

A Thriving Community
Where Everyone Belongs



Reforming the Victoria Planning Provisions –
A discussion paper
Melton City Council Submission

Melton City Council

November 2017

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INTRODUCTION

Melton City Council (MCC) officers welcome the opportunity to comment on DELWP's discussion paper on *Reforming the Victoria Planning Provisions*.

MCC agree that the simplification on the Victoria Planning Provisions (VPP) makes sense, and is overdue. Multiple reviews have been undertaken in the past ten years that recommend the VPPs and the Planning Policy Framework should be reviewed, including the *Planning System Review* (2011) and the *Planning Policy Framework Review* (2014). Council has provided support for these changes and was part of the Local Government working group for the 2014 review.

MCC note that Councils across Victoria have committed substantial officer time to engage with multiple reviews of the VPP's, the Planning Policy Framework, and State Government strategies, plans and policies. In this context MCC, consider it critical that the recommendations of this review be carried out in a timely manner, but with the appropriate level of consultation.

Council officers at MCC have noted that this discussion paper has indicated that the PPF and the VPPs should be reviewed, but has not provided a lot of detail on how the review should be conducted or the steps that will be undertaken following the review. Council officers indicate their willingness to engage with the VPP and PPF reform, and MCC would appreciate the opportunity to review proposed changes to the VPPs when prepared.

Council officers note that MCC are well advanced in the preparation of a new Municipal Strategic Statement (MSS) for the City of Melton, and will be submitting this shortly for authorisation. An extensive program of strategy, plan and policy development has informed the preparation of the MSS over the past six years that has responded to the substantial change to the Urban Growth Boundary in 2012 in the City of Melton. These strategies, plans and policies include:

- Melton Dry Stone Wall Study, 2011
- Retail and Activity Centres Strategy, 2014
- House Smart – Housing Diversity Strategy, 2014
- Western Plains North Green Wedge Management Plan, 2014
- House Rules – Housing Character Assessment and Design Guidelines, 2015
- Moving Melton – Integrated Transport Strategy, 2015
- Industrial Design Guidelines, 2016
- Melton Landscape – Significant Landscape Features Strategy, 2016
- Melton Electronic Gaming Machine Planning Policy Project, 2017
- Communications Infrastructure Policy, 2017
- Advertising Design Guidelines, 2017

Council officers seek assurances from DELWP that the proposed reforms will not delay the authorisation, exhibition or approval of our MSS, whilst acknowledging that it will have to be revised when the recommendations of the review are approved.

Council officers seek information on the process to transform the existing VPPs into a transformed VPP. Council officers support a policy neutral translation of the existing VPP into a new format. Where state or regional content does not currently exist new content should not be created to fill the gap without further consultation, and should be the subject of a separate planning scheme amendment process. This would provide transparency and importantly allow testing of any changes or new policies, to ensure they can be implemented and do not create any unintended consequences, such as the issues created by the reformed commercial and residential zones, which could have been avoided if, tested with Local Government before their implementation.

In the event that a streamlined PPF is supported by the State Government, Councils should be provided with adequate support and resources to undertake a policy neutral transfer of existing content in their MSS and LPPF into the new format planning scheme. The transitional provisions should allow the existing MSS and LPPF to be retained in the planning scheme until this work has been carried out.

Given MCC has a suite of current strategies, plans and policies MCC would be prepared to work with DELWP to be a demonstration project for the integration of the Melton Planning Scheme into the reformed VPP if the State Government adopted this approach.

MCC notes that many of the matters dealt with in the Discussion Paper relate to two streams. One stream seeks to improve the layout and form of the VPPs to make them easier to use, and the other stream seeks to streamline statutory processes to achieve faster outcomes.

There appears to be a missing stream to review the legislative framework to determine whether the framework of referrals, third party appeal rights and VCAT are contributing to excessive timeframes in making decisions.

MCC recommends that the structural reforms of the VPPs as laid out in proposals 1, 2 and 4 be carried out as a first step, to make the VPPs easier to navigate and use.

The second step should be, to review the legislative framework to determine whether changes should be made to the way planning permits are processed, and whether timeframes to determine permits can be reduced (e.g. by limiting third party appeal rights for some matters – is it fair that someone who lives in Mildura or interstate can object to a building being constructed in Frankston?). We acknowledge, that this step is outside of the scope of this discussion paper, however we would recommend that this work be undertaken before changes are made to policies to streamline planning permits.

The third step should then be to explore codification or exempting works from requiring a permit. MCC has a fundamental concern with planning controls being relaxed to reduce timeframes, particularly where the changes have appearance or amenity impacts on existing and future communities. Timeframe efficiencies could be made through changing the legislative framework instead.

[REDACTED]

[REDACTED]

[REDACTED]

SPECIFIC COMMENTS

Proposal 1: A simpler VPP structure with VicSmart assessment built in

1.1 Restructure and reform the particular provisions

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

The proposed simplification of the VPP Framework makes sense, and is consistent with findings in previous reviews of the Planning Policy Framework, including the Planning System Review (2011) and the Planning Policy Framework (PPF) review by the State Government in 2014.

