



Reforming the Victorian Planning Provisions
A discussion paper

Submission by Boroondara City Council

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ATTACHMENT 1 - COUNCIL FEEDBACK ON SPECIFIC CHANGES TO PROVISIONS

1. INTRODUCTION

The City of Boroondara welcomes the opportunity to comment on the *Reforming the Victorian Planning Provisions - A Discussion Paper* (the discussion paper). Council acknowledges the significant work undertaken by the Department of Environment, Land, Water and Planning (DELWP) in preparing the discussion paper and the various proposals presented in it.

Council supports the broad objectives of making planning schemes more efficient, improving consistency between local government provisions and simplifying the process for users. To achieve these outcomes, reforms are required and the discussion paper presents an important step in starting the conversation about necessary reforms.

However, while the discussion paper sets out various reform proposals (some good, some necessary and some not supportable) it suffers from a lack of detail. Given the absence of critically important detail, Council cannot support the reform package without further detailed information being made available for further comment and feedback. The discussion paper therefore amounts to nothing more than a conversation starter and it should not be treated as anything more than that. In addition to the lack of detail on the proposed reforms, there is no implementation plan and no identifiable consultation program on the important details of the reform proposals. The details of the reforms to be ultimately implemented require far more consultation and collaboration with all stakeholders than is currently foreshadowed.

The proposed reforms will have significant implications for councils' roles as planning and responsible authority and have the potential to fundamentally change the way that land-use and development are managed in Victoria. This is not a reform package that can be implemented in a short timeframe in its entirety. There are simple reform initiatives that can be implemented within short timeframes that will provide immediate improvements to some aspects of the planning system. Other reforms, however, will require substantial analysis and therefore cannot be rushed within the proposed timeframes.

A large portion of these reforms have the potential to improve the planning system for all parties involved in the process. However, proper implementation and transition is vital to the success of any reforms. This means that reforms should not be rushed through to meet a politically motivated deadline for implementation. Instead the reforms, and most importantly any new planning provisions, need to be carefully drafted in consultation with local government (the primary user of the planning scheme), local communities and other industry stakeholders to avoid any poor or unintended outcomes.

Some of Council's key concerns that will be discussed in more detail below include that:

- the proposed reforms are intended to weaken local planning policy by placing stronger focus on regional policy. As will be noted in Chapter 4, the merging of the State and Local Planning Policy Frameworks, while a worthwhile reform on the surface, could significantly undermine local planning policy. Such an outcome will not be supported by Council and it is therefore critical that Council be provided with further opportunity to review the reforms in detail before they are implemented.
- the focus on efficiencies and streamlining the planning system will be used to shut out local communities from the planning process and limit Council's ability to make

decisions. Extensions to VicSmart and introduction of a code-based assessment pathway could be used to that effect by exempting certain proposals from notice and review provisions that should in fact be open for local communities to comment on. Given the lack of detail contained in the discussion paper, Council is unsure of the Victorian Government's intentions and therefore remains sceptical until the specific details are known.

in an attempt to reduce planning permit triggers, the administrative burden for Council is merely shifted from planning assessment and approval to enforcement. While a new land use or development may establish without the need for planning approval, it is common that the land use or development may change or alter over time. It is Council's experience that land uses and developments that have been established with a valid planning permit appear to be more conscientious to comply with any conditions of approval compared to uses that established as-of-right. Council also considers that the *Planning and Environment Act 1987* (the Act) should be changed before any substantial changes are made to the Victoria Planning Provisions (VPP). This review of the Act needs to implement the reforms and improvements that have come out of past reviews and stakeholder feedback and drive VPP reform. It appears illogical to first undertake VPP reform and then to retrospectively make any necessary legislative changes.

This submission is structured around the five different proposals presented in the discussion paper, preceded by general comments.

The submission specifies whether Council supports (including any conditional support) or opposes a particular reform proposal. Elaboration on particular issues or ideas is provided to explain Council's position or to raise issues that need further consideration. Further, Council has reviewed the list of 50 specific changes set out in Appendix 2 of the discussion paper. A response to each of these possible changes indicating Council's support, conditional support or opposition with a more detailed discussion to explain Council's position as required is contained in Attachment 1.

2. GENERAL COMMENTS

Before providing detailed feedback on the various reform proposals and the particular changes contained in Appendix 2, Council would like to provide some general feedback on some key failings of the discussion paper and the Smart Planning reform program.

2.1. Lack of detail

While Council recognises the need and supports planning system reforms that improve the effectiveness of Victoria's planning system and lead to better outcomes more consistently, Council has significant concerns about the lack of detail on the proposed reforms in the discussion paper.

The proposed reforms presented are so broad and high level that it is difficult to debate them. On a superficial review it could be argued that many of the reforms are good but they could also be used to weaken the role of local government in the planning process. Whether this is the case or not can only be identified when the details of the reforms are known. The lack of detail with regards to implementation of these reforms (specifically, the lack of draft planning controls) therefore means that meaningful feedback is almost impossible to provide. As usual, "the devil is the detail" which is absent from the discussion paper.

Council acknowledges that this is a discussion paper and that it is unreasonable to expect greater level of detail than what is provided. For example, Council does not expect a draft Planning Policy Framework (PPF) to be prepared at this stage that shows how the integration of state, regional and local planning policy will work in practice. The lack of detail therefore is not an issue in its own right. The true purpose of a discussion paper is to start the conversation about much needed reform - nothing more, nothing less.

However, the lack of detail becomes a major concern in the context of the proposed implementation timeframes as specified on DELWP's website (the discussion paper is silent on implementation timeframes). In fact, further consultation on the details of the proposed reforms is only intended to occur with the Advisory Group and the Technical Reference Groups in early 2018. This limited scope of engagement on the fine details of the reforms demonstrates that the intention for this discussion paper goes beyond its key purpose to start the conversation. It appears to be the beginning and end of the conversation with a broad range of users of the planning system. This is simply not acceptable given the possible implications of the reforms on the planning system as a whole, Council's role in this system and the possibly detrimental impacts on local communities.

Council therefore urges the Minister for Planning and his department to undertake meaningful consultation with all stakeholders on the detail of the proposed reforms to ensure that the reforms can be successful. This will be discussed in more detail in Chapter 2.4 of this submission.

2.2. The need for legislative change

While Council agrees that there is a need for reforms to the VPPs, Council suggests that legislative change in the form of a comprehensive overhaul of the Act is required before any substantial changes are made to the VPPs. There have been a number of Act reviews over the last decade, yet changes to the Act have involved predominantly minor updates to retro-

fit other reform efforts. This is not a strategic approach to planning systems reform as the Act should set the overarching purpose and objectives for planning in Victoria.

Council therefore submits that a more logical approach would be to first implement the findings of the various act reviews (reflective of any industry feedback) rather than trying to fit the new VPPs into an outdated legislative framework. Similarly, if VPP reform occurs prior to legislative change, the legislative change would then either have to retro-fit in with these reforms or necessitate further extensive reforms to the VPPs.

Some of the proposed reforms may even require legislative change before they can be implemented. However, such complexities are not acknowledged in the discussion paper. One such example is the creation of a centralised drafting unit that would be the default agency to draft all planning controls including local planning policy. This will be discussed further in Council's response to proposal 4.2 (Chapter 5.2).

2.3. Resource implications

In its entirety the proposed reforms present significant change to how the VPPs operate. Importantly, it would require significant work by councils to translate existing policy into the new structure. This is critical to ensure existing policy content does not get lost or weakened. The amount of work required from councils and the DELWP should not be underestimated. Yet, there seems to be very little acknowledgment of the effort that would be required within the discussion paper. DELWP therefore needs to develop a clear implementation program that sets out short, medium and long term reforms and clearly defines who will be involved in implementing the reform. This will allow councils to better plan their own work program and resource requirements, and enable them to make a meaningful contribution to the reform program.

While proposal 5.3 talks about a reform register, this seems to be more of a working register to monitor progression of various reforms 'on-the-run' rather than a comprehensive implementation plan that the Victorian Government is accountable for. The preparation of an implementation plan also needs to clearly address how the reforms will be funded, how local government will be supported in the translation of current content and the subsequent implementation process.

It is important that implementation timeframes allow sufficient time for councils to prepare the relevant local content (and consult with its community, if required) to ensure a smooth and efficient transition into any new VPP structure.

Council urges the Minister and his department to continue to engage with local government to ensure this reform process is not rushed.

2.4. The need for comprehensive consultation

As noted above, Council is concerned about the proposed timeframes for implementation of the VPP reforms.

The reforms set out in the discussion paper amount to substantial changes to the planning system that in some cases would require legislative changes (refer to discussion in previous chapter and below). Such a substantial reform package requires careful consideration and

discussion with all affected stakeholders. Limiting future consultation on any reforms to the Advisory Group and Technical Reference Group as suggested is not sufficient and not acceptable.

While Council has a representative on the Local Government Technical Reference Group, Council has some significant concerns regarding this group and how it will be engaged. Firstly, engagement with this group has been very limited to date and it is unclear how this group will be further engaged in the future. Secondly, members of this group have been asked to sign confidentiality agreements which would effectively prevent them from sharing the information and documentation provided with other Council employees and Councillors. This is not open and transparent consultation. In fact it is the opposite and leaves the impression that the Minister and DELWP want to stifle public debate about the reforms and are trying to hide the true intentions of the reforms.

Council also has reservations about the composition of the advisory and reference groups given that they do not comprise members of the local communities that will also be affected by any reforms. This is a major failure of the reform process and of great concern to Council. The exclusion of local communities from these groups and any further consultation means that one of the key stakeholders that will directly feel the effects of the reforms will not be able to have a say on the details of the reforms. This is particularly concerning in the context of future expansions of VicSmart application process (past expansion have involved very limited consultation) or the introduction of a code-assess assessment pathway which would further limit or remove third party notice and appeal rights.

Unfortunately and worryingly, the timeframe for the completion of this reform package by mid-2018, as shown on the Victorian Government's website, suggests that the Minister and DELWP do not intend to undertake meaningful consultation and that a public debate on the reforms will not be possible. This clearly is reform on-the-run that will leave Victorians with an inferior planning system that is skewed towards developers' interests. There are simply too many reforms proposed in the discussion paper to implement in the short timeframes set out in the discussion paper. This is likely to result in poorly conceived reforms that have not been properly thought through and will have unintended consequences that will require ongoing review.

Council therefore urge the Minister and his department to adopt a more realistic timeframe for the implementation of this comprehensive reform program that will allow detailed consultation and debate with the key users of the planning scheme to ensure they deliver the desired improvements.

3. PROPOSAL 1 - A SIMPLER VPP STRUCTURE WITH VICSMART ASSESSMENT BUILT IN

3.1. Restructure and reform the particular provisions (Proposal 1.1)

Council opposes this proposal in part.

Council agrees that the structure of the existing Particular Provisions that addresses specific standards for classes of use and development needs improvement. The Particular Provisions should be grouped into themes that can directly align with those themes established within the PPF and/or the zones. This would greatly enhance their useability.

If Particular Provisions continue to be provided in a form that is similar to existing, the permit triggers under the zones and/or overlays should provide a cross-reference to any relevant Particular Provisions. The Table of Uses for each zone should also include a relevant condition that requires consideration of any applicable Particular Provisions. Additionally, new decision guidelines could be written to require consideration of specific Particular Provisions.

Council agrees that specific performance based standards that are SMART (Specific, Measureable, Achievable, Realistic and Timely) will provide more certainty to all planning scheme users. However, further detail and consultation is required.

