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Smart Planning Team
DELWP
Victorian Government
Online Submission

Dear

Discussion Paper Feedback

Overall response

While Council has no doubt that the planning process could be improved, the Discussion Paper raises a number of concerns. Overall Council is concerned with:

- The lack of detail about how the changes will be made
- The lack of focus on how the changes will impact outcomes
- The lack of analysis of existing performance across the State and evidence that the proposed changes will improve performance
- The way the project prioritises speed over good negotiation and better on-the-ground outcomes
- The lack of improvement to tools and assistance to Councils to achieve planning objectives

This is discussed in further detail below.

Lack of detail

Council is very concerned about the lack of detail in the Discussion Paper regarding the proposed changes. At least examples could have been provided in the Discussion Paper to illustrate some of the changes. Other recent proposed changes to the VPPs have raised numerous causes for concern. For example, the recent introduction of the minimum garden area without warning and lack of consultation with and training for Councils left planners with a lack of direction (no clear objective to be achieved), applications that do not conform with the planning scheme (due to the lack of transitional



provisions) and confusion regarding implementation (section 173 agreements are being used but are inappropriate and many Councils like ours already have very limited resources to enforce). This mistake should not be repeated. Similarly the intensive agricultural reform looked really promising initially until the drafted provisions were released. The drafted provisions did not address many of the issues with the existing intensive agriculture provisions. It has been really important to have the opportunity to provide this feedback since the provisions were drafted.

Recommendation:

Ensure that there is another round of consultation on the drafted provisions so that any potential issues can be addressed before they are introduced.

Process prioritised over outcomes

The purpose of planning is not to make quicker, faster decisions but, as set out in section 4(1) of the *Planning and Environment Act 1987*, it is about good on-the-ground outcomes. The Smart Planning project appears to focus speeding up the planning process rather than better decision-making to ensure fair, orderly, economic and sustainable use and development of land that protects natural and other significant resources.

The Smart Planning project does not appear to have assessed whether the existing planning system is producing the outcomes that it aims to achieve. This should have been the starting point for the project. Instead there has been a focus on the number of pages in Council planning schemes which is by no means a major issue for our applicants and planners. On page 38, the report mentions regular review and monitoring of the VPP and the benefits of better planning outcomes but there is focus on this in the report, in particular there is no detail about how this will be considered or achieved.

The proposed changes have not been discussed in terms of how they would improve the built and natural environment. Very little evidence is provided that the proposed changes are needed to improve outcomes. Councils are often required to provide extensive strategic work to justify even the most minor changes to the planning scheme and be scrutinised by an independent Planning Panel. This project would benefit from greater evidence and justification for each of the proposed changes.

There is a lack of monitoring of the planning system to measure whether planning is resulting in better outcomes. This is particularly needed to assess the effectiveness of the Victorian Planning Provisions (VPPs). The VPPs have more of an impact on our environment than local provisions. While there is an existing planning scheme review process for local provisions, it is difficult for resource-strapped Councils to undertake the work to prepare and implement them to improve their planning schemes. Implementation via policy neutral amendments are more likely to take place rather than policy positive amendments which require detailed and costly strategic justification. The Smart Planning project should at least consider how the effectiveness of the planning system could be measured, and ideally undertake an initial assessment to determine whether the proposed changes improve on-the-ground outcomes. Previous work that has been undertaken may assist with this, such as previous parliamentary enquiries.



The introduction of VicSmart to speed up the planning process has been hasty and its impacts have not been considered. While it benefits applicants by providing a cheaper alternative to the average planning permit process where they are organised, it has the disadvantages that:

- It is an additional process adding complexity to the planning permit system for applicants and planners.
- It is difficult to use in regional areas where typical applicants do not provide the necessary information when lodging plans and plans are poorly prepared.
- VicSmart takes away the opportunity to take time to negotiate better outcomes.
- Some of the types of applications included in VicSmart are the most complicated and contested applications which now do not require advertising.

Subdivision and development applications in rural zones, particularly the Farming Zone, should generally not be VicSmart applications. One recent example of a VicSmart application that Council received which should have been advertised and had the opportunity for full assessment was an application to develop land with two additional group accommodation cabins with 100 metres of dwelling not in the same ownership. The adjacent owner contacted Council asking why they were not informed of the permit as they were against the proposal. Another example could be the construction of a silage pit with the FZ, 5m from a boundary and within 100m of a dwelling not in the same ownership. Such a structure could and probably would result in a land use conflict yet it would be exempt from notice and review and Council would be rushed into a decision within 10 business days in order to avoid a potential appeal to VCAT for failure to decide the application. There should be prescribed minimum standards (code) for such proposals or at least better/stronger decision guidelines so that Council can at least force a better outcome rather than being rushed into a decision. At South Gippsland, like many other Councils, we already have procedures in place to try and assess minor planning permits quickly.

Recommendations:

Before proceeding with any changes, establish a system to monitor the effectiveness of the planning system at achieving its desired outcomes and assess its current status to re-focus where changes are needed and provide evidence to establish why.

Provide funding and incentives to Councils to help them undertake and implement planning scheme reviews that update the local provisions of Councils' planning schemes.

Better tools & help needed

At present the State Planning Policy Framework has some great objectives but there are a lack of resources and tools available to Councils to achieve them. The Smart Planning project seems to be working from the assumption that fewer planning scheme tools are better. While there is apparent unnecessary duplication between some tools (i.e. Land Subject to Inundation



Overlay and Special Building Overlay), in general, Councils would benefit a greater selection and flexibility of tools. For example, it would be better to have some overlays that are provide for changes to land use provisions. It would be good to have a separate overlay (rather than the Environmental Significance Overlay) that can easily be updated as facilities establish, move and close to identify uses with adverse amenity potential in order to restrict sensitive uses in their vicinity.

There are many different issues with the existing tools that State Government could help address. For example it is costly for Councils to address erosion issues in the municipality by implementing the Erosion Management Overlay. It requires expert geotechnical advice (very costly) as well as accurate mapping resources (State government's 10 metre contours are insufficient). Other Councils, such as ours, find it difficult to protect heritage in the municipality. It is costly to undertake heritage studies and even when they are prepared, there can be a lack of political will to apply the Heritage Overlay so that identified significant places are protected. Another example is the Development Contributions Plan Overlay that needs to be improved so that it is useable, particularly for regional and rural Councils. At present it takes significant resources to apply and justify with great risks to Council if the predicted costs are not accurate. It is much safer to prepare section 173 agreements requiring a set amount of developer contributions that are agreed between developers and Council prior to rezoning land. Regional Councils are still waiting for the outcomes of the Infrastructure Contributions Reform which will hopefully address even small scale growth in regional areas. There is no use having objectives about minimising erosion, protecting heritage and requiring new development to make a financial contribution for infrastructure if the relevant tools are not in place.

