VICTORIA PLANNING PROVISIONS
AMENDMENT VC146
EXPLANATORY REPORT

Who is the Planning Authority?

This Amendment has been prepared by the Minister for Planning.

The Minister for Planning is the planning authority for this Amendment.

What the Amendment does

Amendment VC146 implements Victoria’s new Infrastructure Contributions Plan (ICP) public land contributions model by introducing a new overlay, Clause 45.11 (Infrastructure Contributions Overlay), into the Victoria Planning Provisions (VPP). The new overlay will allow a planning authority to incorporate an ICP into their planning scheme, impose a monetary levy for infrastructure, and secure land for public purposes. The amendment includes consequential changes to the State Planning Policy Framework (SPPF) to recognise the new ICP system.

Strategic assessment of the Amendment

Why is the Amendment required?

The Planning and Environment Amendment (Public Land Contributions) Act 2018 introduced a land contribution model for the ICP system. The land contribution model requires land identified for public purposes to be provided as part of an infrastructure contribution when land is developed, which replaces the monetary public land component of the standard levy. Amendment VC146 is necessary to implement the ICP land contribution model in the VPP.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives in section 4 of the Planning and Environment Act 1987 (the Act). In particular, it supports the objectives to:

(a) provide for the fair, orderly, economic and sustainable use and development of land;
(b) secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
(c) protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
(d) balance the present and future interests of all Victorians.

Amendment VC146 implements these objectives by ensuring the planning and delivery of infrastructure to new communities is equitable, efficient and cost effective. The land contributions model will assist in the orderly provision of land for public purposes to provide basic and essential infrastructure to new communities.

How does the Amendment address any environmental, social and economic effects?

Amendment VC146 will generate positive environmental, social and economic benefits by introducing a new mechanism for planning authorities to receive land for public purposes in a simple, consistent and transparent manner.

The implementation of the ICP land contribution model will assist with the orderly provision of land for public purposes consistent with the corresponding precinct structure plans or strategic plans.
which manage the development of areas in accordance with local environmental, social and economic considerations.

The new system will enable positive social outcomes through the provision of land for public purposes, such as local roads, community centres, kindergartens, maternal and child health facilities, local parks and local sporting facilities. Such facilities are critical to delivering liveable, sustainable and affordable communities.

Time and cost savings will be realised through a simpler, streamlined process for developers and local government to secure land for public purposes, with economic advantages expected to follow.

**Does the Amendment address relevant bushfire risk?**

The Amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire.

**Does the Amendment comply with the requirements of any Minister’s Direction applicable to the Amendment?**

The Amendment complies with all Ministerial Directions issued under section 12 of the Act.

The amendment will result in a change to the *Ministerial Direction on the Form and Content of Planning Schemes* issued under section 7(5) of the Act to introduce a new Infrastructure Contributions Overlay schedule.

**How does the Amendment support or implement the State Planning Policy Framework (SPPF)?**

The amendment supports and implements State Planning Policy to provide for the orderly development of urban areas and ensure the timely and adequate delivery of essential infrastructure to new communities. The amendment does this by supporting the following SPPF objectives and strategies:

- Clause 11.2-2 (Planning for growth areas);
- Clause 11.2-3 (Structure planning);
- Clause 11.3-1 (Open space planning);
- Clause 11.5-1 (Regional settlement networks);
- Clause 11.5-2 (Melbourne’s hinterland areas); and
- Clause 16.01-2 (Location of residential development).

Amendment VC146 makes changes to Clause 19 (Infrastructure) to reference ICPs and to include the *Infrastructure Contribution Plan Guidelines 2016* (as amended) as a policy guideline.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the VPP by introducing a new Infrastructure Contributions Overlay for planning authorities to implement as a means of receiving funds and land for basic and essential infrastructure.

**How does the Amendment address the views of any relevant agency?**

The ICP land contributions model has been developed in consultation with an Implementation Reference Group comprising of representatives from growth area councils, Municipal Association of Victoria, Urban Development Institute of Australia, Property Council of Australia, Victorian Planning Authority, Planning Institute of Australia, Shopping Centre Council of Australia, Housing Industry Association and the Victorian Planning and Environmental Law Association.