It is also recommended that the format of the planning scheme be generally changed to allow easy-to-read content. The usability and clarity of the provisions would be improved immensely through the implementation of table formats, rather than extensive sections of text.

Council opposes the integration of VicSmart provisions into a specific Particular Provisions clause. Consistent with Council's previous feedback on VicSmart, Council submits that VicSmart provisions should be provided in the same location as the permit triggers to promote a 'one-stop-shop' usability for these simple and straightforward planning applications. It is unclear why this has not been envisaged and indicates that the reforms have not been properly thought through. This is further discussed in the following chapter.

Specific sites, areas and exclusions can be incorporated into the Particular Provisions. Council suggests that any sites included under this provision are mapped through an overlay to allow for easy identification. The current approach is not very transparent and there is the danger that site-specific exemptions and exclusions will be missed. It is also recommended for sites that the local council is not the Responsible Authority, that the appointed responsible authority should be mapped and details of the appointed responsible authority provided.

Council is unclear which specific provisions would fall under the proposed 'Interface Provisions'. Does it relate to issues such as liquor licensing, or heritage properties included on the Victorian Heritage Register? Given the uncertainty, Council at this stage is not able to provide any feedback on the proposal to incorporate 'Interface Provisions'. Further information and discussion would be required to clarify the intention and operation of this provision.

3.2. Integrate VicSmart into appropriate particular provisions and overlay schedules (Proposal 1.2)

Council opposes this proposal.

The VicSmart provisions should be embedded within the relevant permit triggers contained in zones and overlays. When the VicSmart provisions were introduced, Council raised concerns with respect to introducing additional clauses in a different location to the permit triggers. As anticipated, this approach has resulted in additional complexity for less experienced permit applicants. The relocation of the VicSmart provisions into the Particular Provisions, will not promote the 'one-stop-shop' approach and is therefore not supported (refer to discussion above). For example, a customer seeking to construct a front fence would need to check:

- the zone;
- each and every overlay that would apply to the site;
- Clause 92 to determine whether all of the permit triggers identified in the zone or overlay qualify for a VicSmart planning permit process.

Council therefore strongly recommends that VicSmart provisions be integrated into the zone and overlays rather than the particular provisions. The proposed reform would fail to address the issue of useability.

Given that Council has previously provided this feedback and that this view is shared by other councils, it is concerning that the proposed reform seeks to move VicSmart provisions into the particular provisions rather than the zone. This indicates that DELWP either is not listening to local councils (who are ultimately responsible for administering the planning scheme and are very familiar with the problems and issues) or have not properly thought about the proposed reforms. Either way, it is a significant concern to Council.

3.3. Consolidate all administrative provisions (Proposal 1.3)

Council supports this proposal.

The consolidation of administrative provisions is supported.

With respect to the proposed VPP Framework, the following comments are made:

- Existing Clause 1.0 (Preliminary) should be maintained and renamed 'Objectives and Purposes'.
- The current Clause 2.02 should be amended to include a table of those Ministers exempt under Section 12 of the Act. Similarly, the provisions of Clause 67 (Applications under Section 96 of the Act) should be rewritten and could be incorporated into the User Guide.
- Existing Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit) should be moved towards the front of the Scheme (before the new PPF) to avoid users wading through zones, overlays and particular provisions. Locating the general exemptions at the rear of the scheme seems at odds with the intention to create a user-friendly one-stop-shop planning system.

- Clause 62 should be re-written and reformatted to adopt an approach similar to the table of uses in zones (column of broad definition of use and column with corresponding condition).
- Existing Clause 65 (Decision Guidelines) should be deleted and incorporated into the zones, overlays, and particular provisions. Having the decision guidelines in a different location to the permit triggers is not user friendly and does not promote a logical use of the provisions.

Overall, the provisions in the planning schemes should:

- Encourage the use of tables for conveying information;
- Increase the use of maps and diagrams;
- Link, connect and reference other provisions that are inter-related;
- Remove pages 10, 20, 30, 40, 50, 60, 70, and 80;
- Consolidate/ reduce table of contents which is lengthy and overwhelming, and replace with a diagram similar to Figure 2 of the 'Reforming the Victoria Planning Provisions - A Discussion Paper'.

3.4. Response to detailed questions

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

Please refer to the comments in response to proposal 1.1 to 1.3 above. Although an overall improvement to the current VPP Framework, Council considers that the proposed framework as shown in Figure 2 can be further improved to provide a more user friendly layout and one-stop-shop structure.

4. PROPOSAL 2 - AN INTEGRATED PLANNING POLICY FRAMEWORK

4.1. Integrate state, regional and local planning policy (Proposal 2.1)

Council opposes this proposal in the absence of adequate information.

The proposed merging of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) into one integrated planning policy framework (PPF) is generally consistent with the work undertaken in 2013/14 by the SPPF Review Advisory Committee. The benefits of a merged PPF ensure that planning scheme users will no longer have to navigate a separate SPPF and LPPF.

Council also welcomes the revised structure to ensure that local policy content is afforded equal weight to other policy. Any revised structure needs to clearly articulate and emphasise their equivalent importance as stated on page 17 of the discussion paper.

However, the continued undercutting/devaluation of local planning policy by successive state governments has Council concerned that the potential benefits of a merged PPF may not be realised without a clear political commitment from the Minister for Planning to truly afford local policy the same standing as state policy (as long as it is consistent and implements state policy).

A key concern in the creation of the new PPF is the risk that Council's current policy positions contained in the Municipal Strategic Statement (Clause 21) and the various local planning policies (Clause 22) are lost. The amalgamation should not be used as a process for the removal of local content.

Council is also concerned that the introduction of regional policy (that currently does not exist) can be used to effectively limit councils in setting their local planning policy. Regional policy would present an additional layer of policy guidance that would be narrower in scope than state policy. Councils would be forced to develop local planning policies that are consistent with this narrower scope. The introduction of an additional policy level that limits councils would require substantial consultation and debate to ensure local government do not become powerless in setting their own policy agenda.

Further it needs to be acknowledged that the translation of existing local policy content into a new PPF structure would require substantial work by councils. As discussed in more detail in Chapter 2.3 above, the translation work should not be underestimated and councils need to be provided with sufficient time to undertake this work. Council is adamant that this translation should be undertaken by the respective local government planners rather than the proposed centralised drafting unit (refer to discussion under proposal 4.2).

4.2. Simplify the Municipal Strategic Statement (Proposal 2.2)

Council opposes this proposal in the absence of adequate information.

On a superficial basis, this proposed reform seems to make sense and aligns with the merging of the SPPF and LPPF under proposal 2.1. However, Council notes that there is a lack of detail to truly understand what a simpler MSS would look like, how it would translate into the new PPF structure in practice and how much weight would be afforded to it in the planning permit assessment and decision-making process.

The MSS plays an important role in setting the policy framework for use and development within the municipality. Simplification of the MSS should not be used as an avenue to undermine or weaken local policy. There needs to be a genuine commitment by the Victorian Government to afford local policy the standing and importance that it deserves.

Council is encouraged by the statement that to 'emphasise their equivalent importance, planning and responsible authorities be required to uniformly take account of and give effect to all three tiers of policy'. Council would hasten to say that VCAT also needs to give equal weight to local policy - something that has not been the case consistently.

Translation of the existing MSS policy objectives, strategies and guidelines into the new PPF is therefore critical to the success of the new structure and to ensure equal consideration of local policy content alongside state policy content. If the PPF remains just a high-level visionary section of the planning scheme without playing an effective (or practical) role in planning permit assessment and decision-making, this would present a missed opportunity and would render this reform pointless. This role of the PPF is further expanded on in the discussion under proposal 2.3 below.

As mentioned previously, translation of the existing MSS would require significant resources and detailed discussion to ensure that no local policy content is lost simply because it doesn't fit into the reformed structure.

Council also would like to highlight that it has only recently had a revised MSS and LPPF approved through Amendment C229 (gazetted 26 October 2017). This followed an extensive review of the Boroondara Planning Scheme and provides a more streamlined policy framework.

4.3. Expand policy themes (Proposal 2.3)

Council opposes this proposal in the absence of adequate information .

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'.

Council has some reservations about this approach of moving local policy into zones and overlays and considers that this should not necessarily be the default position. Council understands and acknowledges 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, Council is concerned that it also has the potential to weaken local planning policy.

This is due to the removal of Clause 22 and the fact that not everything contained in local planning policies can be translated into zone or overlay provisions. These controls have a fairly rigid structure that limits what can be included. For example, 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 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. Council was unaware of these changes and does not support them. 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 proposed merging 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.

Council would also like to express its disappointment that the updates to the Ministerial Direction were made without any consultation with councils. As noted above, the changes severely limit councils in setting their own local policy and Council submits that these changes warrant consultation and debate. The fact that such a significant change has been made without consultation, does not provide Council with any confidence in the Government's intention with regard to the proposed reforms set out in the discussion paper. The absence of detail, lack of further consultation and past experience has Council concerned that the Minister and DELWP are not interested in a transparent public debate with genuine intention to listen to the feedback from local government.

Further, Council submits that 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 planners to achieve desired use and development outcomes for the local context.

The merging of the SPPF and LPPF (particularly Clause 22) 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 show 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 on environmental sustainability. It is time for the Victorian Government to act on the advice of the Environmentally Efficient Design Local Policies Advisory Committee which recommended a state-wide approach to facilitate an increased focus on sustainability.

4.4. Create a clearer and simpler structure for policy making (Proposal 2.4)

Council provides conditional support subject to further information and consultation.

The proposed policy structure of objectives, strategies and guidelines is logical and cannot be disputed. The differentiation between objectives, strategies and guidelines is a fundamental principle and does not present a reform. In theory this is something that should already be happening when drafting planning provisions. It is a fundamental skill that requires support through appropriate training, particularly for less experienced planners in the profession.

Unfortunately, even DELWP officers have shown a tendency to confuse objectives with strategies and guidelines when drafting planning controls. A recent example where this has been the case is the planning controls for the Yarra River Corridor which were approved by the Minister earlier this year. This is particularly concerning given the proposal to create a centralised drafting unit within DELWP that would draft all planning controls including any local provisions. This is further discussed with regards to proposal 4.2.

4.5. Set new rules and guidelines for writing policy (Proposal 2.5)

Council supports this proposal in principle.

Council agrees that better guidance on the drafting of local planning policies and schedules is required to ensure consistency and more effective planning controls.

One key aspect that would improve planning provisions is to avoid the use of words that provide too much room for interpretation and debate. Planning provisions must incorporate precise language that clearly articulates desired outcomes. Council points to the work undertaken by the SPPF Review Advisory Committee in 2013/14 on this issue.

4.6. Response to detailed questions

Are there any themes that should be added to the proposed PPF thematic framework - shown in Appendix 1 - to ensure that it covers all required policies?

There does not seem to be any obvious major thematic gaps in the proposed PPF structure, although Council has not undertaken a detailed review of how the existing MSS objectives, guidelines and strategies would or wouldn't fit into the proposed new PPF structure.

Council notes that some themes and sub-themes included in the new PPF at the state level appear to be not relevant to all councils. This includes Clauses 11.04 *Planning for areas of state significance*, 12.02 *Coastal areas*, and 12.04 *Alpine areas*. These clauses might be more appropriately contained within the regional policy section rather than applying to all councils through the state policy section. Alternatively, any theme irrelevant to a particular council could simply be removed and not form part of that planning scheme.

What else could be done to make policy easier to apply and understand?

Council submits that there should be an increased use of maps and diagrams throughout the PPF and recommends that the use maps be strongly encouraged through the new policy writing rules and guidelines. This was a key component of the new PPF proposed by the SPPF Review Advisory Committee in 2014. Planning is a spatial profession, yet the system

relies on words to articulate spatial concepts. Council therefore encourages a greater use of and reliance on plans and maps to present desired outcomes.