Permit triggers and exemptions should also be improved. These need to be evidence-based. A couple of existing issues include the existing planning permit exemptions for:

- Coastal tea tree removal because it is not considered a tree though it is important and widespread vegetation in coastal areas.
- Forestry activities which impact on waterways and the amenity of tourism corridors.

There does not appear to be clear evidence underpinning existing permit triggers and exemptions. Many of the proposed changes do not reflect key issues that our Council area has with the existing VPPs and do not appear to be adequately justified and their impacts considered. One permit exemption in particular that could be reconsidered is the 100 metre waterway exemption for the Farming Zone and Rural Activity Zone. This often triggers unnecessary permits where a minor extension to a dwelling is proposed away from the waterway and where a waterway is not easily perceived. Several of the 'waterways' identified by State government's mapping layer are dry shallow ditches – the average person would never call them a waterway. The basis for the 100 metres distance is unclear, the Water Act and planning scheme at Clause 14.02-1 by contrast refer instead to a distance of 30 metres. It is acknowledged that the more detailed exemptions are, the more complicated planning becomes, particularly for the average community member trying to



determine if a planning permit is required. Making and keeping permit triggers simpler (e.g. 100m setback trigger), by contrast, often means that permits are triggered where assessment is not required. An additional permit trigger exemption that would be useful is if the Commercial 1 Zone exempted flues that poke out a small distance through a roof (like there is an exemption for awnings and ATMs). A permit is triggered as soon as the roof is modified, even if this is not visible from anywhere but the roof itself.

Councils need better input from State government, particularly on major proposals, during the decision-making process. There is a lack of agricultural expertise available to draw from when considering intensive agricultural proposals such as large broiler farms. Council very rarely receive any input from the Department of Education and Training regarding school implications and the Department of Economic Development, Jobs, Transport and Resources regarding public transport implications when undertaking strategic planning and assessing applications for over sixty dwellings. Similarly it is very rare to receive a referral from the Environmental Protection Authority.

Recommendation:

Review how the available tools (zones, overlays, permit exemptions and particular provisions) could be improved to better achieve the planning system's desired outcomes.

Review the proposed changes to consider how they would work and what impact they would to on-the-ground outcomes and to the assessment process.

Better assist and/or resource Councils to apply the appropriate planning tools to achieve the objectives of the VPPs.

Better resource and organise State government to provide better advice and expertise to Councils for strategic planning and permit assessment.

Digital Improvements

Digital improvements would go a long way to improving the existing planning system. The proposed Planning Scheme Information Management System (PSIMS), however, is not explained or detail provided. VicPlan, which has recently been introduced as part of Smart Planning, has not advanced the online availability of planning information. It does the same thing as Land Victoria and in some ways, is more difficult to use and navigate. The document could have explained how PSIMS will work and what it is intended to achieve. It has a lot of potential to deal with existing planning scheme issues including:

- Repetition in different sections of the planning scheme (a provision could be inputted once and apply to many different parts of the scheme).
- Improve spelling (it is concerning that there are still spelling errors making their way into the planning scheme and staying there for a long time).
- Automatically generate a list of all permit triggers and application requirements to assist with planning enquiries.

Recommendation:



Work with all Councils to explore how PSIMS could achieve improvements and how it will work to ensure it will be user-friendly for applicants and Councils.

Yours sincerely





COMMENTS ON PROPOSALS

No	Proposal	Comment including Responses to Questions
1	Proposed VPP Framework	<p>More detail needed</p> <p>It is difficult to understand how this will improve things when limited detail about how this will be achieved. For example, how exactly will local policy be made stronger? Does that mean it will be given greater weight? Will it be re-written? The VicSmart provisions sounded like a good idea as an idea (moving towards code assessment system) but the problem has been how they work and their detail. Council would not want to support more radical changes until it is clearer how they are intended to work and what the provisions will look like. It would have been better if the Discussion Paper had provided some example clauses to demonstrate how the proposed changes would work.</p> <p>a) What other changes to the VPP structure do you think should be considered?</p> <p>The proposal essentially just appears to move words / clauses around in a structure that is generally fairly clear already. Victoria has a planning system that other States often look to as being clearer and more comprehensive. Issues with the existing structure are:</p> <ul style="list-style-type: none">• Permit triggers are scattered throughout the planning scheme making it difficult for the average person to know where to look to know if they need a permit.• The front page of zones and overlays has to be read with the schedules which can cause confusion because of double negatives.• Planning schemes often lack tools that implement the objectives of the SPPF because effective tools are not available or tools have not been applied locally. <p>The first two dot points could be addressed by moving to a digital system (PSIMS). The triggers could stay where they are but be able to be extracted to assist people identifying when a planning permit is needed. The zones and overlays could be integrated with their local schedules.</p>
2	An Integrated Planning Policy Framework	<p>Generally supported</p> <p>In some ways, this proposal is just 'another way of cutting the cake' with advantages and disadvantages – but less disadvantages with the PSIMS system. A key advantage is that it will provide more direct</p>



No	Proposal	Comment including Responses to Questions
		<p>links between State and local policy and is likely to highlight repetition that can be removed. This proposal talks about the fact that policy can be more regularly reviewed and updated using PSIMS. It does not address the fact that many reviews are not implemented and does not look at how the reviews will address on-the-ground impacts of policy.</p> <p>b) Are there any themes that should be added to the proposed PPF thematic framework to ensure that it covers all required policies?</p> <p>Other themes that should be added to the framework are:</p> <ul style="list-style-type: none"> • Design for regional areas • Planning for health • Social impact <p>What else could be done to make planning policy easier to apply and understand?</p> <p>There could be better links with relevant planning scheme tools and a review of whether there are tools in place that will be effective enough to implement this policy.</p> <p>What will be needed to support transition to a new PPF format?</p> <p>This is a big structural change that will take a lot of time and resources. It will be important to work with Councils – providing funding for additional resources for this to be achieved on top of Councils’ existing strategic planning workloads. There are a lot of existing issues in planning schemes (e.g. policy that does not meet existing requirements). Council is not convinced that this is necessary or a wise use of resources.</p>
3	Assessment Pathways for Simple Proposals	<p>More detail needed</p> <p>Many issues have arisen with the VicSmart provisions (as discussed throughout the response). There is a reason that few Councils have chosen to prescribe local VicSmart provisions.</p> <p>Code-based assessments – categories sound ok although there is a lack of detail regarding the types of standards/provisions that would be implemented and whether; a) it would actually simplify the system or just add another layer of complexity to an already complex system; b) lead to Council’s being able to make faster decisions; or c) result in better “real world” planning outcomes</p>