**Does the Amendment have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010?**
The Amendment will not have a significant impact on the transport system, however it may facilitate positive transport outcomes as it will enable planning authorities to implement an ICP that will fund local transport infrastructure. In some instances, it may also provide for the funding of State infrastructure such as public transport.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The new ICP land contribution model will provide a more consistent, streamlined process for planning authorities to secure infrastructure contributions, including land for basic and essential public purposes.

Where you may inspect this Amendment

A copy of the Amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at the following Department offices:

**Barwon South West Region**
- Geelong office
- Level 4
- 30-38 Lt Malop Street
- GEELONG VIC 3220

**Gippsland Region**
- 71 Hotham Street
- TRARALGON VIC 3844

**Hume Region**
- Level 1, 62 Ovens Street
- WANGARATTA VIC 3676

**Barwon South West Region**
- Warrnambool office
- 78 Henna Street
- WARRNAMBOOL VIC 3280

**Grampians Region**
- Level 3, 402-406 Mair Street
- BALLARAT VIC 3350

**Loddon Mallee Region**
- Cnr Midland Hwy and Taylor Street
- EPSOM VIC 3551

MINISTERIAL POWERS OF INTERVENTION IN PLANNING AND HERITAGE MATTERS

REASONS FOR DECISION TO USE POWER OF INTERVENTION

VICTORIA PLANNING PROVISIONS AND ALL PLANNING SCHEMES IN VICTORIA

AMENDMENT VC146

The Planning and Environment Act 1987 (the Act), the Heritage Act 2017 and the Victorian Civil and Administrative Tribunal Act 1998 provide for the intervention of the Minister for Planning in planning and heritage processes.

In using my powers of intervention I have agreed to:

- Make publicly available written reasons for each decision; and
- Provide a report to Parliament at least every twelve months detailing the nature of each intervention.

REQUEST FOR INTERVENTION

1. No person other than the Minister has proposed or requested this intervention.

WHAT POWER OF INTERVENTION IS BEING USED?

2. I have decided to exercise my powers to exempt myself from all the requirements of sections 17, 18 and 19 of the Act and the regulations in respect of Amendment VC146 to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria.

3. Section 20(4) of the Act enables the Minister for Planning to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the regulations.

4. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

BACKGROUND

5. The Infrastructure Contributions Plan (ICP) system is a method for securing infrastructure contributions from land developers towards the provision of basic and essential infrastructure for new and growing communities in greenfield growth areas and strategic development areas. The ICP system was introduced by Amendment V9 to the VPP on 11 October 2016.

6. The Planning and Environment Amendment (Public Land Contributions) Act 2018 amended the ICP system to introduce a new land contribution model. The land contribution model enables land for public purposes to be directly provided as part of an infrastructure contribution when land is developed. This replaces the monetary public land component of the standard levy under the existing ICP system. The amended ICP system is proposed to come into operation on 1 July 2018.

7. Amendment VC146 implements the Planning and Environment Amendment (Public Land Contributions) Act 2018 by introducing a new overlay to the VPP to identify areas where infrastructure contributions comprising monetary and land components under the amended ICP system apply. It also updates the State Planning Policy Framework to recognise the new ICP system and include consideration of the Infrastructure Contribution Plan Guidelines 2016 (as amended) and relevant Ministerial Directions when preparing and administering ICPs. The amendment changes the VPP by:
• Amending Clause 19.03 (Development infrastructure); and
• Introducing a new Clause 45.11 (Infrastructure Contributions Overlay).

BENEFITS OF EXEMPTION

8. The exemption will ensure that there is no disruption to the preparation of land contribution ICPs required to meet the 100,000 lot commitment in Melbourne’s growth areas.

9. The immediate implementation of Amendment VC146 will enable the Victorian Planning Authority to prepare land contribution ICPs required to give effect to precinct structure plans in anticipation of the 1 July 2018 commencement date for the land contribution ICP system.

EFFECTS OF EXEMPTION ON THIRD PARTIES

10. The effect of exempting Amendment VC146 from the usual requirements would mean that third parties would not receive notice of the amendment, be able to make submissions in relation to the amendment or be heard by a Panel.

11. The ICP land contributions model has been developed in consultation with an Implementation Reference Group comprising of representatives from growth area councils, Municipal Association of Victoria, Urban Development Institute of Australia, Property Council of Australia, Victorian Planning Authority, Planning Institute of Australia, Shopping Centre Council of Australia, Housing Industry Association and the Victorian Planning and Environmental Law Association.