Council would also welcome an increased use of 3D modelling where preferred development outcomes are being encouraged (e.g. in areas subject to a Design and Development Overlay). This would improve the ability to understand and assess a proposal's impact and allow better engagement with local residents.

What will be needed to support transition to a new PPF format?

Most importantly, councils need to be provided with sufficient time to translate existing local content into any new structure.

5. PROPOSAL 3 - ASSESSMENT PATHWAYS FOR SIMPLER PROPOSALS

5.1. Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules (Proposal 3.1)

Council opposes this proposal.

As already discussed in Chapters 3.1 and 3.2 with regards to Proposals 1.1 and 1.2, Council opposes the integration of VicSmart into the particular provisions. Instead Council is of the firm view that VicSmart applications should be a 'one-stop-shop' and therefore the process, application requirements and decision guidelines should be located where the relevant permit trigger exists (i.e. zones and overlays)..

5.2. Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners (Proposal 3.2)

Council opposes this proposal in the absence of adequate information.

Council agrees that a simplified process for simple applications may be appropriate but that this is limited to very specific circumstances. Council therefore requests specific details on such an application pathway before it is introduced. This would enable Councils to properly assess the ramifications of code assessment applications. Critical detail is lacking at this stage that limit Council's ability to fully understand any implications.

Council would only support the introduction of the code assessments applications in instance where:

- Requirements are prescriptive, mandatory and do not require any discretion or subjective judgement.
- The regulations allow for Council to seek an appropriate fee that would reasonably cover the administration and assessment of the code assessment application.
- Council is given the ability to request additional information or clarification of the information provided.
- The timeframe for Council to undertake all necessary administrative process, undertake the assessment and issue the decision be no less than 30 days.
- the lack of response is not considered to be 'consent' of the project, should Council not respond within the statutory time.
- The decision would result in the issue of a planning permit with endorsed plans which can be enforced under the Act.
- There is no right of appeal for code assessment applications failing to comply.

In addition, Council would like to provide the following comments on a number of specific land uses.

Restaurants/ cafe

With the introduction of the Commercial 1 Zone and the revised Clause 52.06 of the planning schemes, many restaurants/ cafes do not require a planning permit to commence trade. Given the global trend of online shopping reducing the number of retail premises and activity centres now being dominated with food and drink premises, concern is raised with respect to

allowing restaurants to operate with liquor licences given the potential for cumulative amenity impact.

Temporary Pop-Up

Many pop-up shops in activity centres do not require a planning permit given the allowable uses within commercial zones, car parking credits and advertising sign provisions.

Council generally supports temporary uses going into activity centres however, it is suggested that a maximum timeframe of 12 months is provided.

Home Occupation

It is noted that the home occupation provisions needs to be updated to accommodate modern home office practices. It is recommended that Clause 52.11 (Home Occupation) be revised with consultation to provide more prescriptive standards and updated provisions. This may include, but not limited to:

- Provision of storage;
- Deliveries;
- Provision of car parking for employees and visitors;
- Number of allowable staff numbers; and
- Floor area of the proposed occupation.

Secondary Dwelling

The change to the provisions to allow a secondary dwelling is not supported without further detail and consultation with councils. The comprehensive assessment of dual occupancies against the provisions of Clause 55 (ResCode) is important as it ensures that there is appropriate consideration of neighbourhood character, external and internal amenity. As such, it is imperative that secondary dwellings must comply with the qualitative standards of ResCode.

Small Lot Standards

Mandatory requirements that are prescriptive and require no subjective judgement associated with a single dwelling could potentially be supported as code assessment. Further detail and consultation with Council is necessary.

5.3. Response to detailed questions

What other matters do you think are suitable for code-based assessment?

Please refer to Council's response above.

6. PROPOSAL 4 - SMARTER PLANNING SCHEME DRAFTING

6.1. Create a new VPP user manual (Proposal 4.1)

Council supports this proposal in principle.

Council supports the creation of a new user manual that provides clear guidance and rules to ensure consistency in drafting planning scheme provisions.

Council would like to caution about business rules being 'hard-wired' into the PSIMS online amendment system. 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.

6.2. Establish a business unit dedicated to VPP and planning scheme amendment drafting (Proposal 4.2)

Council opposes this proposal.

Council has serious reservations about the creation of a dedicated drafting unit, particularly its role in the drafting of local planning provisions.

Council employs strategic planners that are skilled in drafting planning scheme provisions and does not see any reason why this crucial task should be outsourced to state government staff. Those staff would lack the detailed local knowledge and understanding of councils' policies and strategies required to effectively and efficiently prepare corresponding planning controls. How are these staff expected to fully understand the aspirations of and outcomes expected by the local community that are fundamental to the translation of council strategies and policies into planning controls? It appears entirely unrealistic to place such high expectations on a small number of staff that work in isolation within a state government business unit. Council therefore questions what a central drafting unit would offer that local strategic planners can't already do.

As previously noted, Council has limited confidence in the Department's ability to draft local planning provisions given recent experience with the Yarra River Corridor planning controls. Council officers were part of the working group and repeatedly provided the feedback that the draft controls confused objectives, strategies and guidelines. In some instances, objectives were included without any corresponding strategies or guidelines on how the objective is to be achieved. Unfortunately, this feedback was ignored without any justification. Ultimately, the controls were approved and gazetted with these issues remaining unresolved.

Council therefore submits that local government strategic planners remain best placed to translate council policy and strategy into relevant planning provisions. Any current deficiencies with regards to consistency or quality of planning controls (whether real or perceived) can be addressed through better drafting rules and guidelines as proposed in the discussion paper.

Council also does not accept that the centralised process for the preparation of planning scheme maps sets adequate precedence or justification for this proposal. The drafting of

planning controls that translate local planning policy is far more complex than preparing planning scheme maps. These two processes are simply not comparable.

Further, a centralised drafting unit to draft planning controls for all Victorian councils would require significant staff resources. A hand-full of staff members would not be sufficient to service the whole state. The DELWP Planning Group is already under-resourced and struggling to keep up with the number of amendments they have to process. This is evident in the repeated delays in processing planning scheme amendments.

Council is therefore concerned that a centralised approach to the drafting of local planning controls will create a bottle neck in the process. The time and effort required by Council to properly brief the centralised drafting unit on the local policy, strategy or guidelines would be significant and should not be underestimated. It is likely that several rounds of revisions and briefings would be required resulting in unnecessary delays when council strategic planners can prepare the controls themselves much more efficiently.

Council therefore submits that this central drafting unit operate more as an in-house referral and review unit that reviews planning controls as part of the authorisation process that have been drafted by local government. This would be entirely sufficient to ensure a consistency in the use of terminology and overall drafting. Additionally, it can be used on a case-by-case basis for the drafting of local planning content when requested by the relevant council. This would allow councils with smaller strategic planning departments to utilise this unit.

Council also considers that the proposed arrangement raises potential conflict of interest issues given that the central drafting unit would be involved in the preparation of the planning controls prior to an amendment commencing while also providing advice to Department colleagues as part of the amendment process, and potentially colleagues making a decision on the amendment. This goes against fundamental principles of open and transparent decision-making.

Council also questions, whether this proposal is in fact consistent with Section 12(1) of the Act which states that “a planning authority must prepare amendments to a planning scheme for which it is planning authority”. Creating a central drafting unit that would assume that responsibility of planning authority therefore is legally questionable.

6.3. Create an online Victorian planning library (Proposal 4.3)

Council supports this proposal.

Council supports the creation of an online planning library to facilitate easy and convenient access to information for all those who interact with the planning system. As with other proposals, there is a lack of detail that makes it difficult to respond to this initiative.

6.4. Response to detailed questions

What are the key matters you think a VPP user manual should include?

Council has no further comments to provide at this stage.

What planning documents or information do you think should be included in a Victorian planning library?

All documents that play a part in the assessment and decision-making process should be publically available.

Are there other ways the drafting and consistency of planning schemes could be improved?

The development of clear writing guidelines would be of great benefit. In addition, there should be more frequent training to assist less experienced strategic planners to develop their policy drafting skills. To ensure training is taken up, fees need to be kept low, as some councils have very limited budget for staff to attend training sessions. The proposed DELWP drafting unit could be used to develop and deliver an annual training program.

As noted above, the use of the proposed policy drafting unit as a referral unit would also assist in more consistent outcomes.

7. PROPOSAL 5 - IMPROVE SPECIFIC PROVISIONS

7.1. Improvements to specific provisions (Proposal 5.1)

Council provides a detailed response to each of the proposed changes to specific provisions in the attached table.

Council would like to highlight the following specific proposed changes that are of particular concern:

1. Removal of permit trigger for single dwellings on lots larger than 300m²

Council strongly opposes the proposed removal of the permit trigger for single dwellings on lots between 300m² and 500m² as recommended by change 3(a).

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

2. Review of Licensed Premises and Gaming provisions

Council is concerned about this proposed change and strongly opposes it.

Licensed premises and gaming venues have the potential to cause significant amenity and social issues. The assessment undertaken by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) is insufficient as it is not as comprehensive and inclusive as the assessment undertaken by councils.

Local councils therefore are best positioned to assess these issues through consideration of planning applications.

7.2. Update the Definitions section of the VPP (Proposal 5.2)

Please refer to the attached table for Council's detailed response to the proposed changes to specific provisions.

7.3. Regularly review and monitor the VPP (Proposal 5.3)

Council supports this proposal.

Regular and ongoing review of the VPPs is essential and councils are already required to undertake regular reviews of their planning schemes. It is therefore appropriate that the state government would also be required to undertake regular reviews.

However, regular review of the VPP needs to be undertaken in a transparent and consultative manner that involves all stakeholders. The discussion paper suggests the creation of an online register of reforms and Council agrees that this would be useful. However, this does not go far enough. Council suggests that an annual implementation plan be developed in consultation with industry stakeholders to determine which reforms are most urgent and should be progressed.

The preparation of an annual implementation plan would also allow councils to better plan their work program. It would afford councils greater certainty about upcoming reforms and enable them to allocate required resources. Currently, reforms are rolled out seemingly randomly without much thought about the impacts on local government and their ability to undertake any necessary work to implement the reforms at the local level. The absence of a transparent, annual implementation plan means that councils are forced to be highly reactive rather than proactive. Council's experience is that the timeframes for feedback on proposed reforms is often too short which is problematic for a number of reasons: (1) It means that resources need to be diverted away from other important work on short notice, as council was not able to anticipate the resource requirements; (2) councils are not able to comprehensively review and analyse the reforms to identify and understand all potential impacts. This has been an ongoing issue with successive state governments and needs to change. An annual implementation plan, developed in a transparent process, would provide significant benefits and improve the overall debate and ultimately quality of reforms.

8. MATTERS NOT ADDRESSED IN THE DISCUSSION PAPER

The discussion paper details a large number of potential reforms which in many instances are long overdue and therefore urgently required. However, the discussion paper fails to identify a number of important reform items some of which have been identified through past ministerial advisory committees.

The matters raised below are important issues that councils have to deal with on a regular basis. These items should therefore also form part of the reform program to ensure that problems are resolved.

8.1. Application Requirements

A requirement to submit prescribed information could reduce requests for further information. The planning scheme should set out minimum information for different classes of applications, including but not limited to:

- A fully completed application form;
- A certificate of title within 28 days of the date of lodgement;
- Correct application fee;
- Full set of plans;
- Written submission against relevant planning policy;
- Specific information based on varying classes of applications.