No	Proposal	Comment including Responses to Questions
		<p>c) What other matters do you think are suitable for code-based assessment? Unsure we have any to suggest.</p>
4	Smarter Planning Scheme Drafting	<p>How will the DELWP Planning Group be formalised and strengthened to improve the VPPs and planning scheme amendment drafting? We think that this could be improved – particularly to look at the VPPs more often for improvement.</p> <p>d) What are the key matters you think a VPP user manual should include? It should include material in existing relevant planning practice notes and provide guidance for the application of all tools (not just a few zones and overlays).</p> <p>What planning documents or information do you think should be included in a Victorian planning library? The suggested documents sound fine (incorporated documents, approved development plans, background / reference documents, important historic planning documents and heritage citations informing the Heritage Overlay).</p> <p>Are there other ways the drafting and consistency of planning scheme provisions could be improved? DELWP and Council planners could get together regularly to discuss issues with existing planning tools that are available and with drafting provisions so that knowledge is shared and improvements to provision consistency can be made.</p>
5	Improve Specific Provisions	<p>To respond to Appendix 2 or provide feedback on any of these reforms please visit www.engage.vic.gov.au/reform-victoria-planningprovisions</p> <p>Advertising provisions could be improved if State government provided more guidance regarding who should be advertised to and how for different types of applications. This could be minimum requirements which Councils could add additional advertising requirements to as applicable to local area. This would provide greater consistency across the State and certainty for the community.</p> <p>See the following table for other responses.</p>



RESPONSE TO APPENDIX 2

ID. No	Clause No.	Name	Modification	Review Justification	Comment
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>More detail needed</p> <p>It is unclear what this will mean – please provide examples.</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 tailored to reflect local circumstances:</p> <p>i. Priority Development Zone</p> <p>ii. Activity Centre Zone</p> <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>a) More detail would be helpful otherwise sounds ok</p> <p>Planning has been here before, changing the names of zones once again is not new or revolutionary but may help to clarify the purpose of zones to the community. Suggest renaming Farming Zone to “Rural Industry” or “Agriculture and Industry Zone” so it’s clearer that the community should expect agricultural activity including things like broiler farms and extractive industries in these areas.</p> <p>b) More detail needed</p> <p>It is unclear how this will affect the MUZ and C1Z. PDZ and ACZ are less relevant to our Council. It is, however, helpful to have a zone/s that can be tailored to reflect local</p>



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					<p>circumstances like the SUZ.</p> <p>c) More detail needed but sounds ok Good idea but there needs to be consideration regarding what that will mean for the interpretation existing policy in planning schemes once defined and implemented.</p> <p>Other comments: The public zones could be improved by requiring public land manager's application views as part of the application requirements given their consent is required to put in an application. This would avoid double handling – specifically the need for Council to refer the application to the land manager who should have already seen the application to provide their consent.</p>
3	32	All Residential Zones	<p>Review residential zones having regard to the following:</p> <p>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</p> <p>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</p> <p>c) Redraft the following phrase used uniquely in the residential zones as a permit trigger: 'construction and</p>		<p>a) Not relevant to our Council as we don't trigger a permit between 300-500m².</p> <p>b) Not applicable – No RGZ in South Gippsland</p> <p>c) Sounds ok</p>



ID. No	Clause No.	Name	Modification	Review Justification	Comment
			extension of ...' and adopt the more commonly used 'to construct a building or construct and carry out works ...' to create consistency with other zones.		
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. 		<ul style="list-style-type: none"> a) More detail needed A key issue that we find with the MUZ is that it allows residential development as-of-right and so is seen as a residential zone where people do not expect to see businesses and industry b) If manufacturing sales are associated with a form of manufacture (industry) and if that "Industry" still triggers a permit, what is the point of making the manufacturing sales a Section 1 use? This may not save anyone any time or money and may not lead to better planning outcomes c) More detail would be helpful otherwise sounds ok
5	33.01	Industrial 1 Zone	<p>Review the Industrial 1 Zone having regard to the following:</p> <ul style="list-style-type: none"> a) Make 'Motor Repairs' a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone b) Make 'Convenience Shop' a Section 1 (as of right) land use. 		<ul style="list-style-type: none"> a) Support change Including motor repairs as-of-right makes sense. b) Only support with 100sqm cap There should be a maximum floor area if this is introduced in order to avoid taking retail from core



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					commercial areas.
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>a) Support change Including motor repairs as-of-right makes sense.</p> <p>b) Only support with 50sqm cap The maximum floor area should be very small (i.e. 50sqm) otherwise this provision risks taking office uses away from core commercial areas, especially an issue in regional townships. This should not be confused with an office that is ancillary to an industry and does not trigger a permit in its own right. Has this only been suggested because some planners misinterpret or misunderstand how to characterise land use properly?</p> <p>c) Only support with 100sqm cap for take away food premises but concerned about indoor recreation facility. As for office, there should be a maximum floor area for take away food premises to avoid taking retail away from core commercial areas, especially an issue in regional townships. While many indoor</p>



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					recreation facilities (e.g. dance schools, play centres) establish in IN3Z, it would be better if the impact of this is assessed given that it could result in bringing lots of foot traffic, particularly of children, into an area of industrial activity with heavy machinery and often a lack of footpaths.
7	34.02	Commercial 2 Zone	Review the Commercial 2 Zone having regard to the following: a) Make 'Convenience Restaurant' a Section 1 (as of right) land use b) Make 'Manufacturing Sales' a Section 1 (as of right) land use to support the establishment of 'small makers' and creative industries.		Not applicable – no C2Z in South Gippsland
8	35	All rural zones	Review the rural zones having regard to the following: 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.		Not supported Councils already experience extensive issues regarding dwellings in rural zones, usually the Farming Zone. Dwelling extension applications are often veiled attempts to establish a dwelling in a building that does not have existing use rights. It is common for existing buildings in rural zones to be very small with buildings clustered together. This means that extensions are often larger than the original building and in close proximity to neighbours.
9	35.07	Farming Zone	Review the Farming Zone having regard to the following:		a) More detail needed



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			<p>a) Allow more primary produce sales as a Section 1 (as of right) use by increasing the floor area condition and allow a wider range of related goods to be sold.</p>		<p>Not sure that this will really make any difference given that we receive so few enquiries about primary produce sales and most will trigger a permit in any case because they involve development along a Road Zone Category 1. Providing for a wider range of uses could create the problem of identifying when it should be considered a shop rather than primary produce sales.</p> <p>Other comments:</p> <p>Dependent Person's Units (DPU) are a real problem in our area because there is no clarity regarding what 'care' means. Is it emotional, physical or financial? While improving the definition could help, it may be that we instead need to rethink planning permit requirements for DPUs. This is a key issue in the Farming Zone where DPUs are often set up with attempts to get a second dwelling. Enforcing them is always difficult especially since they do not trigger permits and particularly when they need to be removed once they are no longer being used for a dependent person. Another approach would be to limit the size of a unit (e.g. 50sqm) and its</p>