Councils across Victoria have committed substantial Council officer time to engage with multiple reviews of the PPF, components of the PPF, and State Government strategies. It is therefore considered critical that the recommendations of this review be implemented, albeit with the appropriate level of consultation, particularly with Local Government.

Council officers at Melton City Council have noted that this discussion paper has indicated that a lot of the PPF should be reviewed, but has not gone into much detail on how the review will be conducted or the steps that will be undertaken following the review.

Melton City Council is willing to commit Council officer time to help DELWP with the testing of the proposed PPF given the current stage we are at in respect of a wholesale review of our MSS.

MCC note that there are a number of reviews currently being undertaken by the State Government that may result in changes to the content of the VPPs. These reviews include affordable housing, climate change, major hazard facilities, landfill / waste, and residential zones.

1.2 Integrate VicSmart into appropriate particular provisions and overlay schedules

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

MCC agree that it is sensible to integrate VicSmart classes into the particular provisions and overlay schedules where appropriate.

The VicSmart provisions are currently buried at the back of the Planning Scheme. Having them better integrated into the planning scheme is an improved outcome for ease of use by the public and planners.

1.3 Consolidate all administrative provisions

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed to move all of the administrative provisions such as incorporated documents, administrative and operational provisions relocated to the General Provisions section.

This is a minor change and is supported by Council officers.

What other changes to the VPP structure do you think should be considered?
None identified.

Proposal 2: An integrated planning policy framework

2.1 Integrate state, regional and local planning policy

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

The integration of state, regional and local planning policy is supported by Council.

MCC made a submission to the State Planning Policy Framework Advisory Committee in 2014 that the alignment of state, regional and local policies together creates a clear line of sight for policy.

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

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

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

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

- Melton Dry Stone Wall Study , 2011
- Retail and Activity Centres Strategy, 2014
- House Smart – Housing Diversity Strategy, 2014
- Western Plains North Green Wedge Management Plan, 2014
- House Rules – Housing Character Assessment and Design Guidelines, 2015
- Moving Melton – Integrated Transport Strategy, 2015
- Industrial Design Guidelines, 2016
- Melton Landscape – Significant Landscape Features Strategy, 2016
- Melton Electronic Gaming Machine Planning Policy Project, 2017
- Communications Infrastructure Policy, 2017
- Advertising Design Guidelines, 2017

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

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

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

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

2.2 Simplify the Municipal Strategic Statement

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

If the streamlined approach in 2.1 above was adopted and there was a clear line of sight between state / regional / local PPF most of the local content of the MSS and the LPPF would be dealt with in the PPF. This would result in strengthened local policy that is easy to find and use.

If most of the MSS / LPPF was paired with relevant state policy in the streamlined PPF, it would be sensible for the new MSS component in the VPP to be streamlined to a new 'municipal context and vision' that provides an overview of Council's strategic planning direction.

Further information on how the MSS will be captured is requested.

2.3 Expand policy themes

I agree / I agree subject to the comments below / I disagree / **Unsure**

Further comments

The proposed table of contents for the PPF appears to be sound.

It is difficult to comment on whether the proposed table of contents is appropriate or not without knowing what the content of the clauses will be.

2.4 Create a clearer and simpler structure for policy making

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

The proposed format for the PPF includes at the local level, two new headings 'policy application' and 'policy context'. This appears to be a logical sequence of policy.

As indicated in 2.1 Melton City Council would be happy to partner with DELWP to assist in the translation of the Melton Planning Scheme into a revised PPF.

2.5 Set new rules and guidelines for writing policy

I agree / **I agree subject to the comments below** / I disagree / Unsure

Further comments

Melton City Council officers provide in principle support for the drafting of new rules and guidelines for writing policy.

Council officers support efforts that provide more clarity for councils of the expectations of the State Government when writing local policy.

Council officers would like the opportunity to review and provide comment on the revised rules and guidelines when they are drafted.

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?

Is it proposed that the PPF be amended so councils can embed local policies that relate to matters in the 'Particular Provisions' e.g. advertising signs, car parking, licensed premises, gaming? If not, the themes should be broadened to include reference to matters in the 'Particular Provisions', so local policies that relate to these matters can be embedded into the PPF.

DELWP should review local policies that are current in planning schemes across the State and provide guidance on which part of the revised PPF the local policies would be added to.

If there are thematic gaps where there is no logical place for existing local policies to be attached to, these gaps in the PPF should be addressed.

Given that many local policies in planning schemes across Victoria relate to matters in the Particular Provisions, it may be appropriate to relocate local policies to sit with the ordinance that it relates to e.g. advertising signage local policy moved to Clause 52.05, car parking policy to Clause 52.06, licensed premise policy to Clause 52.27 etc.

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

Council officers would appreciate the opportunity to review and comment on the proposed state and regional content of the PPF before it is approved. DELWP should provide guidance to councils on where existing local policies in planning schemes should be relocated.

Councils should be provided with transition arrangements to adapt the existing local policies in their planning schemes to the new format. This may be through the retention of a local policies section in the planning scheme until the translation period for a council is finished.