The Act and regulations should be amended to allow Council to reject an application that is not considered to provide at least the minimum requirements. This will substantially reduce both processing times and resources required. It will also prevent lodgement of incomplete applications so a consultant can simply inform their client that the application is now with Council.

Council's extensive experience shows that the quality of an application has a greater impact on whether the proposal is assessed and determined within the prescribed timeframes than the number of permit triggers. The discussion paper fails to recognise this fundamental problem of the Victorian planning system. A streamlined system will still fail and not deliver efficient decisions, if the quality of the application is sub-standard.

As technology progresses, application requirements should be written for information that supports 3D planning permit assessment models, and plans that allow for electronic measuring tools, and 3D aerial imagery capability.

8.2. Advertising signs provision

Council is surprised to note that a review of the advertising sign provisions contained at Clause 52.05 has not been identified. This clause is in dire need of review with a particular focus on the definitions of signs to ensure that these reflect up-to-date technologies.

The inclusion of application requirements for signage proposals would also be welcome by Council. In our experience, signage applications often require a request for further information to ensure adequate information that allows Council's Statutory Planner to fully

assess the application. There are a number of basic dimensions associated with a sign that can be easily included as application requirements, including, but not limited to:

- Height and width of advertisement area;
- Clearance above footpath;
- Protrusion from the wall; and
- Distance of sign from kerb formation.

8.3. Environmental Audit Overlay

It is surprising that a review of the Environmental Audit Overlay (EAO) is not addressed in the list of specific changes contained in Appendix 2. Substantial work has been undertaken in the past to improve the operation of the EAO. There is a broad consensus that reform of the EAO as well as the whole system of identifying and managing potentially contaminated land is urgently required.

Council would support a system that effectively removes consideration of contamination from the planning system and incorporate it into property law and the Building Regulations. Such a system must include a stronger role of and greater regulation and enforcement by the Environment Protection Authority (EPA) as the primary administrator of the Environment Protection Act 1970. Where discretion and/or flexibility is required for the system to run more successfully, that discretion should be available only to experts in the field of environmental science (or similar), not Council.

Irrespective of the need for a comprehensive review and reform of the potentially contaminated land system, there are immediate changes that can be made to the EAO that would significantly improve its operation. This includes exempting certain buildings and works from the need for an audit to be undertaken (e.g. works to the upper levels of buildings).

Council realises that reform to the EAO and the potentially contaminated land legal and policy framework is very complex but strongly encourages that this be undertaken.

Alternatively, if the EAO was to remain as part of the planning system, the EPA must be a referral authority and give approval to audits and statements. Recent increase in EPA funding should be used to ensure greater involvement in the permit process, improve accountability, increase the number of auditors and stronger involvement in enforcement issues.

8.4. Development Contributions Plan Overlay

Council submits that a reform of the Development Contributions Plan Overlay and the development contributions framework as a whole is urgently required. While some reforms have already been made following the Standard Development Contributions Advisory Committee (SDCAC) process, these reforms related to greenfield locations on Melbourne's urban fringe. The need for urgent reform for established inner metropolitan municipalities such as Boroondara remains.

Council therefore would support the introduction of a simpler development contributions framework that would allow an established municipality like Boroondara to provide new and upgraded infrastructure.

We urge the Minister for Planning and the Victorian Government to not shy away from this reform.

Council refers to its submission to the Standard Development Contributions Advisory Committee from March 2013 for more details.

8.5. 3D modelling software

As mentioned previously, Council would support an application system that enables 3D modelling to be used in the assessment process. Council believes that this would greatly enhance the assessment process and ability to assess a proposed development, how it responds to and sits within its context and what detrimental impacts may arise (such as visual and off-site amenity impacts). 3D simulations would also improve consultation with the local community as it would allow better presentation of a proposal and its impact.

Obviously, such a computer system would require substantial investment (both financial and staff resources) by councils to implement. Not all councils may be able to do so due to budgetary and resourcing constraints. DELWP should take a lead role in developing an application system with 3D capabilities and then assist all councils in implementing this system locally. This would include financial, staffing and training support.

ATTACHMENT 1 - Council feedback on specific changes to provisions

ID. No.	Clause No.	Name	Modification	Justification	Council comments
ZONES					
1	30	All zone schedules	<p>Review all zone schedules having regard to the following:</p> <p>a) Enhance the Ministerial Direction – The Form and Content of Planning Schemes to limit structural modifications (such as to headings and order, etc.) and ensure consistency across the VPP</p> <p>b) Ensure the distinction between the state and local clauses remains clear.</p>	<p>Maintaining consistency throughout the VPP and across various council planning schemes would increase certainty for applicants, reduce confusion, and maintain a reliable assessment framework. 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.</p> <p>Digitisation of planning scheme content and the amendment process (PSIMS) would assist in ensuring a consistent structure for schedules.</p>	<p>a) Oppose in the absence of adequate information. While Council is generally supportive of efforts to ensure greater consistency, local government needs to be given the opportunity for some local modification to accurately translate local planning policy into schedules to the zones. Council is very concerned about the use of terms such as ‘strong parameters’ which could limit Council’s ability to set local planning controls (which has already occurred through the limitation on the number of objectives that can be specified in some zone and overlay schedules).</p> <p>b) Further information required. Council does not understand why this distinction is not clear in its current form.</p>
2	30	All zones	<p>Review zones having regard to the following:</p> <p>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</p> <p>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</p>	<p>These reforms are designed to improve the usability and clarity of the VPP, through renaming zones so that they better correspond to their purpose, removing unnecessary zones with more targeted controls, and using consistent terminology to limit common points of confusion.</p>	<p>a) Further information required. Any renaming of zones to introduce a descriptive name should involve consultation with local government as the zone name would convey accepted land use and development outcomes.</p> <p>b) Further information required. The review should also include a review of the Comprehensive Development Zone, Mixed Use Zone and the Special Use Zone to identify opportunities for consolidation and rationalisation. Any changes to the provision should be subject to consultation with local government regarding the content of the amalgamated zones to ensure appropriate uses and controls are included.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>tailored to reflect local circumstances:</p> <ul style="list-style-type: none"> i. Priority Development Zone ii. Activity Centre Zone <p>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').</p>		<p>c) Support. This would be best achieved through writing guides similar to the work undertaken by the SPPF Review Advisory Committee in 2013/14.</p>
3	32	All Residential Zone	<p>Review residential zones having regard to the following:</p> <ul style="list-style-type: none"> a) 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 b) Make 'Childcare Centre' a Section 1 (as of right) land use within the Residential Growth Zone, subject to conditions, such as relating to size c) 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. 	<p>The proposed modifications seek to improve the consistency of provisions, remove unnecessary permit triggers and allow for more as of right land uses in residential areas.</p> <p>The package of single dwelling provisions, including Rescode in the VPP and Part 4 of the Building Regulations work together to regulate single dwellings. Relying on the building system to regulate single dwellings (except where an overlay applies) would reduce regulatory burden, and assist homeowners, whilst protecting local amenity through its siting and design provisions. Existing overlays would continue to trigger planning permits where special circumstances apply, such as heritage areas.</p>	<p>a) Oppose. Council strongly opposes this proposed reform. As one of the few councils to have activated the permit trigger for single dwellings on lots between 300m² and 500m², Council does not consider this to be an 'unnecessary permit trigger'. The default position is that a planning permit is not required for single dwellings on lots 300m² or larger.</p> <p>Councils therefore have to make a conscious decision to activate this permit trigger for lots between 300m² and 500m².</p> <p>In Council's view 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.</p> <p>This proposed reform is also closely related to change No.16 which recommends a review of the Neighbourhood Character Overlay to determine whether this overlay can be removed</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
					<p>as a tool from the VPPs. Council considers that both these reforms will considerably weaken the consideration of neighbourhood character outcomes in Victoria. This is not acceptable and should be avoided.</p> <p>b) Oppose. Council's experience with applications for childcare centres shows that these result in a large number of objections with the key grounds for objection based on noise, building form, traffic and parking.</p> <p>Council considers it too onerous and difficult to draft conditions associated with a childcare centre that would manage the amenity associated with this type of use.</p> <p>To illustrate Council's concerns, it is noted that Council's experience with medical centres in the RGZ shows that very few applications benefit from the as-of-right classification. In most instances, the proposed medical centre seeks to maximise return on investment, does not meet the conditions and therefore requires a planning permit.</p> <p>c) Oppose. The proposed wording change would mean that there are a number of minor buildings and works that would trigger the need for a planning permit including:</p> <ul style="list-style-type: none"> • Alterations to the building, including changes to windows and recladding; • Driveways, paths, paving, retaining walls and the like; • Sporting fixtures including nets and lighting; • Playgrounds and climbing frames; • Outdoor kitchens, BBQs, pizza ovens and other alfresco dining fixtures.

