping’, ‘Brothel’, ‘Renewable energy facility’, ‘Heliport’, ‘Caretakers residence’, ‘Community market’, ‘Trash and treasure market’, ‘Dwelling’, ‘Cinema based entertainment facility’, ‘Warehouse’, ‘Store’, ‘Gambling premises’, ‘Gaming premises’, ‘Convenience restaurant’, ‘Art</i></p>	

Possible reforms - specific provisions ID No.	City of Stonnington comments
<p><i>and craft centre’, ‘Art gallery’, ‘Amusement parlour’, ‘Pleasure park’, ‘Retirement village’ and ‘Residential village’, ‘Restricted retail facility’, ‘Group accommodation’, ‘Industry’, ‘Medical centre’, ‘Agriculture’, ‘Bed and breakfast’, ‘Night club’, ‘Hotel’, ‘Retail’, ‘Accommodation’, , ‘Place of assembly’, ‘Restaurant’, ‘Earth and energy resources’ and ‘Stone extraction’, ‘Materials recycling’, and ‘Transfer Stations’.</i></p> <p><i>Review Land Use Terms to investigate removing terms within the land use table that do not have definitions as is consistent with Clause 71.</i></p>	
<p>45 <b>Land use terms – battery storage</b></p> <p><i>Review the following:</i></p> <p><i>a) Investigate how the VPP treats commercial battery storage facilities both as stand-alone facilities and those collocated with energy generation projects, including whether new or revised definitions are required and in which zones they are appropriate.</i></p>	<p>Supported.</p> <p>Review of definitions is always warranted wherever this helps to reduce uncertainty.</p>
<p>46 <b>Nesting diagrams</b></p> <p><i>Review the following:</i></p> <p><i>a) Shift ‘Cinema Based Entertainment Facility’ from un-nested to within the ‘Place of Assembly’ group.</i></p>	<p>Unsure – see comments below.</p> <p>Cinemas are specialized uses and have the potential for adverse amenity impacts. Place of Assembly should be reviewed across all zones before deciding to nest cinemas within this broad use category.</p>
<p>47 <b>Incorporated documents</b></p> <p><i>Review the following:</i></p> <p><i>a) Examine whether a standard template can be adopted to ensure consistency across documents</i></p>	<p>Supported in part subject to comments below.</p> <p>a) No in-principle objection.</p>

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p><i>b) Address the use of Australian Standards (fee payable for access), moving away from incorporating documents that are not free to access</i></p> <p><i>c) Review the usefulness of each incorporated document including whether extracts should be taken from particularly large documents</i></p> <p><i>d) Remove obsolete and outdated documents</i></p> <p><i>e) Replace document references with updated versions where available.</i></p>	<p>b) Agree that all parts of the planning scheme should be free and easily accessible.</p> <p>c) More information is required on how extracts are meant to work. There is a concern that this proposal could mean that only an extract would be incorporated, which raises a question if the planning force of the rest of the document would be diminished.</p> <p>d) No in-principle objection.</p> <p>e) No in-principle objection.</p>
48	<p><b>Practice Notes</b></p> <p><i>Review the following:</i></p> <p><i>a) Repackaging the extent of practice notes to make them easier to navigate. This includes introducing a new VPP manual to support planning authorities (and repositioning appropriate practice notes focussed on implementing and writing provisions into the manual)</i></p> <p><i>b) Create a new Practice Note addressing advertising sign provisions, in particular outlining a mechanism by which councils can address concerns about the safety impact of signs on or near state-controlled roads where VicRoads is not a referral authority</i></p> <p><i>c) Update Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes - to reflect the circumstances when mandatory provisions should be applied.</i></p>	<p>Supported subject to comments below.</p> <p>a) Incorporating practice notes into a new comprehensive VPP manual is supported provided that the current level of familiarity with practice notes is not lost, i.e. they should be easy to locate and referenced to superseded versions if repackaged.</p> <p>b) Advertising Signs provisions should also be updated to require VicRoads referral if there is a concern about the safety of state-controlled roads rather than this issue being solely addressed by a new practice note.</p> <p>c) A change to PN59 that improves the clarity of when it is appropriate to apply mandatory requirements is supported. Changes should include clearer guidance on the language to be used to avoid the confusion referred to in the last paragraph on page 3 of PN59, i.e. to better clarify that discretionary controls are not mandatory requirements (provided that a lesser standard better achieves an associated objective). An amended PN59 should also reflect any shift to code-based assessment.</p>
49	<p><b>Availability of planning permits</b></p> <p><i>Review planning systems having regard to the following:</i></p>	<p>Supported.</p>

Possible reforms - specific provisions ID No.		City of Stonnington comments
	<p>a) <i>Review processes for accessing planning applications and update Planning Practice Note 74 - Availability of planning documents - to encourage councils to make documents relating to permit applications available freely online via their website</i></p> <p>b) <i>Provide a plain text version of planning schemes on 'Planning Schemes Online' to allow convenient 'copy and paste' into reports, or deliver through HTML using PSIMS (i.e. Planning System Information Management System).</i></p>	<p>a) Supported.</p> <p>The use of SPEAR for all applications would help to achieve the intent of this change and should be actively pursued by the State Government as originally intended.</p> <p>b) Supported.</p>
50	<p><b>Section 173 agreements</b></p> <p><i>Review the following:</i></p> <p>a) <i>Their role in the planning system and whether they are overused including in local schedules</i></p> <p>b) <i>The benefits of creating a standard agreement template that would only require minimal amendments for most purposes.</i></p>	<p>Supported subject to comments below.</p> <p>a) &amp; b)</p> <p>Any reduction in the role of s173 agreements is not supported; however a standard template may be beneficial and help to reduce legal costs associated with their drafting.</p>