Councils should be provided with guidance on the process to translate their local policies into the new format PPF.

Councils should be provided with financial assistance to translate local policies into the new format PPF, and should be provided with a minimum of a year to undertake the work.

Provided the translation of local policies into the new PPF is policy neutral, the translation process should be exempt from notice and review rights.

DELWP should partner with a range of councils (a minimum of one each from the inner ring of Melbourne, middle ring of Melbourne, growth areas of Melbourne, regional city, and rural council) to translate existing local policy into the new PPF to demonstrate to other councils how the new PPF operates. DELWP should put out an expression of interest to all councils for this process.

As stated previously in this submission, Melton City Council would be willing to work with DELWP to translate the Melton Planning Scheme into the new format if this was useful for DELWP given the current stage MCC is at in respect of wholesale review and update of the MSS and LPPF.

Proposal 3: Assessment pathways for simple proposals

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

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

MCC agree that it is sensible to integrate VicSmart classes into the particular provisions and overlay schedules where appropriate.

The VicSmart provisions are currently buried at the back of the Planning Scheme. Having them better integrated into the planning scheme is an improved outcome for ease of use by the public and planners.

3.2 Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Many VicSmart applications need to be referred to internal departments in Council, which makes the 10-day assessment period difficult.

Industrial development has a code assess pathway if the development is less than \$1 million. A \$950,000 warehouse would normally be referred to the relevant internal departments for comment, which makes assessment within 10 days difficult.

If the number of proposals subject to a VicSmart assessment was to be increased this would be problematic to Council if the 10-day assessment was to be retained. Council officers recommend that the time frame for the assessment of applications be increased to either 20 or 30 business days to allow adequate time for internal referrals to relevant departments (such as engineering and urban design) so they can properly consider and assess VicSmart applications.

It is difficult to assess the appropriateness of the development of new codified assessment provisions for small cafes, temporary retail, home occupation, secondary dwellings or small lot standards, without knowing what the assessment provisions would be.

In the event that DELWP considered expanding code-based assessments, council officers request the opportunity to review and comment on the proposed assessments.

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

Council officers do not support the expansion of code-based assessment.

Proposal 4: Smarter planning scheme drafting

4.1 Create a new VPP user manual

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

The development of a new VPP manual that includes business rules for the drafting and application of planning scheme provisions would be necessary if the VPP's were to be revised. This would be sensible given the manual should relate to the new VPP's.

Council officers would like the opportunity to review and comment on the VPP user manual before it is finalised.

4.2 Establish a business unit dedicated to VPP and planning scheme amendment drafting

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Sometimes council officers receive conflicting advice from DELWP officers on the form and content of a planning scheme amendment. The development of a business unit that focuses on VPP and planning scheme amendment drafting could help to alleviate this problem.

In addition, current processes internal to DELWP would need to change to improve transparency in how DELWP is dealing with Council led amendments e.g. the opportunity for a final review prior to approval as there have been instances where DELWP officers have changed the intent of an amendment or gone against panel recommendations with no strategic justification.

It is unclear whether local councils would draft proposed planning provisions and amendments, or whether this would be done by the business unit *'receiving drafting instructions from councils and others, and preparing proposed planning provisions and amendments in accordance with the VPP business rules'*

Does this relate to all C, GC, and VC amendments?

Council officers would be concerned if the preparation of all C amendments for local councils was undertaken by DELWP, as local councils undertake the work that strategically justifies the amendment and are best placed to create the local policy content. The unit would need to be of a significant size to deal with all councils in the State in a timely manner.

Council officers consider that there is merit in a business unit being created to assist rural councils, which have limited staff and budgets to prepare local policy, to assist councils to draft local policies that have not been drafted before, and to provide general advice to councils on the form and content of planning policies.

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

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

4.3 Create an online Victorian planning library

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Creating a single reference library, which contains all incorporated documents, approved development plans, background / reference documents, important historic planning documents, and heritage citations informing the Heritage Overlay is sensible.

The planning scheme should provide hyperlinks to relevant online documents that are accessible to users as they seek to apply planning scheme provisions.

This would make the planning scheme much easier for users to navigate and use.

At the moment, it is difficult for users to find relevant incorporated documents, and in some instances they may access documents that have been superseded (e.g. development contribution plans).

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

The VPP user manual should provide clear business rules for the drafting of planning scheme provisions, and provide clear guidance on who to contact at DELWP at relevant stages when preparing and drafting a planning scheme amendment.

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

All documents that inform decision making should be made available in the planning library.

Council officers agree that the following documents should be made available:

- All incorporated documents
- Background / reference documents
- Statements of Significance and Heritage Citations informing the Heritage Overlay
- Approved Development Plans

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

The VPP user manual should provide clear business rules for the drafting of planning scheme provisions, and provide clear guidance on who to contact at DELWP at relevant stages when preparing and drafting a planning scheme amendment. It should also consider the inclusion of clear processes for DELWP internally e.g. all relevant departments provide comment in the drafting stage not once it has been submitted for adoption. This would be a more efficient use of resources, save money, and improve collaborative relationships between State Government and Local Government.