ID. No.	Clause No.	Name	Modification	Justification	Council comments
					<p>While 'domestic services normal to a dwelling' do not require planning approval, the works listed above would not generally be covered under this general exemption. This change therefore would be a change for the worse and increase permit triggers within the residential zones.</p>
4	32.04	Mixed Use Zone	<p>Review the Mixed Use Zone having regard to the following:</p> <ul style="list-style-type: none"> a) Make more commercial uses in the Mixed Use Zone Section 1 (as of right) land uses where they are low impact, subject to conditions 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 c) Make 'Childcare Centre' a Section 1 (as of right) land use, subject to conditions, such as relating to size. 	<p>Providing a greater range of land use exemptions (subject to conditions) in the Mixed Use Zone would facilitate commercial and community-focused activity and streamline the planning application process for applicants. Floor area caps would ensure the beneficiaries of these changes are predominantly small-scale businesses. 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.</p>	<ul style="list-style-type: none"> a) Oppose in the absence of adequate information. More details are required with regards to the types of uses considered low impact and what conditions may be imposed. This would require consultation with local government and communities. b) Oppose in the absence of adequate information. More details are required with regards to the floor area restriction for manufacturing sales. This would require consultation with local government and communities. c) Oppose. Council's experience with applications for childcare centres shows that these result in a large number of objections with the key grounds for objection based on noise, building form, traffic and parking. <p>Council questions whether these proposed changes will have the desired effect of increasing land use diversity within the Mixed Use Zone and specifically reach the intended target group of small-scale businesses. In essence, the zone remains a residential zone and businesses may be deterred from locating in this zone for fear of residents complaining about noise and other potential amenity impacts. Council would suggest that a review of the home occupation guidelines might provide some</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
					<p>further ideas on how small-scale businesses can be supported through not requiring a planning permit.</p> <p>While this is not an issue for the City of Boroondara, the broadening of commercial uses within the MUZ as suggested by b) and c) above could be problematic in instances where this zone abuts more sensitive residential properties within the GRZ and NRZ. Any conditions on such uses require careful consideration of any interface issues and would need further detailed consultation with local government.</p>
5	33.01	Industrial 1 Zone	<p>Review the Industrial 1 Zone having regard to 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>Making 'Motor Repairs' a Section 1 (as of right) land use would allow these uses to locate in areas with limited potential for amenity impacts.</p> <p>Making 'Convenience Shop' a Section 1 land use in the Industrial 1 Zone would facilitate small business activity and allow uses that improve the amenity of these areas by providing day to day services for workers.</p>	<p>N/A.</p> <p>Council does not have the Industrial 1 Zone in its planning scheme.</p>
6	33.03	Industrial 3 Zone	<p>Review the Industrial 3 Zone having regard to 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>Making 'Office', 'Indoor Recreation Facility' and 'Take Away Food Premises' Section 1 land uses in the Industrial 3 Zone would facilitate small business activity, provide services for workers and allow for uses that contribute to economic growth without compromising the 'buffer' function of the zone. Conditions on the maximum floor area of 'Office' uses are designed to ensure that the zone does not become a de facto commercial precinct.</p> <p>Making 'Motor Vehicle Repairs' a Section</p>	<p>N/A.</p> <p>Council does not have the Industrial 3 Zone in its planning scheme.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
				1 (as of right) land use would allow these uses to locate in areas with limited potential for amenity impacts.	
7	34.02	Commercial 2 Zone	<p>Review the Commercial 2 Zone having regard to 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>	'Convenience Restaurant' and 'Manufacturing Sales' are both land uses that are in keeping with the purpose of the zone. This reform would facilitate business activity by removing unnecessary regulatory burden from the planning application process for these land uses.	<p>a) Oppose in the absence of adequate information. Any proposal to make a 'convenience restaurant' an as-of-right use should include conditions to manage potential off-site amenity impacts where the land adjoins sensitive residential land (such as GRZ or NRZ) including on the opposite side of the street. The imposition of conditions on a section 1 use would require consultation with local government to ensure their adequacy.</p> <p>b) Oppose in the absence of adequate information. Refer to comments above under a) with regards to managing any sensitive residential interface through conditions.</p>
8	35	All rural zones	<p>Review the rural zones having regard to the following:</p> <p>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</p>	Exempting buildings and works proposals for existing dwelling extensions and existing outbuilding modifications in the rural zones would remove permit applications from the planning system, allowing buildings to be controlled through the building permit process.	<p>N/A.</p> <p>Council does not have any rural zones in its planning scheme.</p>
9	35.07	Farming Zone	<p>Review the Farming Zone having regard to the following:</p> <p>a) Allow more primary produce sales as a Section 1 (as of right) use by increasing the floor area condition</p>	This change would support a use that is compatible with agricultural land uses, has relatively low amenity impacts, and facilitates more adaptable business models for farmers. Allowing more 'primary produce sales' as of right (with	<p>N/A.</p> <p>Council does not have the Farming Zone in its planning scheme.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			and allow a wider range of related goods to be sold.	size conditions) would increase the planning system's responsiveness to new business trends, including the farm-to-table movement which is increasing in popularity across the state and is a welcome income stream for many farmers.	
10	37.03	Urban Floodway Zone	<p>Review the Urban Floodway Zone having regard to the following:</p> <p>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).</p>	<p>The VPP contains four mechanisms which seek to manage use and development in areas liable to flooding. These include a range of zone and overlay controls, the application of which varies between municipalities, and between urban and rural areas. Review of the Urban Floodway Zone seeks to identify whether planning control over flood liable areas could be simplified to reduce confusion and possible duplicate controls within the VPP.</p>	<p>a) Support. Further consultation is necessary with all relevant authorities.</p>
11	37.07	Urban Growth Zone	<p>Review the Urban Growth Zone having regard to the following:</p> <p>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</p> <p>b) Reduce the complexity of future UGZ schedules through a more limited and rigid structure.</p>	<p>At present, upon approval of a precinct structure plan (PSP) in Melbourne's growth areas, land remains zoned Urban Growth and a number of other zones are 'applied' through the provision but not by zone mapping. This represents a departure from the philosophy of the VPP and is a source of confusion particularly among non-professionals. The 'applied' zone is also not recognised when basic queries are made in relation to zoning, such as planning property reports. This change would rezone land to the identified 'applied' zone automatically and reduce cross reference between different parts of the VPP and structure plans. This would ultimately improve useability,</p>	<p>N/A. Council does not have the Urban Growth Zone in its planning scheme.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
				<p>promote consistency, reduce the need for future planning scheme amendments, and ensure compliance with the VPP philosophy.</p> <p>Through the PSP negotiation process, many UGZ schedules become lengthy and complex, becoming 'planning schemes within a planning scheme', and moving away from the VPP principle that the planning scheme should be read as a whole. Stricter heading structures and a tighter 'head provision' should reduce excessive length and simplify the zone for all users.</p>	
OVERLAYS					
12	40	All overlays	<p>Review all overlays having regard to the following:</p> <p>a) 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)</p> <p>b) 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)</p>	<p>These reforms aim to holistically increase consistency across the VPP, and to guide municipalities to the correct application of controls.</p> <p>It is recognised that some VPP tools have been re-purposed over time, such as the Environmental Significance Overlay being utilised as a 'buffer' control. Examining whether buffers could, or should, be formalised through proper VPP tools would assist in providing transparency. There would need to be consideration that some uses requiring buffers are short lived, requiring the buffer overlay to be removed at some point.</p> <p>A review of the 'head provision' to clarify that the schedule does not apply if a permit is not triggered would reduce a</p>	<p>a) Conditional support. Council supports a review of overlays but notes that it considers overlays that control use (such as the DPO) as important tools to achieve desired outcomes in specific situations.</p> <p>b) Support. It is important that sites requiring buffers to be applied are easily identified. It is preferred that this information be shown spatially. In addition to the identified examples, there have also been buffer distances applied to helipads which have reduced development potential on nearby sites. This potentially will be a significant departure from existing planning controls and it is recommended that there be extensive consultation regarding any changes.</p> <p>c) Support</p> <p>d) Conditional support. Council would welcome a review of the operation and interaction of overlay</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>c) 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)</p> <p>d) 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.</p>	<p>common source of confusion among non-professionals and increase public confidence in the planning scheme.</p>	<p>head provision and schedules. However, Council does not consider that this proposal goes far enough or indeed addresses the key issue of how head provision and schedule interact.</p> <p>Instead Council suggests that a reverse overlay system should be investigated.</p> <p>In a reverse overlay system, the schedule to the overlay sets out when a permit is required - rather than triggering a permit for everything in the overlay head provision and then using the schedule to detail specific exemptions. This would remove the catch-all permit trigger under the head provision and be more responsive to the local circumstances.</p> <p>This would require councils to clearly identify under what circumstances a permit should be required. For example a Council could stipulate that a permit is only required, if certain design parameters (preferred outcomes) are not met. This would encourage developers to propose development consistent with desired outcomes to avoid a lengthy and potentially costly planning permit outcome. This is far less adversarial approach to development and provides less confusion to customers about whether planning triggers apply.</p>
13	42	Environmental and landscape overlays	<p>Review all environmental and landscape overlays having regard to the following:</p> <p>a) Amend the head provision to relocate the 'Table of exemptions' to Clause 62.02- 3 and insert the following words "No permit is</p>	<p>This change seeks to increase useability by ensuring that all permit exemptions related to vegetation are listed at Clause 62. This provides a central location and reduces lengthy provisions appearing multiple times, thus improving transparency and functionality of the VPP. Other reform suggestions seek to review</p>	<p>a) Oppose. Council does not consider that that the proposed consolidation of all permit exemptions in one location towards the end of the planning scheme is consistent with the intention to create a 'one-stop-shop' planning scheme. This is discussed in more detail in Council's comments on proposal 1.3 with regards to the proposed new structure of the VPPs.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>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”.</p> <p>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</p> <p>c) Ensure consistency across all schedules.</p>	<p>the consistency between the structures of schedules, and apply a standard approach to the rationale of permit triggers to ensure they are adequately justified in their application.</p>	<p>With regard to the specific exemption regarding the removal, destroying or lopping trees associated with the exemptions listed in the Table to Clause 62.02-3, concern is raised with respect to the terminology of ‘minimum extent’. This is very broad and will be subject to dispute.</p> <p>b) Oppose in the absence of adequate information. Council is not opposed to removing unnecessary permit triggers and ensuring that any triggers are linked to the purpose of the zone.</p> <p>However, Council does not believe that single dwellings should be made exempt from permit requirements as a default. In many instances, single dwelling developments can have significant detrimental impacts on landscape values, if not properly managed through the planning system. Please also refer to comments on Change No.2 with regards to the removal of permit triggers for single dwellings.</p> <p>c) Further information required. Council supports consistency within the planning scheme but further detail is required to understand the specifics and assess any implications on the assessment process and development outcomes.</p>
14	43.01	Heritage Overlay	<p>Review the Heritage Overlay having regard to the following:</p> <p>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</p>	<p>These items of reform seek to improve the clarity of the Heritage Overlay and the public’s understanding of heritage precincts, sites and buildings. This includes implementation of recommendations from the Heritage Provisions Advisory Committee Final Report (2007), and exploring new opportunities for permit exemptions in</p>	<p>a) Support. Clarity is required whether a property can be included in multiple Heritage Overlays at the same time and how this is presented in planning scheme maps.</p> <p>b) Support</p> <p>c) Conditional support. Council agrees that there are a number of minor buildings and works that</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>values</p> <p>b) Create consistency in use of words where a common meaning applies, such as 'cultural significance', 'heritage value', 'heritage interest' and so on</p> <p>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</p> <p>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.</p>	<p>inappropriate circumstances. In the context of the widespread application of the Heritage Overlay, these changes could result in far fewer permits for minor matters.</p>	<p>do not affect heritage values that currently require a planning permit. However, the introduction of an incorporated document to set out permit exemptions is resource intensive. Council would therefore welcome more permit exemptions but cautions that these exemptions need to be carefully prepared to avoid unwanted consequences. Further detailed discussion would be required to determine appropriate state-wide exemptions that do not undermine the intent of the Heritage Overlay. This would require further consultation with local government.</p> <p>A definition for 'routine repairs and maintenance' would also be useful to potentially reduce the number of permit applications.</p> <p>d) Conditional support. Refer to the above discussion under c)</p>
15	43.04	Development Plan Overlay	<p>Review the Development Plan Overlay having regard to the following:</p> <p>a) Amend the exemption from notice and review provision to remove the 'catch 22' provision.</p>	<p>The 'catch 22' provision is set out in <i>Saunders v Frankston CC (Red Dot)</i> [2009] VCAT 144 (19 February 2009) and concerns the literal translation of notice and review provisions and Section 52(1A) of the Planning and Environment Act 1987.</p> <p>Clarifying this clause would remove a source of confusion.</p>	<p>a) Support</p>

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16	43.05	Neighbourhood Character Overlay	<p>Review the Neighbourhood Character Overlay having regard to the following:</p> <p>a) Examine the role and function of the Overlay in the context of the new Neighbourhood Residential Zone, and other VPP tools.</p>	<p>The Neighbourhood Residential Zone has been applied widely, particularly within many of Melbourne's inner and middle suburbs, to control development and particularly density. In doing so, the role of the Neighbourhood Character Overlay has been reduced, although its function in controlling demolition remains distinct. In this respect, review of the Neighbourhood Character Overlay is warranted to determine if it could be removed to simplify the VPP.</p>	<p>a) Oppose. While Council currently does not have any NCO within its planning scheme, it considers this tool to be an important option. Council does not agree with the justification that the introduction of the Neighbourhood Residential Zone has reduced the need for this overlay. The recent reforms by the Minister for Planning have significantly weakened 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 Council has consistently argued.</p> <p>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.</p>
17	44	Land management overlays	<p>Review all land management overlays having regard to the following:</p> <p>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.</p>	<p>The VPP contains three flooding overlays and a related zone. A holistic review of the set with a view to reducing their number and making the roles more distinct would assist in reducing complexity and simplifying the VPP. The role of the Building Act 1993 should be considered in this review with a view to avoiding duplication.</p>	<p>a) Support. There appears to be opportunity to rationalise the various overlays seeking to manage flooding. This review would require substantial discussion with local government and service authorities and further consultation with affected property owners. It should therefore be subject to a separate process rather than forming part of the Stage 2 reform package.</p>
18	44.01	Erosion Management Overlay	<p>Review the Erosion Management Overlay having regard to the following:</p> <p>a) Ensure provisions reflect the level</p>	<p>These changes would ensure the overlay remains clear in its intent and that the burden of controls remains proportional to the scale of development proposed.</p>	<p>N/A</p> <p>Council does not have the Erosion Management Overlay in its planning scheme.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>of risk and purpose of the overlay</p> <p>b) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the control</p> <p>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 one.</p>	<p>Where possible, permit exemptions should be expanded in appropriate cases, and provisions should reflect the purpose of the overlay.</p>	
19	44.02	Salinity Management Overlay	<p>Review the Salinity Management Overlay having regard to the following:</p> <p>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"</p> <p>b) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</p> <p>c) Review referral authority requirements.</p>	<p>Additional permit and referral exemptions are required within the Salinity Management Overlay to ensure that the burden of controls and therefore application timeframes remains proportional to the scale of development proposed. Vegetation removal exemptions should be relocated to Clause 62 of the VPP to improve useability and reduce duplicating clauses.</p>	<p>N/A</p> <p>Council does not have the Salinity Management Overlay in its planning scheme.</p>
20	44.03	Floodway Overlay	<p>Review the Floodway Overlay having regard to the following:</p>	<p>These improvements would streamline the planning process and reduce</p>	<p>N/A</p>