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					specifications (e.g. no kitchen) given that once a structure is built, it is unlikely that owners will remove it.
10	37.03	Urban Floodway Zone	Review the Urban Floodway Zone having regard to the following: 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).		Not applicable – no UFZ in South Gippsland
11	37.07	Urban Growth Zone	Review the Urban Growth Zone having regard to the following: 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 b) Reduce the complexity of future UGZ schedules through a more limited and rigid structure.		Not applicable – no UGZ in South Gippsland
12	40	All overlays	Review all overlays having regard to the following: 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) 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) 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) 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		a) Support Particular overlays that should probably control use in some fashion are the LSIO, BMO and EMO. For example, rather than the BMO focus on triggering permits for “buildings and works associated with the use of the land” for certain uses, it should actually concentrate on whether certain uses are appropriate (not just development) in certain locations (e.g. to be able to refuse accommodation in glamping tents in remote areas where access and



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			how the VPP reacts with local provisions.		<p>threat of bushfire is a major issue). EMO may be another example where the use of the land for accommodation may present too high a risk and therefore the use should be considered before any form of development is even entertained.</p> <p>b) Support Suggest that these types of sites should have own specific overlay that caters for when the uses move or close.</p> <p>c) More detail needed but sounds ok Good idea but there needs to be consideration regarding what that will mean for the interpretation existing policy in planning schemes once defined and implemented. More consistency and clarity should be provided for the following terms: floor areas (total floor area vs net floor area vs leasable floor area vs resultant floor area vs building area on site – see South Gippsland DDO5), heights (metres vs storeys) and tree measurements (e.g. permit triggered where circumference or diameter exceeds Xm at Xm height above ground level)</p>



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					<p>d) More detail needed but sounds ok</p> <p>It is really confusing trying to explain to the public how the front page of an overlay works with its relevant schedule, particularly where it results in double / triple negatives (e.g. native vegetation in South Gippsland ESOs). This could be improved by the move to make the planning scheme into a database that can generate a simpler provision.</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 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>a) More detail needed about full structure</p> <p>This proposal is just pushing words around in planning scheme. While it sounds fine and avoids repetition, it means that you will not be able to look in the one place to find the information.</p> <p>b) More detail needed</p> <p>It would be helpful to have more flexibility in the available exemptions. For example, it is unclear why the Design and Development Overlay can trigger a permit for outdoor swimming pools associated with a dwelling but the Environmental Significance Overlay or Significant</p>



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					<p>Landscape Overlay cannot. For all of these overlays, permit exemptions (such as associated with a single dwelling) can be specified for building, construction or works so it is not clear what needs fixing.</p> <p>c) More detail needed Generally providing consistency is good but how is this proposed? What will this mean?</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 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>a) More detail needed It is not clear what the proposed reforms to are / where to find them. At present there are no precincts in South Gippsland protected by the Heritage Overlay though some precincts are identified in our Heritage Study. Most of our Heritage Study has not been implemented and is unlikely to be in the near future.</p> <p>b) Generally supported This probably won't make too much difference for us but would be better if terminology was defined and consistent.</p> <p>c) Not supported While the idea of exempting 'minor'</p>



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					<p>buildings and works sounds fine, the examples (for example verandahs and pergolas on a primary or secondary frontage) provided could easily have a dramatic adverse impact on the heritage value of a property. Sometimes the rear of a property is important to a heritage citation. If the exemptions have the potential to undermine the point of Heritage Overlay protection – what is their use? If the HO is applied to non-contributory buildings, in most cases additional exemptions could apply but it may be difficult to determine which should apply in all cases – again it may depend why it is included in the first place.</p> <p>d) Generally supported with conditions Having had a cursory review of Yarra’s exemptions, they appear to be reasonable and potentially more widely applicable. It would be good to explore this further, potentially through discussion with other Councils.</p> <p>Other comments: There could be more guidance to assist with decision making for applications</p>



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					affected by the Heritage Overlay. This is why so many Councils have heritage local policies.
15	43.04	Development Plan Overlay	Review the Development Plan Overlay having regard to the following: a) Amend the exemption from notice and review provision to remove the 'catch 22' provision.		Supported with conditions Fixing this up should be straight forward but it would still be good to see the changes for comment before approval. It would have been helpful if the report had had a hyperlink to the VCAT decision to help find it online. We tend to advertise Development Plans though this is not required so that the community are aware of the progress of development in their area.
16	43.05	Neighbourhood Character Overlay	Review the Neighbourhood Character Overlay having regard to the following: a) Examine the role and function of the Overlay in the context of the new Neighbourhood Residential Zone, and other VPP tools.		Not applicable – no NCO in South Gippsland
17	44	Land management overlays	Review all land management overlays having regard to the following: 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.		Supported with conditions The review is supported though more detail is needed. The range of flooding tools available is confusing. It would be better if the difference between the overlays and the need for distinction between them is clearer if multiple controls are needed.
18	44.01	Erosion Management	Review the Erosion Management Overlay having regard to the following: a) Ensure provisions reflect the level of risk and		a) More detail needed but sounds ok b) More detail needed



ID. No	Clause No.	Name	Modification	Review Justification	Comment
		Overlay	<p>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 zone.</p>		<p>It is not clear what the issues are and why this proposal and the previous one are suggested.</p> <p>c) Not supported</p> <p>Two lot subdivisions in a rural zone are not a minor matter and should not all be exempted. The existing overlay does not refer to the need for geotechnical risk assessments so</p> <p>Other comments</p> <ul style="list-style-type: none"> • The overlay contains too many general decision guidelines that are not useful (including reference to technical documents that most planners would not know how to consider in decision-making) • The overlay's decision guidelines could be improved by making more explicit reference to (1) risk to life, property and the environment, (2) past landslip and erosion, (3) proposal impact on waterways and open potable water supply catchments, (4) extent of earthworks and (5) soil type, slope and proposal's impact on soil and slope stability. • The overlay does not provide for