In some recent amendments prepared by Melton City Council, council officers have received conflicting advice from different business units within DELWP on the preferred form and content of amendments. It would be preferable for continuity of advice to be provided to councils, and consolidated comments provided to council from DELWP which has moderated conflicting advice.

Proposal 5: Improve specific provisions

5.1 Improvements to specific provisions

Please scroll to Appendix 2 answers below.

5.2 Update the definitions section of the VPP

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Updates to definitions is supported as some definitions such as shop versus retail premises are similar or ambiguous and are therefore open to too much interpretation.

Council officers agree that land use terms and definitions could be improved to:

- Increase use of everyday terms that the community understands
- Remove or modernise obsolete terms and provide for new or emerging land uses
- Remove unnecessarily specific terms and broaden terms, where appropriate
- Provide definitions for undefined terms where appropriate

Council officers would like the opportunity to review and comment on proposed amendments to the definition section.

5.3 Regularly review and monitor the VPP

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Every review of the planning system and the VPP's have recommended that the VPP's should be regularly reviewed and monitored.

Council officers agree that this is necessary to ensure the VPP's are kept up to date and relevant.

Comments on appendix two - improvements to specific provisions

The following is a list of possible reforms to specific provisions that potentially deliver the improvements set out in section 5.1 of the discussion paper.

1. All zone schedules

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

2. All zones

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) that the zones be renamed from being numerical to being descriptive and adopting everyday words. Council officers provide in-principle support for this, request the changes be referred to councils for review, and comment before they are adopted or approved.

It is proposed in modification b) that the role and function of the Priority Development Zone and the Activity Centre Zone be examined to establish whether they can be replaced with other VPP tools, Council officers provide in-principle support for this, request the changes be referred to councils for review, and comment before they are adopted or approved.

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

3. All Residential Zones

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

It is proposed in modification c) that there should be consistency in phrasing where a common meaning applies to phrases such as 'generally in accordance with', 'generally consistent with', and 'in accordance with'. Council officers

provide in-principle support for this, request the changes be referred to councils for review, and comment before they are adopted or approved. This particularly important in the context of how growth area Councils implement PSPs.

4. Mixed Use Zone

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

The three proposed changes to the Mixed Use Zone could lead to conflict of land uses as the redefinition of the Mixed Use Zone has turned this into a high-density residential zone. The three proposed changes can cause off-site amenity impacts which are more keenly felt where there are higher densities of dwellings. Council officers are of the view that the suggested uses below should continue to be subjected to proper planning consideration and assessment.

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

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

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

5. Industrial 1 Zone

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

6. Industrial 3 Zone

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

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

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

7. Commercial 2 Zone

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) to make a Convenience Restaurant a Section 1 use. If this use was to become a Section 1 use it should be subject to minimum lot size, maximum floor size, and adjoin a road in a road zone conditions. Council request the opportunity to review any changes made to this zone.

It is proposed in modification b) to make Manufacturing Sales a Section 1 use. If this use was to become a Section 1 use it should be subject to floor size conditions that cap the size to a percentage of the manufacturing floor area to ensure that it remains an ancillary use (industry is a Section 1 use). Council request the opportunity to review any changes made to this zone.

Further MCC would request that a full review and assessment of the commercial zones be undertaken due to the implementation challenges and unintended consequences they have created for Council e.g. defacto activity centres in inappropriate locations, and no control over the quality of developments for the community.

8. All rural zones

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) to remove the need for buildings and works permit for a dwelling extension. Council officers provide in-principle support for this being cognisant that there may be other controls that require a permit to extend the dwelling (e.g. heritage overlay, and land management overlays).

It is proposed in modification b) to remove the need for buildings and works permit for an outbuilding extension. It is unclear what purpose the removal of the floorspace cap will meet. It may be possible to increase the size of an outbuilding from 50sqm to 1,000sqm. A substantial increase in the size of an outbuilding can have external visual and amenity impacts that may need to be managed. Council request the opportunity to review any changes made to this zone.

9. Farming Zone

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) to allow more primary produce sales as a Section 1 use by increasing the floor area conditions and allow a wider range of related goods to be sold. Council officers provide in-principle support for this and request more information on the extent of the floor area and what is considered to be related goods. For example for a berry farm an acceptable related good may be jam made from the berries on the farm, however jam making

equipment would not be considered to be a related good. Council request the opportunity to review any changes made to this zone.

10. Urban Floodway Zone

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

Technical experts should undertake this review.

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

11. Urban Growth Zone

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) that upon gazettal of a precinct structure plan (PSP) land is rezoned to the applied zones specified within the PSP. Council officers strongly object to this proposed change and request that DELWP organise a workshop with all Growth Area Councils and the VPA before advancing with this proposal.

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

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

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

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

The purpose of the PSP is to allow development to occur in a manner that responds to the local conditions.

If land was rezoned before development has been commenced it could further restrict development and require costly and timely planning scheme amendments to make changes if local conditions require minor changes to the future urban structure.