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			<ul style="list-style-type: none"> a) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay b) Improve access to flood levels required to ensure drawings are compliant prior to submitting a planning permit application. 	<p>unnecessary time delays at planning stage by encouraging applicants to obtain information upfront. Under the proposal, permit exemptions would be increased for minor matters or where design mitigates flood risk. Remaining permit triggers would be specific to the purpose of the overlay only, and not a 'catch all'.</p>	<p>Council does not have the Floodway Overlay in its planning scheme.</p>
21	44.04	Land Subject to Inundation Overlay	<p>Review the Land Subject to Inundation Overlay having regard to the following:</p> <ul style="list-style-type: none"> 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" b) Update the purpose of the overlay to include the words "to provide for the protection of drainage assets". c) Ensure permit triggers are linked to the purpose of the overlay d) Increase the opportunities for permit exemptions, such as developments not impeding water flow e) Allow greater flexibility by expanding the floor space allowable for a building extension before a permit is triggered for buildings and works f) Examine whether finished floor 	<p>These improvements clarify the purpose of the overlay, increase permit exemptions and in doing so reduce unnecessary planning delays for minor and low risk matters.</p>	<ul style="list-style-type: none"> a) Support b) Support c) Support d) Support e) Support f) Support

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>level height above flood level should be a planning scheme requirement or a self / code assess mechanism, or a matter for the Building Act</p>		
22	44.05	Special Building Overlay	<p>Review the Special Building Overlay having regard to the following:</p> <ul style="list-style-type: none"> a) Revise the name of the overlay to better reflect its purpose 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 c) Make buildings and works (including dwelling extensions and new dwellings) permit exempt where minimum flood levels are met and the Building Act applies d) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay 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 	<p>Renaming of the overlay would increase transparency within the community and promote the understanding that the control mitigates the impact of flooding on development. An updated purpose increases the relevance of the control.</p> <p>Overall, the application process under the Special Building Overlay requires streamlining including through the provision of additional permit exemptions, opportunities to enter into ‘fast-track’ streams where appropriate, and avoidance of unnecessary referrals as requested by Melbourne Water.</p>	<ul style="list-style-type: none"> a) Support b) Support c) Support. However, often flood levels are not known by landowners or councils and therefore it is difficult to determine whether a permit will be necessary. d) Support e) Support f) Oppose. Without the pre-stamped plans, councils will not know the requirements of Melbourne Water. g) Support

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>require a referral to Melbourne Water</p> <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>		
23	45.02	Airport Environs Overlay	<p>Review the Airport Environs Overlay having regard to 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>Updating this provision would increase the accuracy and relevance of the overlay. There is an opportunity to simplify the VPP by amalgamating this overlay with the Melbourne Airport Environs Overlay, using a schedule to account for the particular needs of different airports. The overlay could also be repurposed to cater for heliport flight paths rather than the DDO as occurs currently.</p>	<p>N/A</p> <p>Council does not have the Airport Environs Overlay in its planning scheme.</p>
24	45.07	City Link Project Overlay	<p>Review the City Link Project Overlay having regard to 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</p>	<p>It is considered that the City Link Project may no longer warrant its own overlay, given its completed state, and may be more suitable for inclusion within Clause 52.03 Specific Site and Exclusions. Updating the document reference to the latest version would increase the accuracy of the VPP.</p>	<p>N/A</p> <p>Council does not have the City Link Project Overlay in its planning scheme.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			September 2014' in the Purpose and in Clauses 45.07-2 and 45.07-3.		
PARTICULAR PROVISIONS					
25	52.03	Specific Sites and Exclusions	<p>Review Specific Sites and Exclusions having regard to the following:</p> <ul style="list-style-type: none"> a) Remove outdated provisions b) Establish clear rules around when it can be used to avoid overuse c) Establish the practicality of mapping all items within a new Specific Provisions Overlay to improve transparency and public awareness. 	<p>Intended to be used sparingly, Clause 52.03 Specific Sites and Exclusions has been increasingly used in recent years. It is used to facilitate projects where other VPP provisions may be more suitable, to the detriment of the VPP. As one of the more powerful tools, its provisions can set aside the entire scheme. Despite this, it lacks transparency and does not appear in common searches such as a planning property report. As such, it is commonly overlooked. To increase transparency, the sites subject to Clause 52.03 would be mapped through a new overlay. If this is unachievable, this practice should be adopted for all new entries. Removal of an entry where its application is no longer needed (say, because the project is complete) should also take place to reduce the size and complexity of the VPP.</p>	<ul style="list-style-type: none"> a) Support. Council supports efforts to remove outdated provisions in a timely manner. However, despite Sections 20(2) and 20A of the Act, the removal of redundant provisions remains onerous with regards to the documentation required. In some instances, these amendments still take months to process. Council therefore suggests that the Act be reviewed to simplify and speed up the removal of redundant provisions. b) Support c) Support. Council strongly supports the mapping of sites listed under this Clause. <p>Council would also like to note that the completion of a particular development on a site listed under this clause should not be seen as a default trigger to remove the site from this Clause. In some instances the continued existence of the site specific provision is desirable or even required to prevent any changes to the existing development that may be inconsistent with the intent of the control. Removal of sites from this provision needs to be based on a case-by-case assessment.</p>
26	52.06	Car Parking	<p>Review Car Parking having regard to the following:</p> <ul style="list-style-type: none"> a) Review car parking rates in Table 1 in the context of transport mode shifts, lifestyle and technology 	<p>There has been much discussion in recent times within industry and communities on the need to improve car parking requirements. These suggestions seek to update the provision having particular regard to the recommendations</p>	<ul style="list-style-type: none"> a) Oppose in the absence of adequate information. Car parking provision is routinely a key consideration in the assessment of planning applications and is often the cause of concern between residents, developers and Council.

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			<p>changes and densification, and provide rates for those land uses not listed.</p> <p>b) 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)</p> <p>c) 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.</p>	<p>of the Car Parking Provisions Advisory Committee Final Report (2011).</p> <p>The review of parking rates would reduce costs associated with providing car parking where it is found that the rates are in excess of demand. Combined with a review of bicycle rates, this would support the policy goal of encouraging transport alternatives and reduce the need for car parking dispensation permits in small matters.</p>	<p>Council would support a review of the rates in Table 1 to better reflect actual parking demands. However, Council cautions that such a review should not presume a reduced rate being the outcome in all circumstances.</p> <p>Decision guidelines that facilitate more sustainable transport outcomes should be expanded.</p> <p>Given the sensitive nature of parking provision and potential impacts on surrounding areas, such a review would require consultation with councils and local communities. It should therefore form part of a separate process rather than Stage 2 of the reform package.</p> <p>b) Support. To some extent this is already the case given the recent changes to the Commercial Zones, updated rates in Clause 52.06 and the introduction of the Parking Overlay.</p> <p>c) Oppose. Reduction in car parking requirements is a matter that regularly attracts community concern and can significantly impact upon amenity. Council opposed the inclusion of car parking reductions as VicSmart application and similarly opposes the loss of notice and review rights.</p> <p>Council's strong view is the current exemptions need to be revisited given potential impacts.</p>
27	52.08	Earth and Energy Resources Industry	<p>Review Earth and Energy Resources Industry having regard to the following:</p> <p>a) Review the role and function of the</p>	<p>Removing duplicate processes would simplify the planning system and ensure regulation is better targeted. Any change would need to ensure important</p>	N/A

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			<p>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</p> <p>b) 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</p> <p>c) Combine the provision with Clause 52.09 Stone Extraction and Extractive Industry Interest Areas</p> <p>d) Rationalise the permit triggers and permit exemptions.</p>	<p>community issues continue to be addressed. This would implement the 'land use focused' principle of a modern planning scheme.</p> <p>Combining this provision with Clause 52.09 Stone Extraction and Extractive Industry Interest Areas would 'group' similar issues within a single clause. These changes would improve the clarity of the VPP and increase its effectiveness, ensuring that resources are not taken up with duplicated processes.</p>	
28	52.10	Uses with Adverse Amenity Potential	<p>Review Uses with Adverse Amenity Potential having regard to the following:</p> <p>a) Review buffer distances taking into account the Environmental Protection Authority's Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013)</p> <p>b) Review and clarify the clause's application in 'reverse amenity' matters.</p>	<p>The buffer distances currently referenced within Clause 52.10 are based on an outdated guideline. It is important to update them as industries and their impacts have changed over time, as have community expectations. This would ensure the VPP remains effective and that controls are proportional to the impact of new development. There is also an opportunity to review whether the clause should operate in reverse amenity matters, which is when a sensitive use is proposed near an existing use creating amenity impacts. This would clarify a point of confusion and may reduce land use conflicts between landowners and the community.</p>	<p>a) Support. All uses need to be reviewed to specify different requirements for "boutique" scale uses vs. commercial scale industries.</p> <p>b) Support</p> <p>It is recommended that Note 1 should be more explicit to provide decision guidelines to determine when the threshold distance should apply.</p> <p>In relation to food, beverage and tobacco classes of applications, breweries and coffee roasting should be added as separate uses.</p> <p>Many of the uses that are triggered under this provision are boutique style local operations, not the large industry that is obviously intended under this</p>