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					local decision guidelines to be included in the schedule (though many schedules include them anyway)
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>		Not applicable – no SMO in South Gippsland
20	44.03	Floodway Overlay	<p>Review the Floodway Overlay having regard to the following:</p> <p>a) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</p> <p>b) Improve access to flood levels required to ensure drawings are compliant prior to submitting a planning permit application.</p>		Not applicable – no FO in South Gippsland
21	44.04	Land Subject to Inundation Overlay	<p>Review the Land Subject to Inundation Overlay having regard to the following:</p> <p>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"</p> <p>b) Update the purpose of the overlay to include the words "to provide for the protection of drainage assets".</p> <p>c) Ensure permit triggers are linked to the purpose of the overlay</p> <p>d) Increase the opportunities for permit exemptions, such as developments not impeding water flow</p> <p>e) Allow greater flexibility by expanding the floor space allowable for a building extension before a permit is triggered for buildings and works</p> <p>f) Examine whether finished floor level height above</p>		<p>a) Supported</p> <p>It would be good to get rid of the 1 in 100 years given how many times that flooding happens more often than once in 100 years.</p> <p>b) Supported</p> <p>This is good to mention.</p> <p>c) Need more detail</p> <p>What is wrong with the existing</p>



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			<p>flood level should be a planning scheme requirement or a self / code assess mechanism, or a matter for the Building Act.</p>		<p>permit triggers? We think that they already relate to the overlay's purpose.</p> <p>d) Need more detail but sounds ok What exemptions are being suggested? Many Councils like ours have many exemptions in their schedules already. If the proposed exemptions reflect what we have included in our schedule already then we think that sounds good.</p> <p>e) Supported with conditions Our LSIO schedule already has exemptions for floor space expansion. We would support exemptions in the VPPs that are in line with our LSIO schedule:</p> <ul style="list-style-type: none"> • A ground floor extension to an existing habitable building (including a dwelling) provided the proposed floor level is at or above the highest point of the existing floor level and the gross floor area of the extension does not exceed 20 square metres. • An upper storey extension to an existing building within the existing building footprint.



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					<ul style="list-style-type: none"> • A non-habitable building, or extension to a non-habitable building (other than a building associated with the use of land for industry or for a public or commercial use) provided the finished floor levels are above the applicable floor levels set by the relevant floodplain management authority. <p>f) Our LSIO already exempts permits for dwellings (or other buildings) where they meet a minimum FFL AHD.</p>
22	44.05	Special Building Overlay	<p>Review the Special Building Overlay having regard to the following:</p> <p>a) Revise the name of the overlay to better reflect its purpose</p> <p>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</p> <p>c) Make buildings and works (including dwelling extensions and new dwellings) permit exempt where minimum flood levels are met and the Building Act applies</p> <p>d) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</p> <p>e) Amend the wording of the overlay so that a planning permit application that is subject to flooding from councils’ overland flow paths (less than 60ha catchments) can be assessed solely by council and do not require a referral to Melbourne Water</p> <p>f) Consider the greater use of VicSmart where the</p>		<p>a) Supported The existing name is confusing.</p>



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			Special Building Overlay is the only trigger g) Ensure schedules are uniform and consolidated across Victoria.		
23	45.02	Airport Environs Overlay	Review the Airport Environs Overlay having regard to the following: a) Ensure the overlay reflects the new Federal standards and associated noise contours b) Consider the amalgamation of the overlay with Melbourne Airport Environs Overlay.		<p>a) More detail needed but seems ok Further discussion about issues that need to be addressed in the overlay are below.</p> <p>b) More detail needed (probably not supported) If these overlays are amalgamated we expect that it will just make things more confusing and result in irrelevant policy and provisions applying to our area.</p> <p>Other comments This is one of the worst / most confusing overlays. It does not have a clear purpose or clear decision guidelines. It is very difficult to interpret and explain. It refers to 'Any new building' when it should say any 'new sensitive use' (though this is clarified in the standard).</p>
24	45.07	City Link Project Overlay	Review the City Link Project Overlay having regard to the following: 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 b) Amend the head provision to rename the document as 'Melbourne City Link Project – Advertising Signs Location September 2014' in the Purpose and in		Not applicable – no CLPO in South Gippsland



ID. No	Clause No.	Name	Modification	Review Justification	Comment
25	52.03	Specific Sites and Exclusions	Clauses 45.07-2 and 45.07-3. Review Specific Sites and Exclusions having regard to the following: 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.		a) Supported One of our two specific sites and exclusions is outdated and needs to be removed. b) No objection Council have not had a need to use this clause to date. The only two instances where it has been used were proposed by State government. c) Supported This should take place for all schedules with maps e.g. Farming Zone schedules that include maps
26	52.06	Car Parking	Review Car Parking having regard to the following: a) Review car parking rates in Table 1 in the context of transport mode shifts, lifestyle and technology changes and densification, and provide rates for those land uses not listed 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) 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.		a) Supported with conditions The review is supported though more detail is needed. The review should consider the difference between metropolitan Melbourne and regional areas. We note that we often waiver car parking spaces. For example, we generally provide a car parking spaces waiver for all industrial development. b) Supported It does not make sense to re-consider car parking when this has



ID. No	Clause No.	Name	Modification	Review Justification	Comment
					<p>been considered previously at the site.</p> <p>c) Part unsure & part supported We are not completely familiar with the recommendations of the advisory committee report. The suggestion to exempt notice and review for a Clause 52.06 application would be good in the case of recent apartment proposals appealed at VCAT.</p>
27	52.08	Energy 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 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>a) Supported with conditions The review is supported though more detail is needed. It would have been better to include a more detailed scope of the review for comment. The review should seek to remove duplication of the process and better involve the public particularly where exemptions result in community-wide impacts (e.g. quarrying of scoria on significant volcanic cones such as the Mount Leura complex – refer to this link for damage caused by quarrying).</p> <p>b) Supported This seems reasonable.</p> <p>c) More detail needed but seems ok</p>



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					<p>d) More detail needed This could involve radical changes. What does this mean? Please give us examples of what changes might be proposed and why.</p>
28	52.10	Uses with Adverse Amenity Potential	<p>Review Uses with Adverse Amenity Potential having regard to the following: a) Review buffer distances taking into account the Environmental Protection Authority's Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013) b) Review and clarify the clause's application in 'reverse amenity' matters.</p>		<p>a) Supported This is needed to bring everything into line.</p> <p>b) Supported with conditions This review should consider how these can be mapped and information made available during the purchase of properties (e.g. by application of an overlay). We have recently put an ESO for a buffer around Burra Foods (milk processing facility) in Korumburra to deal with this issue but we have other uses with adverse amenity potential that do not have an overlay.</p> <p>Other comments Sometimes the distances in 52.10 are a permit trigger when read with the zone and sometimes they relate to an exemption, but it is not clear if this should it be used for advertising.</p>
29	52.12	Service Stations	<p>Review Service Stations having regard to the following: a) Ensure the provision is updated to reflect current</p>		Supported with conditions