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

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

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

12. All overlays

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) to review the distinction of overlays controlling development, as opposed to use. Council officers agree that this should be updated as some overlays do control use.

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

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

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

13. Environmental and landscape overlays

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) to amend the head provision to relocate the table of exemptions to Clause 62.02-3. Council officers provide support for this as it is a minor change, as it does not change the scope of vegetation removal exemptions.

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

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

14. Heritage overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

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

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

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

15. Development plan overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

16. Neighbourhood character overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

17. Land management overlays

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

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

18. Erosion management overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

This matter is not applicable to the City of Melton. This overlay has not been applied to the City of Melton.

19. Salinity management overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

This matter is not applicable to the City of Melton. This overlay has not been applied to the City of Melton.

20. Floodway overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

Technical experts should undertake this review.

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

21. Land subject to inundation overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

Technical experts should undertake this review.

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

22. Special building overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

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

Technical experts should undertake this review.

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

23. Airport environs overlay

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

It is proposed in modification a) that the overlay be reviewed to ensure it reflects the new Federal standards and associated noise contours. Council officers believe this is premature for the Melbourne Airport. It is our understanding that the Melbourne Airport Masterplan is currently being updated and is expected to be out for stakeholder comment in late 2018. MCC are of the view that this is the appropriate time to review the planning scheme ordinance and the MAEO extent mapping (be it N contours or ANEF contours).

Council officers appreciate that the addition of new runways will change the current noise impacts from existing airports, with Melbourne Airport impacting areas within the east of the Melton municipality. The inclusion of amended changes to the existing Airport Environs Overlay has merit, however the detail in which this is applied and the impact this will have on land surrounding these uses needs to be carefully considered and thought through. Existing landowners in these areas should not be significantly affected by these changes.

MCC appreciates this is a complex matter and acknowledge that there can be confusion when the airport environs overlay does not reflect the federal requirements, however the process to include these changed noise contours needs

to be done carefully, considering all stakeholders and impacts and requires consideration of airport operations generally, not just a standardised land locking approach.

It is proposed in modification b) that the AEO should be amalgamated with the Melbourne AEO. Council officers support this change.

Council officers request that any changes made to the AEO / MAEO be publicly available for review and comments before any change is adopted or approved, and that this process be managed by DELWP not Melbourne Airport.

24. City Link Project overlay

I agree / I agree subject to the comments below / I disagree / **Unsure**

Further comments

This matter is not applicable to the City of Melton. This overlay has not been applied to the City of Melton.

25. Specific sites and exclusions

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

In modification a), Council officers support the proposal to remove outdated provisions.

In modification b), Council officers support the establishment of clear rules around when exclusions should be applied to avoid overuse.

In modification c), Council officers also support the mapping of places identified by this clause to improve transparency.

26. Car parking

I agree / **I agree subject to the comments below** / I disagree / Unsure

Further comments

In modification a) Council officers agree that the car parking rates in Table 1 have not kept pace with transport mode shifts, lifestyle and technology changes, and densification. Council officers also agree that the list of uses in Table 1 is not in keeping with the land uses listed in Clause 74 of the VPP's. Council officers support a review of the rates. Council request the opportunity to review any changes made to the car parking provisions.

It is proposed in modification b) that a car parking exemption be applied for Section 1 uses in existing buildings where floor area is not increased. Council officers request more information on this. This could be problematic where you have a shop use being replaced with a food and drinks premise.

It is proposed in modification c) that the recommendations not yet implemented from the Car Parking Provisions Advisory Committee be implemented. It is difficult to comment on this as these recommendations were made in 2011 and planning practice has changed since this time. Council officers would like information on specific recommendations from the report that are proposed to be implemented.

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

27. Earth and energy resources industry

I agree / **I agree subject to the comments below** / I disagree / Unsure

Further comments

This review is well overdue. Council has been working closely with the Earth Resources Regulator (ERR) to assist with finding ways to streamline current processes for approval of resource recovery uses. This work should be considered as part of any VPP review.

During workshops with the Regulator, Council provided both written and verbal feedback to proposed solutions identified to streamline existing earth and energy resource industry processes. In this regard, Council identified some concerns with proposals, which would result in a reliance on Councils to make decisions, when they are not the technical expert. An example of this was the proposal for a new Code of Practice, without a formalised referral process to the Regulator. These types of changes, without the technical expert support, would not be supported by Council.

Council did however support the opportunity to streamline the works approval process by allowing planning permit applications to be lodged at the same time as works approval applications. Council did caution this approach however, to ensure technical advice is received from the regulator for specific uses, prior to Council making a decision on a permit. It is in this regard Council would like to highlight potential support for streamlining processes as identified in modification a), however further information is required to provide final support. This information is required to ensure Council is satisfied that any proposed changes adequately capture the needs of Local Government.