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					<p>provision.</p> <p>The name of the clause should also be changed to specifically mention air emission amenity impact.</p> <p>A similar clause could be established for significant noise sourced such as nightclubs and other live music venues.</p>
29	52.12	Service Stations	<p>Review Service Stations having regard to the following:</p> <p>a) Ensure the provision is updated to reflect current practices and modern service station designs, including reviewing the site area and crossover dimensions.</p>	<p>This update would improve the effectiveness of this provision and better align the provision's purpose with the explicit numerical requirements.</p>	<p>a) Support subject to further consultation.</p> <p>It is recommended that further consideration be given to consolidate this particular provision with the freeway service centre and car wash.</p> <p>The requirements to be met should be divided into standards/performance measures and decision guidelines to be clear which provisions are mandatory and those that are discretionary. Application requirements should be prescribed that reflect the standards/performance measures and decision guidelines. The provision of an acoustic report should be a mandatory requirement.</p> <p>The provision should also consider electric car charging.</p> <p>There should also be a link to the Environmental Audit Overlay upon the cease of the use.</p>
30	52.13	Car Wash	<p>Review Car Wash having regard to the following:</p> <p>a) Ensure the provision is updated to reflect current practices and modern car wash design, including reviewing crossover dimensions.</p>	<p>Over time, the design of car washing facilities has changed with the advent of modern technology and changed traffic standards. Updating this provision would improve its relevance and consistency with the remainder of the VPP.</p>	<p>a) Support subject to further consultation</p> <p>As stated above, it is recommended that further consideration be given to consolidate this particular provision with the freeway service centre and service station.</p> <p>The requirements to be met should be divided into</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
					<p>standards/performance measures and decision guidelines to be clear which provisions are mandatory and those that are discretionary. Application requirements should be prescribed that reflect the standards/performance measures and decision guidelines. The provision of an acoustic report should be a mandatory requirement.</p> <p>The standards should require water efficiency, including the collection, storage and use of recycled water, and provisions relating to acoustic and spray protection. A standard should also include mandatory landscaping buffer distances to residential properties and queuing requirements.</p>
31	52.14	Motor Vehicles, Boat or Caravan Sales	<p>Review Motor Vehicle, Boat or Caravan Sales having regard to the following:</p> <p>a) Review the role and purpose of this provision, and the relevance of the dimensions, with a view to either removing or updating.</p>	<p>The standards in this clause are outdated and are often inappropriate given the complexities of urban environments and the inherent variety in the premises themselves. As such, it is considered that this provision may not add value to the VPP, and removing it would simplify the VPP. If deleted, applications for Motor Vehicle, Boat or Caravan Sales may be adequately addressed by the application requirements and decision guidelines of various zone (and overlay) provisions.</p>	<p>a) Support subject to further consultation.</p> <p>The requirements to be met should be divided into standards/performance measures and decision guidelines to be clear which provisions are mandatory and those that are discretionary. Application requirements should be prescribed that reflect the standards/performance measures and decision guidelines. The provision of an acoustic report should be a mandatory requirement.</p>
32	52.19	Telecommunications Facility	<p>Review Telecommunications Facility having regard to the following:</p> <p>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.</p>	<p>These updates could make it easier for providers to deliver necessary infrastructure and would improve useability and effectiveness of the VPP.</p>	<p>a) Support</p> <p>b) Support</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>b) Clarify permit triggers and exemptions without requiring cross-referencing to another document.</p>		
33	52.27	Licensed Premises	<p>Review Licensed Premises having regard to the following:</p> <p>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</p> <p>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</p> <p>c) Include and clarify common application requirements, such as 'cumulative impact statements'.</p>	<p>There is duplication between the permit process set out at Clause 52.27, and the liquor licencing process as managed by the Victorian Commission for Gambling and Liquor Regulation. This double-up takes valuable resources and creates lengthy timeframes and added costs for applicants, particularly for small business such as cafes and restaurants.</p> <p>Removing duplicate processes would simplify the planning system and ensure regulation is better targeted. Any change would need to ensure important community issues continue to be addressed. This would implement the 'land use focused' principle of a modern planning scheme. Any change would need to maintain consideration of important community issues in relation to licensed premises.</p> <p>Consistent with a number of facilitative changes for small business, it is considered that premises within commercial zones could be exempt from the need for a planning permit for licenced premises, subject to conditions. Consolidation and review of application requirements would also improve useability.</p>	<p>a) Oppose</p> <p>b) Oppose. Licensed premises have the potential to cause significant amenity and social issues. Local councils are best positioned to assess these issues through consideration of planning applications.</p> <p>c) Support</p> <p>The assessment of liquor licence applications by councils is important to ensure that the amenity of local areas is not unreasonably degraded through these types of uses. The assessment undertaken by VCGLR is not as comprehensive and inclusive as the assessment undertaken by councils.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
34	52.28	Gaming	<p>Review Gaming having regard to the following:</p> <p>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.</p>	<p>Removing duplicate processes would simplify the planning system and ensure regulation is better targeted. Any change would need to ensure important community issues continue to be addressed. This would implement the 'land use focused' principle of a modern planning scheme.</p>	<p>a) Oppose. Gaming has the potential to cause significant amenity and social issues. Local councils are best positioned to assess these issues through consideration of planning applications.</p> <p>The assessment undertaken by VCGLR is not as comprehensive and inclusive as the assessment undertaken by councils.</p>
35	52.29	Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road	<p>Review Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road having regard to the following:</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>This provision has been the subject of much confusion and a number of 'Red Dot' decisions at VCAT. It is important that this provision is updated to better reflect the current requirements of VicRoads and DELWP and to reduce unnecessary permit triggers and referral requirements.</p> <p>Clarification on the scope of permit triggers would assist councils in understanding how to process applications which fall under this provision, while also creating added transparency for applicants. Adopting standard conditions to avoid referrals could streamline the permit process and produce time savings for applicants and reduce the administrative burden for councils.</p>	<p>a) Support</p> <p>b) Support</p> <p>c) Oppose in absence of adequate information.</p> <p>d) Support</p> <p>e) Support. A definition of service road is necessary.</p> <p>f) Support</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			f) Make applications under this clause exempt from normal notice and review provisions.		
36	52.34	Bicycle Facilities	<p>Review Bicycle Facilities having regard to the following:</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>	As with Clause 52.06 Car Parking, Clause 52.34 Bicycle Facilities requires review to better reflect sustainability initiatives, the needs of modern business and the increased popularity of cycling. This would better implement existing policy, such as encouraging alternative transport modes, and increase the relevance of the VPP.	<p>a) Support. Council considers the rates for the provision of bicycle facilities to be too low. To support a modal shift more opportunities for bike storage and other associated facilities are needed. However, any changes should recognise that the provision of bicycle facilities for existing development is far more difficult (e.g. change of use) depending on the site context. Providing more bicycle spots and associated facilities is far easier as part of new developments and any revisions to this Clause need to recognise this.</p> <p>b) Support</p>
37	52.37	Post Boxes and Dry Stone Walls	<p>Review Post Boxes and Dry Stone Walls having regard to the following:</p> <p>a) Examine the feasibility of removing the provision, identifying historic post boxes and dry stone walls through mapping and protecting them through the Heritage Overlay.</p>	The purpose of this provision is to specifically conserve historic post boxes and dry stone walls. Because it is not mapped and is in an obscure location in the VPP, the provision is commonly overlooked, and does not appear on planning property reports. The protection and conservation of items of heritage value is generally managed under the Heritage Overlay and it is therefore considered that this overlay is better suited to this role. This would require mapping of historic post boxes and dry stone walls which would increase the transparency of the VPP. It would also improve understanding and compliance with this provision.	a) Support
38	54, 55, 56 and	Residential development	Review Clause 54,55,56 and 58 having regard to the following:	This change would aim to remove a common point of confusion among	a) Oppose in absence of adequate information. Council would welcome a review of this aspect of

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	58	and sub-division provisions	a) Clarify the relationship between the standards and objectives, and particularly whether full compliance with the standard means that the objective is also met.	applicants, councils and the community, and address a variety of VCAT decisions on this issue.	ResCode. However, any changes could fundamentally change how ResCode operates. This therefore requires careful consultation with local government to ensure appropriate outcomes can be achieved.
39	57	Metropolitan Green Wedge Land	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.	The purpose of this reform is to increase the transparency of green wedge controls and reduce the complexity of the VPP by consolidating controls. Clause 57 is a commonly overlooked and 'hidden' provision that acts in addition to zones. It does not appear in basic search queries such as planning property reports. Relying on existing tools, amended as necessary, to manage green wedge areas in a way that maintains the strength of the controls would improve the transparency of the VPP.	N/A Council does not have the Airport Environs Overlay in its planning scheme.
GENERAL PROVISIONS					
40	60	General Provisions	Review General Provisions having regard to the following: 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.	Application requirements are currently listed under permit triggers, making them spread across many different parts of the VPP. In practice, they are not used conscientiously by applicants nor are they routinely required by councils. Because of this they have lost their relevance to many permit processes. They also add to complexity by repeatedly describing typical requirements, such as basic site and context plans. These common requirements could be defined in Clause 72 meaning their contents do not need to be restated under every trigger.	a) Oppose. Council does not consider that that the proposed consolidation of all application requirements in one location towards the end of the planning scheme is consistent with the intention to create a 'one-stop-shop' planning scheme. This is discussed in more detail in Council's comments on proposal 1.3 with regards to the proposed new structure of the VPPs.

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				<p>Many councils have created their own 'checklists' of application requirements based on different application types, practically making the application requirements in the scheme redundant.</p> <p>In some cases excessive application requirements can cause delays to permit processes and add to the cost of an application. A table form with checkboxes for each requirement under each trigger could be a logical method of presentation.</p> <p>Reviewing and consolidating the application requirements would make the VPP clearer and simpler.</p>	
41	65	Decision Guidelines	<p>Review Decision Guidelines having regard to the following:</p> <p>a) Review all decision guidelines across the VPP and consolidate under Clause 65, similar to Clause 66 Referral and Notice provisions.</p>	<p>A review of the decision guidelines across the scheme, would remove obsolete requirements and add much needed requirements that better reflect policy and practise. This would ensure that all decision guidelines are appropriate and relevant.</p> <p>There is much repetition within decision guidelines as they are scattered in many locations across the planning system. Clause 65 contains overarching decision guidelines, but more specific guidelines are often found under each permit trigger. In the case of common triggers (use, subdivision and building and works), these guidelines are often repeated under each zone, such as "the drainage of the land" appearing in IN1Z, IN2Z, IN3Z, C1Z, C2Z and PZ. A new checkbox table in Clause 65 with each trigger listed could</p>	<p>a) Oppose. Council does not consider that the proposed consolidation of all decision guidelines in one location towards the end of the planning scheme is consistent with the intention to create a 'one-stop-shop' planning scheme. This is discussed in more detail in Council's comments on proposal 1.3 with regards to the proposed new structure of the VPPs.</p>

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				be a more efficient and simpler method.	
42	66	Referral and Notice Provisions	<p>Review Referral and Notice Provisions having regard to the following:</p> <p>a) Remove references to seeking the views and comments of referral authorities throughout the VPP and use formal processes of Clause 66 instead</p> <p>b) Review the classification of referral agencies as 'recommending' authorities or 'determining' authorities</p> <p>c) Encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters</p> <p>d) Make the Department of Economic Development, Jobs, Transport and Resources a referral authority for land near existing quarries.</p>	<p>This reform seeks to clarify and bring consistency to referrals by limiting them to formal referrals only and moving away from informal referrals. It also seeks to remove unnecessary regulatory burden and streamline the referral process for appropriate application types through greater use of standard agreements.</p>	<p>a) Oppose. Similar to the feedback on specific changes no. 12, 40 and 41 as well as proposal 1.3 in Council's main submission, Council questions whether the consolidation of all referral and notice provisions in a single clause towards to end of the scheme is reflective of how the planning scheme is actually used. Council suggests that the ability remains for site-specific referral and notice provisions to be set out in relevant schedules to overlays [similar to the way referrals are managed under DDO31 Yarra River (Birarrung) Corridor Protection]</p> <p>b) Support</p> <p>c) Support</p> <p>d) N/A. Council does not have any land used for quarrying.</p>
DEFINITIONS					
43	72	General Terms	<p>Review General Terms to investigate the inclusion of:</p> <p>a) 'outbuildings normal to a dwelling'</p> <p>b) 'sensitive uses'.</p>	<p>These are terms that are common sources of confusion and dispute. Providing the definitions would bring clarity and make the planning scheme easier to use, as well as improving permit application timeframes.</p>	<p>a) Support subject to consultation.</p> <p>b) Support subject to consultation.</p>
44	74	Land Use Terms	<p>Review all VPP land use terms and definitions, and associated treatment in</p>	<p>Land use terms are a common source of confusion and dispute, and have not kept</p>	<p>a) Support subject to consultation.</p>