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			practices and modern service station designs, including reviewing the site area and crossover dimensions.		The existing design standards in the clause are not right. The permit triggers are not relevant and it is not clear where they have come from. VicRoads recommend different cross over width than design standard in the clause. One concern that should be addressed when reviewing the provisions is to limit the size of retail areas in association with petrol stations so that they do not develop into supermarkets. In regional areas, the size should be restricted more than urban areas, so that they do not take away business from towns (a major economic concern).
30	52.13	Car Wash	Review Car Wash having regard to the following: a) Ensure the provision is updated to reflect current practices and modern car wash design, including reviewing crossover dimensions.		Supported with conditions The existing clause has some random standards. It is noted that it is very difficult to meet 10 spaces for queuing. We consider this requirement to be excessive. More detail is needed before we would consider supporting changes.
31	52.14	Motor Vehicle, Boat or Caravan Sales	Review Motor Vehicle, Boat or Caravan Sales having regard to the following: a) Review the role and purpose of this provision, and the relevance of the dimensions, with a view to either removing or updating.		Supported with conditions This standard is outdated. If it is not improved then it would be better for it to be removed completely. We have probably only assessed one application in this category in the last five years.



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					More detail is needed before we would consider supporting changes.
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>b) Clarify permit triggers and exemptions without requiring cross-referencing to another document.</p>		<p>a) Supported</p> <p>b) Supported</p> <p>This should consider whether low impact poles (up to 30m) should require a permit at all.</p> <p>Other comments:</p> <p>The main value that we would like to bring in these assessments would be to make telecommunication facilities co-locate but we generally do not have the power to achieve this. Other than this, Council has limited power to improve outcomes at all.</p> <p>It would be helpful if it was clear whether a telecommunications facility is a use or development.</p> <p>Different types of facilities have different impacts – for example lattice towers are more of a concern than a pole.</p> <p>The decision guidelines are very technical.</p> <p>The telecommunications practice note is very unhelpful.</p>



ID. No	Clause No.	Name	Modification	Review Justification	Comment
33	52.27	Licensed Premises	<p>Review Licenses Premises having regard to the following:</p> <ul style="list-style-type: none"> 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 processes 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 licencing process. c) Include and clarify common application requirements such as 'cumulative impact statements' 	<p>Duplication between 52.27 and VCGLR takes up resources and time</p>	<p>a) Partly supported</p> <p>While a review is needed to clarify roles and responsibilities, the roles of Council and the VCGLR are not duplicated in all aspects:</p> <ul style="list-style-type: none"> - The VCGLR is a higher operating body working primarily with licensees. - VCGLR processes are transactional and individual rather than strategic. - Council is required to look at a licence application in an holistic manner considering the location and setting of the venue, community opinion, good design of public places, and community input. <p>Planning and liquor licensing are separate processes, each with their own merits in assessment of suitability of an application proposal. Resourcing for Councils and the VCGLR should ensure localised assessment of liquor and gaming licence applications.</p>



ID. No	Clause No.	Name	Modification	Review Justification	Comment
				<p>Simplifying the planning system and provide better targeted regulation.</p>	<p>Councils have the role of supporting local economies supporting decisions that lead to retail spaces that are varied. The VCGLR, when assessing a licensee's fitness to hold a licence may not consider the mix of retail in an area. An area dominated by late night venues does not welcome other retail types, often leads to vacant shops and restricted retail mix.</p> <p>Location in relation to other social services not compatible with liquor or gaming licences such as welfare organisations, employment, schools, community houses.</p>
				<p>Addressing community issues</p>	<p>Decision-making should occur at the closest level to the community as possible. Local government is democratically elected and Councillors are representative of the local community.</p> <p>There is an opportunity to apply the 'precautionary principle' under both the Planning and Environment Act and Liquor Control Reform Act in an aim to reduce the incidence of harm. A social and economic impact assessment informs the application</p>



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					<p>of the precautionary principle and can inform decision making targeted at the local community.</p> <p>Councils consult regularly with the local communities as required under the Local Government Act and Health and Wellbeing Act. The local community is engaged regularly to gain their opinion and needs and their health and wellbeing are constantly monitored.</p> <p>Needs to be greater consideration of community benefit to ensure harm minimisation. Current planning assessment deals only with safety and amenity issues around licensed premises. The planning permit process should be improved so that the precautionary principle is applied, social impacts are considered and decision-making is not just narrowly focused on amenity.</p> <p>Using volumetric sales of packaged liquor could be used by the VCGLR to assess potential social harms in an area. Currently the assessment of broader social harm falls resulting from packaged liquor sales falls</p>



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					<p>outside the scope of current planning regulations.</p> <p>Community impact and harm should be considered in applications to change or add to an existing liquor licence. The impact of a licence to consume liquor with a meal on premise is lower than if that same licensee applies for liquor home delivery.</p>
				<p>Land use focused principle of planning scheme</p>	<p>Councils work with geospatial decision making considering good design, the mix of uses in an area rather than an individual licence application alone.</p> <p>Local governments have a greater role than just land use planning with the development of local economies also considered in planning decisions.</p>
				<p>Need to consider important community issues in relation to licensed premises.</p>	<p>Council's resources are greatly impacted by outfall from alcohol fuelled violence and anti-social behaviour such as graffiti, vandalism and street cleaning. In consideration of a licence application, the impact on Council and other social welfare and policing services needs to be considered. A social and economic</p>



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					<p>impact assessment is a method to do this.</p> <p>Currently the evidence required by Council and the community in response to liquor licence requires a reactive approach, providing evidence of existing harm. The emphasis should instead be on preventing harm before it happens with a proactive approach. There needs to be a greater onus on applicants at the VCGLR to provide social and economic impact assessments or supportive evidence that alcohol harm will be minimised.</p>
				<p>Premises within commercial zones exempt from need for planning permit for licenced premises.</p>	<p>b) Not supported</p> <p>This would reduce opportunities for planning authorities to influence the retail/entertainment mix or to influence aspects of licensed venue design that relate to amenity and public safety. A statutory planning assessment can be undertaken with consideration of use and development rather than liquor licence.</p> <p>The 'cumulative impact assessment' referred to in 52.27 is unlikely to address the effect of the spatial</p>



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					<p>distribution of packaged liquor outlets. The negative social impact of packaged liquor does not necessarily occur in the immediate vicinity of the premises and is therefore not considered when assessing the effect on amenity. Evidence suggests there is significant harm resulting from increasing community access to packaged liquor outlets. The link between packaged liquor outlet density and family violence has been proven. A positive relationship between the number of outlets and the overall floor areas dedicated to package liquor and associated alcohol related harms – both density and floor area or packaged liquor outlets should be able to be assessed in a packaged liquor licence assessment.</p> <p>Liquor licence type can impact greatly on potential harm and should be considered in assessments of licence applications in commercial zones. For example restaurants and cafes maybe deemed appropriate in a commercial area where a late night venue with large patron numbers</p>