In regards to modification b), it is important to recognise that offsite impacts from these uses needs to be carefully considered by Councils. This includes litter, dust and traffic management and amenity impacts. It is important to recognise that the management of areas surrounding facilities are the responsibility of Councils and any work plan or conditions that are approved need to have regard to Council's role in this space. This is particularly important given the proposed modification b) and d) which seek to rationalise permit triggers, conditions and other allowances for these facilities. The details for how this will occur is very important to ensure communities are adequately protected. Given Council are already working with Government in this space MCC would welcome the opportunity to continue this dialogue with the Regulator, DELWP and any other relevant party.

This review could be considered in conjunction with research into buffers, as identified in the proposed changes to Clause 52.10

A clear step-by-step process should be identified in the Practice Note.

It should be noted that the Extractive Industries Interest Area (EIIA) should be mapped in the VPPs. The EIIA should be removed from areas within the Urban Growth Boundary (excluding sites that have been granted a permit for quarrying), and removed from areas identified as a Conservation Area in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors*, June 2013.

28. Uses with adverse amenity potential

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council has been actively involved in a range of processes, which have sought to identify and if necessary create land use planning controls for buffers for a variety of facilities, which have external impacts. Examples include the Metropolitan Waste and Resource Recovery Group, the Environmental Protection Authority, the Department of Economic Development, Jobs, Tourism and Resources and through the Major Hazards Advisory Committee review into buffers for Major Hazards sites and High Pressure Gas Pipeline infrastructure. Council would strongly encourage DELWP to go further than just include buffer distance recommendations as part of Clause 52.08. This is particularly important as there have been a range of State Government bodies looking into this matter, but no outcomes have been implemented.

Whilst Council agrees with modification a) that the direct interpretation of buffer distances from EPAs recommendations in 2013 into the Clause would go a way to provide protection of buffers, there needs to be another level of review to look into what these buffers are actually allowing. Through Amendment C162 of the Melton Planning Scheme, which was for the Mt Atkinson and Tarneit Plains Precinct Structure Plan there was considerable differences of opinion from experts as to what can actually, occur in these buffers. Furthermore, it was recognised that these buffers have not been formulated with considerable rigour, there is limited scientific justification around how they were formulated and they are now from a document, which is four years old. Without adequate direction, even with arbitrary distances, there is still the potential for land use conflict and risk.

In modification b) Council officers agree that the clause should be reviewed to consider the clause being used for 'reverse amenity'. The content of this needs to be carefully considered, particularly given the complexities highlighted above. Given the experience gained from the above forums, Council officers could assist with providing advice on

this matter (from a land use planning perspective, in conjunction with the relevant technical experts). Failing this, Council request the opportunity to review any changes made to this provision.

29. Service stations

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree that this provision could be updated to reflect current practices and design requirements. Council request the opportunity to review any changes made to this provision.

30. Car wash

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree that this provision could be updated to reflect current practices and design requirements. Council request the opportunity to review any changes made to this provision.

31. Motor vehicle, boat or caravan sales

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree that this provision could be updated to reflect current practices and design requirements. Council request the opportunity to review any changes made to this provision.

32. Telecommunications facility

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

In accordance with modification, a) Council supports the need to review the Code of Practice and particular provisions to recognise advancement in technology. Council recognises that telecommunications infrastructure and access to telecommunications is an essential service. This however should not be at the expense of the ability for Councils and the community to make comment on, and recommend locations for the siting and design of new facilities.

In regards to modification b), whilst it seems appropriate to streamline the need to cross-reference to other documentation, this could come at a cost whereby when one document is revised, this requires all other relevant documentation to be updated. Outdated information in publications could cause significant issues for all parties involved in these processes. A cautious approach to this should be adopted.

Council request the opportunity to review any changes made to this provision.

33. Licensed premises

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Land use planning and licensing serve different roles. These need to be clarified and understood, with their effectiveness and intended areas of performance improvements identified before any streamlining into one overall assessment process can be presumed.

Health promotion, prevention, and harm minimisation, as well as amenity management and best practice design of liquor outlets and venues, are not adequately covered by either statutory process at present. Including consideration of the principles of the Public Health and Wellbeing Act and Charter of the Local Government Act, may support clearer and more holistic decision making in relation to liquor.

While it is desirable for duplication in process to be removed, any perceived duplication should be reviewed in light of its effectiveness to deliver the outcome being sought. Regulation – regulates the industry, whereas land use planning balances competing land use tensions with community interests. Can one process achieve both and which level of Government will implement that process?

The role of community participation should be extended and not limited in any new approach to liquor licensing decision making.

MCC would be willing to work with DELWP and VCGLR to look at these processes in more detail.

If the licensed premises clause is to be reviewed, Council officers recommend that an Advisory Committee undertake this so the views of Councils, planning professionals, the community, and operators can be reviewed by planning professionals and recommendations made to DELWP on the adequacy of the existing provisions.

34. Gaming

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

The existing arrangements create confusion, as permissions are required from Council and the VCLGR.

Land use planning and licensing serve different roles. These need to be clarified and understood, with their effectiveness and intended areas of performance improvements identified before any streamlining into one overall assessment process can be presumed.