ID. No.	Clause No.	Name	Modification	Justification	Council comments
			<p>the land use tables, having regard to the following objectives:</p> <ul style="list-style-type: none"> a) Reduce the number of terms b) Remove obsolete uses c) Separate out common land uses only when necessary to be treated differently in zone tables d) Be less prescriptive by removing overly specific terms e) Broaden terms and definitions to account for rapidly shifting industries and lifestyles f) Use every day and plain-English terms that the community readily understands g) Modernise definitions including consideration of emerging social, economic and technological trends h) Provide definitions for undefined terms, excluding those where there is an appropriate ordinary dictionary meaning or definition in the Act. <p>Review Land Use Terms to investigate <u>adding</u> the following (only where necessary and in recognition of the objectives above):</p> <p>'Rural workers accommodation', 'Carbon sequestration', 'Contractor's</p>	<p>pace with changes in businesses and communities. The survey suggested widespread support for a holistic review of land use terms, especially from local government planners.</p> <p>The VPP seeks to categorise how land is used into defined and, at times, very specific terms. Many of the terms are now outdated. In some cases obscure terms are used (tavern) when everyday terms could aid understanding (bar), in other cases very common land uses are not used (café). Where the common term and the planning term depart, this causes uncertainty and confusion among the community and makes it harder for non-professionals to participate in the planning system.</p> <p>In other cases, definitions need updating to reflect shifts in the land use over time.</p> <p>Modernising the land use terms and definitions, and consequential changes to the zone land use tables, would simplify the VPP and improve levels of understanding of the planning system.</p> <p>Please see Proposal 5.1 for more information.</p>	<ul style="list-style-type: none"> b) Support subject to consultation. c) Support subject to consultation. d) Oppose. It should not be a standard approach to remove specific terms. The intent of a definition is to clarify its meaning. If there is a very specific meaning attached to a term then that should be the definition used and included in the planning scheme to avoid confusion. e) Oppose. While Council supports a review of land use terms, care needs to be applied in providing definitions that are too broad. This would be counterproductive and it could be argued that there is not point to providing a definition, if it is too broad and un-specific. This could lead to confusion and much debate and discussion between council, applicants and the community. Inevitably, this will lead to more VCAT cases where land use terms are too broad and open for interpretation. If the meaning of terms changes quickly then there needs to be an ability to update definitions much quicker to enable the planning scheme to keep pace with developments in businesses and communities. f) Support. This should also be supported through new policy writing guides as per comments on proposed change 2c) above. g) Support subject to consultation. h) Support <p>Council submits that changes to the definitions of terms require further consultation with local government and other industry stakeholders. In line</p>

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			<p>Depot', 'Holiday dwelling', 'Café', 'Music and arts festival', 'Maker', 'Community gardens', 'Storage facility' and 'Animal day care'.</p> <p>Review Land Use Terms to investigate revising the following:</p> <p>'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 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'.</p> <p>Review Land Use Terms to investigate removing terms within the land use table that do not have definitions as is consistent with Clause 71.</p>		<p>with Council's general comments in the main submission, it seems that the proposed timeframes for the VPP reforms do not allow for any more significant consultation on particular changes. However, given the importance of accurate definitions further consultation on updated, removed or added definitions is imperative.</p> <p>In particular, concerns is raised with respect to the broad nature of place of assembly, and a common transformation of cafes to include activities such as boutique coffee grinding and breweries.</p>

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45	74	Land Use Terms	<p>Review Land Use Terms having regard to the following:</p> <p>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.</p>	<p>As battery storage facilities are predicted to increase in number and scale in future years, it is important that the VPP is able to define and facilitate their approval. This would increase the relevancy of the VPP and support sustainability policy goals.</p>	<p>a) Support. This would require further consultation with local government and other industry stakeholders.</p>
46	75	Nesting Diagrams	<p>Review Nesting Diagrams having regard to the following:</p> <p>a) Shift 'Cinema Based Entertainment Facility' from un-nested to within the 'Place of Assembly' group.</p>	<p>Cinema fits more naturally within a 'Place of Assembly' nesting diagram and in doing so would provide clarity to the VPP. Its treatment in the zone land use tables would also need review so that any change is policy neutral.</p>	<p>a) Support</p>
INCORPORATED DOCUMENTS					
47	81	Incorporated Documents	<p>Review Incorporated Documents having regard to the following:</p> <p>a) Examine whether a standard template can be adopted to ensure consistency across documents</p> <p>b) Address the use of Australian Standards (fee payable for access), moving away from incorporating documents that are not free to access</p> <p>c) Review the usefulness of each incorporated document including whether extracts should be taken</p>	<p>Ready access to planning documents is a fundamental principle of a modern planning scheme. Documents should be available freely and accessible online, in forms that are readable and capable of 'copy' and 'paste'. Noting the recommendation to implement a Victorian planning library, making all documents free and fully accessible would increase transparency, lead to fewer disputes, and improve confidence in the planning system.</p> <p>Updating the listed incorporated documents with newer versions, and removing outdated documents, would</p>	<p>a) Conditional support. Council considers it extremely difficult to develop a one-size-fits-all template given the breadth of issues addressed in incorporated documents. Further, incorporated documents are adopted by Council which necessitates adherence to any council templates or branding. However, Council considers that a suite of templates that covers certain types of incorporated documents and this may be helpful to assist as considered necessary by each Council.</p> <p>b) Support. Council considers it problematic that the Australian Standards are not freely accessible given that their consideration is required due to them forming part of the planning</p>

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			<p>from particularly large documents</p> <p>d) Remove obsolete and outdated documents</p> <p>e) Replace document references with updated versions where available.</p>	<p>increase the relevance of the VPP.</p>	<p>scheme.</p> <p>c) Conditional support. Council's already have to do this as part of their regular planning scheme review. It is not considered necessary that this be undertaken by the Victorian Government.</p> <p>d) Conditional support. Council's already have to do this as part of their regular planning scheme review and any related planning scheme amendment. It is not considered necessary that this be undertaken by the Victorian Government.</p> <p>e) Conditional support. Council's already have to do this as part of their regular planning scheme review and any related planning scheme amendment. It is not considered necessary that this be undertaken by the Victorian Government.</p> <p>It is also suggested that the Reference Documents and Incorporated Documents be cross referenced in relevant sections of the planning schemes.</p>
OTHER					
48	N/A	Practice Notes	<p>Review Planning Practice Notes having regard to the following:</p> <p>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)</p>	<p>Repackaging the (now long) list of practice notes would improve readability and accessibility.</p> <p>In recent years, the practise of applying mandatory controls (as opposed to discretionary controls) has shifted following a series of high profile panel reports and planning scheme amendments. Updating the practice note to reflect government policy and to provide clearer guidance would remove a source of common confusion and</p>	<p>a) Support. Council suggests that consultation be undertaken with local government and other industry stakeholders on any new or revised practice notes. As key users of these documents, it is important that local government review the documents to ensure the documents are clear in their guidance and useable.</p> <p>It is recommended that the published practice notes be cross referenced into the Scheme, where relevant, or translated into policy and controls in the planning scheme.</p>

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			<p>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</p> <p>c) Update Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes - to reflect the circumstances when mandatory provisions should be applied.</p>	<p>uncertainty among applicants, councils and the community.</p>	<p>b) Support. Reform of the advertising sign provision long overdue but is a notable (and regrettable) omission from this table and is further addressed in Chapter 7 of Council's main submission.</p> <p>c) Support. Council considers mandatory provisions to be an extremely important and useful tool to achieve desired outcomes. Council's experience shows that discretionary controls are too often exploited resulting in poor outcomes for local communities. Any review and subsequent update should not be used as a way to make the use of mandatory controls effectively impossible.</p>
49	N/A	Technology and the availability of documents	<p>Review planning systems having regard to the following:</p> <p>a) 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</p> <p>b) 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.</p>	<p>Visiting a council office to view a planning application file is an anachronism that acts as a barrier to participation in the planning process. Making applications available online would bring considerable transparency benefits and improve public confidence in the planning system, as well as reducing administrative burden for councils to service requests. Some councils already do this for major applications. The data should be made available for third parties, subject to privacy considerations, to create new and innovative online tools for the community.</p> <p>PDF-based planning scheme provisions, while suited to printing, are difficult to interact with, and make it difficult for council planners and applicants to undertake the common task of 'copying' and 'pasting' into reports. Making a plain text version of each planning scheme</p>	<p>a) Support. Council already makes planning permit and planning scheme amendment documentation available through its website.</p> <p>b) Support</p>

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				<p>would be a simple but effective time saver for practitioners.</p>	
50	N/A	Section 173 Agreements	<p>Review Section 173 agreements having regard to the following:</p> <p>a) Their role in the planning system and whether they are overused including in local schedules</p> <p>b) The benefits of creating a standard agreement template that would only require minimal amendments for most purposes.</p>	<p>The use of Section 173 agreements has increased in recent years, representing a 32 per cent increase since 2004. This has cost implications for applicants, councils and the titles office. The process of drafting, negotiating and signing agreements is a common source of planning delay.</p> <p>Providing standard agreement templates would focus the parties on the substantive issues and reduce time and cost for all parties.</p>	<p>a) Conditional support subject to an appropriate mechanism being made available to Councils that runs with land to ensure certain conditions are enforceable.</p> <p>b) Conditional support</p> <p>Council has made numerous submissions responding to various discussion papers and Act reviews that there needs to be some clarity regarding the ongoing life of permits. This will assist in avoiding entering into some Section 173 Agreements if councils have some assurance that the encumbrances contained with the agreement could be enforced as permit conditions.</p>
		Other Matters			<p>Transitional Provisions</p> <p>Transitional Provisions to be worded in a consistent manner and clearly articulate what existing permits and/ or applications would benefit from the transitional provisions. The transitional provisions should specifically include a date, rather than a generic reference to 'date enacted/ introduced etc.'</p> <p>Flood Levels</p> <p>Commonly the referral authorities relating to flooding/ drainage require new built form if it includes a floor level 0.3m above the flood level and 0.15m above the flood level associated with garages and outbuildings. It is possible that provisions could be written of the various flooding/ drainage controls that gives effect to this requirement without the need for</p>

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					<p>a planning permit.</p> <p>Affordable Housing There is the opportunity to include requirements for affordable housing in the planning scheme through either inclusionary zoning or other mechanism.</p> <p>Apartment Guidelines Clause 55.07 and 58 should be amended to provide setbacks.</p> <p>Interactive Tools All provisions in the planning schemes should be written to accommodate an interactive tool that can identify relevant policies, guidelines, standards and controls for particular uses and development.</p> <p>Clause 67- Council applications This provision should be rewritten in its entirety and delete specific references to the Act.</p> <p>Festivals and Events A new clause should be included in the planning scheme that addresses festival and event activities, including those held for profit and non-profit on regular or annual basis.</p> <p>Clause 62.02-1 - Buildings and works by or on behalf of a municipality A definition is required that clearly defines:</p> <ul style="list-style-type: none"> • What is meant by 'by or on behalf of a municipality' • How 'estimated cost' is to be calculated (i.e. does this include design costs or only the construction costs? How is project staging over a number of financial years to be considered in the estimation of costs?)

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					<p>The exemption from requiring a planning permit for a Council project should also apply to demolition and lop, destroy or remove vegetation.</p> <p>Clause 52.17 Native Vegetation The definition of native vegetation being indigenous to Victoria should be included in the relevant sections of the planning scheme, rather than reliance upon the definition section.</p>