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					<p>would have a greater impact and may be identified as inappropriate in some areas.</p> <p>The high threshold of evidence required to satisfy ground for objecting to a liquor licence based on harm is difficult for Council under current legislation.</p>
				<p>Consolidation and review of application requirements would improve useability</p>	<p>c) Supported with conditions</p> <p>Application requirements should include social impact assessments and cumulative impact assessment. At present, the practice note that explains the process of assessing cumulative impact but does not explain how this should be undertaken for packaged liquor premises. South East metropolitan Councils have investigated this issue and commissioned work that involved some improved provisions being drafted that should be considered for introduction.</p>
					<p>Other comments:</p> <p>There are many temporary liquor licences that are so frequent they can have more of an impact than permanent licences. Maybe they should trigger</p>



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					<p>planning permits given that Council often do not see these applications which may have a substantial impact on Council's local area.</p> <p>The wording in the planning permit triggers and exemptions could make it clearer which types of licences require a planning permit. The clause should be improved to align with the wording in the <i>Liquor Control Reform Act 1998</i>. The VCGLR do not assist applicants with the type of liquor licence they should apply for or when a planning permit is triggered (which given the current wording can be difficult for planners to determine).</p>
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 Victorian Commission for Gambling and Liquor Regulation licensing process.</p>	<p>Removing duplicate processes</p> <p>Implement land use focused principle of planning scheme</p>	<p>a) Partly supported</p> <p>Many aspects in relation to gaming are the same as those for liquor:</p> <ul style="list-style-type: none"> - The VCGLR is the regulator of industry while Council has a greater role in reflecting community views. - Social impact of gaming is dependent on the profile of local communities. Implementing land use focused principles takes little regard to the specific differences between local small towns in



ID. No	Clause No.	Name	Modification	Review Justification	Comment
					<p>rural Victoria.</p> <ul style="list-style-type: none"> - Land use focused assessments do not allow for social impact assessment and incorporation of local social and geographical issue relating to harm minimisation from gaming.
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> <ul style="list-style-type: none"> 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 b) Include a definition for the term 'create or alter access' c) Amend the provision to provide additional permit exemptions d) Explore the possibility of using standard VicRoads conditions to avoid referral e) Make access to a service road (other than an excluded service road) exempt from referral to VicRoads f) Make applications under this clause exempt from normal notice and review provisions. 		<p>a) & b) Supported</p> <p>The existing VCAT case that considered this issue goes against the rules of statutory interpretation and does not help in assessing whether a permit is actually triggered under this provision. Council considers that if the intent is to capture the assessment of any intensification of land use on a site or a redevelopment, then the provisions should be changed to clearly reflect this because an intensification of land use or a redevelopment does not necessarily automatically trigger a need to physically alter or upgrade an access (or crossover).</p> <ul style="list-style-type: none"> c) More detail needed d) Not supported <p>What is the point of having this provision if there is no referral to</p>



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					<p>VicRoads? This is particularly a concern in the case of a dangerous intersection.</p> <p>e) More detail needed What is meant by “excluded service road”? Generally the referral is sent to our engineers instead of VicRoads in this case as a section 55 referral because it is their responsibility when that part of the RDZ1 is controlled by Council.</p> <p>f) Supported This suggestion is fair enough given that it is a technical safety issue.</p>
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>		<p>Supported with conditions</p> <p>It would be good to encourage showers and change rooms for large developments but we want to make sure that any changes to provisions do not make it harder for small developments and for uses to fill empty shops. It may be that the rates need to be different in regional areas than the metropolitan area.</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</p>		<p>a) The State government should just map these and include them in the</p>



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			through mapping and protecting them through the Heritage Overlay.		Heritage Overlay. This does not affect our area.
38	54, 55, 56 & 58	Residential Development and Subdivision Provisions	<p>Review Clause 54,55,56 and 58 having regard to the following:</p> <p>a) Clarify the relationship between the standards and objectives, and particularly whether full compliance with the standard means that the objective is also met.</p>		<p>a) Supported</p> <p>That would be helpful but it does not address the key issues that we have with these clauses.</p> <p>Other comments:</p> <p>More of a review of these clauses is needed.</p> <p>The subdivision guidelines could be drastically improved to improve on-the-ground outcomes across the State. Once subdivision patterns are approved – it is almost impossible to change them in the future beyond minor modifications. The guidelines need to:</p> <ul style="list-style-type: none"> • Require greater consideration of sloping land (they seem to assume land is flat) • Require consideration of location of services and how walkable a proposed subdivision is. • Be explicit about avoiding battle axe lots on greenfield sites. • Strongly discourage cut and fill in sloping areas (e.g. allowing permit conditions to ensure dwellings are



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					<p>built on stumps not slabs).</p> <p>Many Councils do not undertake an assessment of ResCode where this is not specifically relevant to the proposal's planning permit trigger. There is nothing in the scheme that provides for this but in the case of minor proposals, formalising this would be a way of introducing some useful 'proportionality' into the assessment process.</p> <p>The ResCode provisions should be reviewed to better consider regional context as suggested in MAV's Managing Residential Character in Rural and Regional Victoria to recognise the difference between metropolitan and regional areas.</p> <p>We note that there is an ongoing issue with the recently introduced minimum garden area which at present is not integrated with the building regulations</p>
39	57	Metropolitan Green Wedge Land	<p>Review Metropolitan Green Wedge Land having regard to the following:</p> <p>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.</p>		Not applicable – South Gippsland is outside the metropolitan area
40	60	General Provisions	<p>Review General Provisions having regard to the following:</p> <p>a) Consolidate application requirements into a single clause similar to Clause 66 (Referrals and Notice),</p>		<p>More detail needed</p> <p>There is a reason that not all</p>



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			review all existing requirements, and add common application requirements (such as basic plans) to definitions to reduce duplication of description.		<p>requirements are consolidated because you do not need all the application requirements in all cases.</p> <p>If we are going digital, the system could be set up so that it automatically generate checklists (our checklists just reflect what is required by the planning scheme to make easier for people to view and find as a consolidated list).</p> <p>It would be good to explain what a site plan is in layman's language – being as obvious as possible (e.g. accurately reflects what is on the site).</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>More detail needed</p> <p>There is a lot of repetition in the decision guidelines throughout the planning scheme. If the intention is for zones, overlays and particular provisions to just have permit triggers, then we think that all the application requirements, referrals and decision guidelines etc. could be moved elsewhere. However, it might just mean that this information is forgotten, hard to find (because it is lots of different places) and but might be more work to determine the relevant information (like decision guidelines). As already mentioned, sometimes it is easier to have information repeated so that all the</p>