Health promotion, prevention, and harm minimisation, as well as amenity management and best practice design of gaming (Gambling) environments are not adequately covered by either statutory process at present. Including consideration of the principles of the Public Health and Wellbeing Act and Charter of the Local Government Act, may support clearer and more holistic decision-making in relation to liquor and Gaming.

While it is desirable for duplication in process to be removed, any perceived duplication should be reviewed in light of its effectiveness to deliver the outcome being sought. Regulation – regulates the industry, whereas land use planning balances competing land use tensions with community interests. Can one process achieve both and which level of Government will implement that process?

The role of community participation should be extended and not limited in any new approach to gaming decision-making.

MCC would be willing to work with DELWP and VCGLR to look at these processes in more detail.

If the gaming clause is to be reviewed, Council officers recommend that this be undertaken by an Advisory Committee so the views of Councils, planning professionals, the community, and operators can be reviewed by planning professionals and recommendations made to DELWP on the adequacy of the existing provisions.

35. Land adjacent to a road zone category 1 or a public acquisition overlay for a category 1 road

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

In modification a) it is proposed to clarify permit triggers and application requirements. Council officers support this change and Council request the opportunity to review any changes made to this provision.

Council officers support modification b) which seeks to include a definition for the term to 'create or alter access'. Council request the opportunity to review any changes made to this provision.

Council officers seek information on modification c) which seeks to amend the provision to provide additional permit exemptions. Council request the opportunity to review any changes made to this provision.

Council officers are cautious about modification d) which seeks to explore using standard conditions from VicRoads to avoid referral. MCC are cautious about this as we are not experts in this field. Council request the opportunity to review any changes made to this provision.

It is proposed in modification e) to make access to a service road exempt from referral to VicRoads. Council officers provide support for this change. Council request the opportunity to review any changes made to this provision.

It is proposed in modification f) to make applications under this clause exempt from normal notice and review provisions. Council officers are concerned about this, as applications can include the construction of acceleration and deceleration lanes in front of people's properties. Council request the opportunity to review any changes made to this provision.

36. Bicycle facilities

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree to modifications a) and b) which seek to update bicycle rates to reflect environmental sustainability goals, and provide rates for more types of development.

Council request the opportunity to review any changes made to this provision.

37. Post boxes and dry stone walls

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree to modification a) which is to examine the feasibility of removing the provision, and identify these assets through mapping and protecting them through the Heritage Overlay.

38. Residential development and subdivision

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree to modification a) which seeks to clarify the relationship between the standards and objectives, and whether full compliance with standard means the objective has been met.

Council request the opportunity to review any changes made to this provision.

39. Metropolitan green wedge land

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree to modification a) that seeks to make this provision more transparent by incorporating the requirements into existing VPP zones. MCC agree that this provision is hidden and easy to overlook.

Council request the opportunity to review any changes made to this provision.

40. General provisions

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree in principle to modification a) which recommends that application requirements be consolidated into a single clause to reduce duplication of description.

Council officers however note that there will often be a need for councils to continue to create checklists for applications as there is information required in growth areas which may be difficult to capture in a checklist created for the State e.g. has the Metropolitan Planning Levy been paid? Has a Cultural Heritage Management Plan been prepared?

Council request the opportunity to review any changes made to this provision.

41. Decision guidelines

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree in principle to modification a) which seeks to review all decision guidelines across the VPP and consolidate them under Clause 65.

Council request the opportunity to review any changes made to this provision.

42. Referral and notice provisions

I agree / I agree subject to the comments below / I disagree / **Unsure**

Further comments

The use of referral authorities is fully supported; however, Council would like to ensure that any authority listed is adequately resourced and have the right technical expertise to provide appropriate referral responses. There are many occasions where responses are not received from key referral authorities, which is of great concern to Council and the community, particularly when matters relate to uses, which could cause considerable risk to surrounding areas. Councils do not have the technical expertise to deal with a range of technical land use matters such as high-pressure gas pipelines, quarries, landfills, major hazard facilities etc. It is for this reason Councils seek technical advice through formal referrals on these matters.

Considering the above, Council officers seek more information on what is meant by modification a) which seeks to remove references to seeking the views of referral authorities and use the formal processes of Clause 66 instead. What is the benefit of this? By listing the referral, authority in the VPP's makes it clear to all parties that the views of the referral authority are required and are important.

Council officers also seek further information on what is meant by modification b) which seeks to remove the classification of referral authorities as recommending or determining authorities. What is proposed to replace this? Is it proposed that they all become determining authorities? Council request the opportunity to review any changes made to this provision.

Given the above, Council agrees that a formal referral process, rather than an informal process is appropriate. This ensures a robust approach to the assessment of planning permit applications and provides Council with the support it needs to make an assessment on complex land use matters.

In terms of modification c), the use of agreements for minor matters might be appropriate however; Council would caution that these agreements must be strictly for minor matters only. Councils should not have to wade through long Practice Notes and Codes or Practice to make a determination on technical land use issues, rather than receiving formal referrals and advice, when considering planning permit applications.