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					relevant information is in the one place.
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>a) Supported</p> <p>If we are required to get views then it should be in Clause 66 as a referral (e.g. our ESO3 is an example that needs fixing)</p> <p>b) Supported with conditions</p> <p>We note that the Planning Scheme cannot do this. It needs a Bill of Parliament to get rid of section 52 of the Act. Need more information about the changes that will be made.</p> <p>c) Not supported.</p> <p>Standard agreements make a mockery of the whole planning process and referral process. If we do not need to refer to an authority then why are they a referral authority in the first place?</p> <p>d) Supported</p> <p>This sounds sensible.</p> <p>Other comments:</p> <p>We note that the Extractive Industry Interest Area and 500m distances referred to in 66.05 are not mapped. This should be addressed so that it can be identified when a planning enquiry is</p>



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					received i.e. appears in a planning property report.
43	72	General Terms	Review General Terms to investigate the inclusion of: a) 'outbuildings normal to a dwelling' b) 'sensitive uses'.		Supported with conditions We would like these improved but would like to review the proposed changes. Other comments: We also suggest the following terms should be defined in the scheme: <ul style="list-style-type: none"> • Elevation plans • Contours • Neighbourhood character. It would be good to have hyperlinks throughout the planning scheme for all defined terms so that it is easy to refer to a term's definition.
44	74	Land Use Terms	Review all VPP land use terms and definitions, and associated treatment in the land use tables, having regard to the following objectives: 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		Supported with conditions A review of VPP definitions is urgently needed. The definitions need to be reviewed more often. a) Not supported We would be hesitant to remove the number of terms, given terms have been removed before that are still in use. b) Not supported Most obsolete uses should generally



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			<p>those where there is an appropriate ordinary dictionary meaning or definition in the Act.</p> <p>Review Land Use Terms to investigate adding the following (only where necessary and in recognition of the objectives above): 'Rural workers accommodation', 'Carbon sequestration', 'Contractor's 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: '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', 'Hellport', '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>just be replaced with more current terms (e.g. tavern replaced with pub, and additional terms: bar and club included).</p> <p>c) Supported</p> <p>d) More information needed No example is provided to explain this.</p> <p>e) Supported with conditions More detail needed (e.g. examples).</p> <p>f) Supported with conditions More detail needed (e.g. examples).</p> <p>g) Supported with conditions More detail needed (e.g. examples).</p> <p>h) More detail needed</p> <p>While a review is needed, we need more detail before commenting on support for changes. We would like to see how the definitions will be improved before commenting. Similarly, we need more detail about which terms are proposed for removal before commenting as we are not aware of any that need to be removed.</p> <p>We note that 'Group accommodation' definitely needs revision to be made</p>



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					<p>more consistent with other accommodation provisions. 'Winery' is currently defined as a cellar door which also needs fixing.</p> <p>'Community gardens' is a good suggestion for addition.</p> <p>We are unsure how 'Maker' and 'Holiday Dwelling' will be useful. What does 'Maker' mean?</p> <p>An additional term we suggest is 'Glamping'. This needs to consider whether glamping includes a permanent or temporary structure.</p>
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>Not supported</p> <p>We see this as an issue that needs to be addressed. Any facility like this will be ancillary (e.g. windfarm with enormous turbines which are the key issue).</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>a) Supported</p> <p>This makes sense.</p> <p>Other comments</p> <p>The nesting diagrams will need to be reviewed at the same time as the definitions. Tourist accommodation and Accommodation diagrams need to be reviewed. There are several other unnested terms that could benefit from</p>



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					being nested e.g. Winery.
47	81	Incorporated Documents	<p>Review Incorporated Documents having regard to the following:</p> <ul style="list-style-type: none"> a) Examine whether a standard template can be adopted to ensure consistency across documents b) Address the use of Australian Standards (fee payable for access), moving away from incorporating documents that are not free to access c) Review the usefulness of each incorporated document including whether extracts should be taken from particularly large documents d) Remove obsolete and outdated documents e) Replace document references with updated versions where available. 		<ul style="list-style-type: none"> a) Supported b) Not supported Australian standards are important - don't remove references e.g. for car parking, accessibility and bushfire c) Supported d) Supported e) Supported with conditions This should occur with appropriate levels of consultation in case the change of document has a significant impact (e.g. Code of Practice for Timber Production has included weaker controls as each revised document has been released).
48	N/A	Practice Notes	<p>Review Planning Practice Notes having regard to the following:</p> <ul style="list-style-type: none"> 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 49 focused on implementing and writing provisions into the manual) 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 c) Update Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes – to reflect the circumstances when mandatory provisions should be applied. 		<ul style="list-style-type: none"> a) More detail needed Will many practice notes be subsumed by the VPP manual? We suggest hyperlinks in the planning scheme that refer to any relevant practice notes (or other documents for that matter). b) Not supported Why not just make the advertising provisions better instead so that



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					<p>advertising is refused if unsafe?</p> <p>c) More detail needed</p> <p>The existing circumstances for Councils wanting to implement mandatory controls already seem pretty clear unless some detail from planning panel decisions need to be included in the practice note? We do note that Councils are required to undergo stringent tests when trying to introduce mandatory provisions whereas State government are able to introduce them without evidence or justification. There should be a level playing field. Given the amount of times that discretionary height controls are exceeded (e.g. along St Kilda Road), it would minimise costs to applicants and Councils if more mandatory controls could be applied.</p>
49	N/A	Technology and 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>a) More detail needed</p> <p>With planning permit application information, it is good to have stuff online but we are concerned about privacy. There need to be really clear instructions from State government about what must and must not be made public for consistency (that align with the Privacy Act). In</p>



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					<p>particular we are concerned about the availability of ownership details, residential floor plans, names, contact details and titles.</p> <p>b) Supported</p> <p>It is strange to have this small level of detail about one aspect of technology when technology could provide for so many other improvements.</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>a) Not necessarily supported</p> <p>Section 173 agreements are often used when no other appropriate planning scheme tool is available. Any review of their role should consider why they are being used in the first place and what needs to be done so that they are not the best alternative. The benefit of a Section 173 agreement is that it is applied to the title.</p> <p>We use them to restrict further subdivision and additional dwellings in the Farming Zone, protect vegetation, apply building envelopes, provide conditions for group accommodation and dependent person's units, for development</p>



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					<p>contributions and warn about climate change issues that impact access to Venus Bay. Now we are being recommended by State government to use them for minimum garden area which we think is inappropriate. VCAT use them all the time.</p> <p>b) Supported We already have one but would benefit for one reviewed by State government.</p>