In terms of modification d) Council supports the inclusion of the Department of Economic Development, Jobs, Transport and Resources as a referral body for land near existing quarries. Council requested this as part of the planning panel for Amendment C162 to the Melton Planning Scheme, in order to receive direction regarding impacts from quarry uses on land within the Mt Atkinson and Tarneit Plains Precinct Structure Plan.

Through this Panel and other recent ones relating to growth areas, Council also identified a key need for additional authorities to be referral authorities. Council requests that DELWP review the abovementioned Panel report and also consider advice in the Major Hazard Advisory Committee Report which highlight the need for authorities like high pressure gas pipeline authorities, to provide direction on land uses adjacent to high pressure gas pipelines, and for the Environment Protection Authority (EPA) to provide direction on the impacts of the Melbourne Regional Landfill and other resource and recovery facilities.

It is essential that anybody, who is the technical expert in relation to high-risk infrastructure (or failing this a relevant State Government authority to act for these bodies), are included as referral authorities as part of the Victorian Planning Provisions. Again, Council planning officers cannot be experts in all planning and land use matters and need appropriate guidance and support from relevant bodies from time to time.

43. General terms

I agree / I agree subject to the comments below / I disagree / **Unsure**

Further comments

Council officers agree to modifications a) and b) which seek to include definitions for 'outbuildings normal to a dwelling' and 'sensitive uses'.

Council request the opportunity to review any changes made to this provision.

44. Land use terms

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree that the VPP land use terms and definitions should be reviewed.

Council officers agree that the reduction in the number of terms (modification a), the removal of obsolete terms (modification b), use of plain English terms (modification d), modernisation of definitions (modification e), and providing definitions for undefined terms (modification f) could help to resolve confusion and dispute about the definition of words.

Council request the opportunity to review any changes made to this provision.

45. Land use terms (regarding commercial battery storage facilities)

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree that the VPP should be amended to include commercial battery storage facilities.

This raises the question on how the land use terms deal with other emerging technologies such as facilities required to service drone deliveries, electric cars and automated vehicles. The land use terms should be reviewed frequently to ensure the needs of emerging technologies are addressed, particularly where they have the potential to radically change the movement patterns of people and goods.

46. Nesting diagrams

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree that shifting Cinema Based Entertainment Facility from an un-nested use to be part of the Place of Assembly group is a sensible change. If this modification was made all zones should be checked to ensure whether its designation as Section 1, 2 or 3 use should be changed as it would be undesirable for this use to be permitted in some areas such as rural zones.

Council request the opportunity to review any changes made to this provision.

47. Incorporated documents

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers strongly disagree with modification a) that seeks to include a standard template for incorporated documents. Precinct Structure Plans and Development Contribution Plans are incorporated into the Melton Planning Scheme. These have been prepared by the VPA. It would be a large exercise for these to be adapted to a standard template. Many incorporated documents have been developed to be fit for purpose, and it would be difficult to develop a standard template that covers all matters covered by incorporated documents in a standard template. If a standard template was created it would be a lengthy and difficult process to adapt documents to the template, and may result in loss of important material.

Council officers agree that the use of Australian Standards is problematic where a fee is payable for access (modification b). This reduces the accessibility to these incorporated documents. Addressing this should be a high priority action for DELWP.

Council officers strongly disagree with modification c) which states that extracts should be taken from particularly large incorporated documents. It is unclear what is considered to be a large document, and who would decide what should be extracted. This is problematic as many incorporated documents have been added to the planning scheme as a result of planning scheme amendments and panel processes. It is possible that critical information could be removed. It would be preferable for existing incorporated documents be retained as is.

Council officers recommend that guidance should be provided on the creation of incorporated documents to ensure future documents are concise and easy to use.

Council officers support modification d) which seeks to remove obsolete or outdated incorporated documents.

Council officers support modification e) which seeks to replace document references with updated references where available.

48. Practice notes

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers support modification a) which seeks to repackage the practice notes to make them easier to navigate. Officers support changes, which make it easier to access information.

Council officers support modification b) which seeks to create a practice note addressing advertising sign provisions. Council request the opportunity to review any changes made to this provision.

Council officers support modification c) which seeks to update practice note 59 (the role of mandatory provisions). This would provide the planning community improved guidance on the role of mandatory provisions and the circumstances whereby they can be applied. Council request the opportunity to review any changes made to the practice notes.

49. Technology and the availability of documents

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers agree with modification a) that seeks to encourage councils to make documents relating to planning applications freely available on their website. This modification makes it easier for people to view applications. Consideration should be given to the creation of a web-based platform to accept, consider and determine planning applications across the State.

Council officers agree with modification b) that seeks to provide a plain text version of planning schemes online to allow copy and paste into reports. This should be a high priority action by the State Government as this would improve planning reports across the State.

50. Section 173 agreements

I agree / I agree subject to the comments below / I disagree / Unsure

Further comments

Council officers disagree with modification a) which states Section 173 Agreements are overused in the State.

Council officers agree with modification b) which states a standard template should be created for Section 173 Agreements. However, the template must have enough flexibility to respond to specific or unique elements of developments. Melton City Council has created a standard template, and would be happy to share this with DELWP.