ASSESSMENT AS TO WHETHER BENEFITS OF EXEMPTIONS OUTWEIGH EFFECTS ON THIRD PARTIES

12. I consider that the benefits of exempting myself from sections 17, 18 and 19 of the Act outweigh any effects of the exemption on third parties for the following reasons:
   a) Extensive consultation has occurred in the development of the ICP land contributions model. Issues have been reasonably considered and the views of stakeholders assessed as part of this process.
   b) Further consultation would not alter the outcome of the amendment.
   c) The application of the ICO will require the development and approval of a Precinct Structure Plan or equivalent strategic plan. These plans are subject to a planning scheme amendment process where stakeholders are provided opportunities to make submissions on the need for infrastructure.

REASONS FOR INTERVENTION

13. I provide the following reasons for my decision to exercise my power under section 20(4) of the Act.

14. I am satisfied that compliance with any of the requirements of section 17, 18 and 19 of the Act is not warranted because:
   a) The ICO implements and supports the new ICP land contribution changes to the Act that were passed by Parliament on 20 February 2018.
   b) Extensive engagement has occurred during the development of the ICP land contributions model.
   c) Planning authorities will be responsible for applying the new overlay in specific areas.

15. I am satisfied that the interests of Victoria make such an exemption appropriate because:
   a) The new overlay will provide transparency and certainty around the monetary and land contributions to be provided, enabling developers and local government to budget and carry out infrastructure planning.
b) The ICP land contribution model will reduce the cost of preparing and approving
ICPs, simplify and streamline the existing process, and facilitate greater expenditure
accountability through new reporting requirements.

DECISION

16. I have decided to exercise my power to exempt myself from the requirements of sections
17, 18 and 19 of the Act and the regulations in respect of Amendment VC146 to the
Victoria Planning Provisions and all planning schemes in Victoria.

SIGNED BY THE MINISTER

HON RICHARD WYNNE MP
Minister for Planning

Date: 2 May 2018
Planning & Environment Act 1987

VICTORIA PLANNING PROVISIONS

AMENDMENT VC146

INSTRUCTION SHEET

The Planning Authority for this amendment is the Minister for Planning.

The Victoria Planning Provisions are amended as follows:

1. In Overlays – insert Clause 45.11 in the form of the attached document.

The Victoria Planning Provisions and all planning schemes in Victoria are amended as follows:


3. In General Provisions – replace Clause 62.02 with a new Clause 62.02 in the form of the attached document.

END OF DOCUMENT
19.03 DEVELOPMENT INFRASTRUCTURE

Development contributions plans and infrastructure contributions plans

Objective
To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

Strategies
Prepare Development Contributions Plans and Infrastructure Contributions Plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.
Collect development contributions on the basis of an approved Development Contributions Plan and Infrastructure Contributions Plan.
Require annual reporting by collecting and development agencies to monitor the collection and expenditure of levies and the delivery of infrastructure.

Policy guidelines
Planning must consider as relevant:

- Development Contributions Guidelines (Department of Sustainability and Environment, June 2003 - as amended March 2007).
- Ministerial Direction on the Preparation and Content of Development Contribution Plans and Reporting Requirements for Development Contributions Plans.
- Ministerial Direction on the Preparation and Content of Infrastructure Contribution Plans and Reporting Requirements for Infrastructure Contributions Plans.

19.03-2 Water supply, sewerage and drainage

Objective
To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

Strategies
Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.
Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
Plan urban stormwater drainage systems to:
- Coordinate with adjacent municipalities and take into account the catchment context.
- Include measures to reduce peak flows and assist screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts on water quality in receiving waters.
- Prevent, where practicable, the intrusion of litter.
Encourage the re-use of wastewater including urban run-off, treated sewage effluent and run-off from irrigated farmland where appropriate.
Policy guidelines

Planning must consider as relevant:

- *State Environment Protection Policy (Waters of Victoria)*.
- Any relevant Environment Protection Authority guidelines.
- *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016)
- *Guidelines for planning permit applications in open, potable water supply catchment areas* (Department of Sustainability and Environment, 2012)

19.03-3

Stormwater

20/09/2010
VCT1

Objective

To reduce the impact of stormwater on bays and catchments.

Strategies

Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions.

- Mitigate stormwater pollution from construction sites.
- Ensure stormwater and groundwater entering wetlands do not have a detrimental effect on wetlands and estuaries.
- Incorporate water-sensitive urban design techniques into developments to:
  - Protect and enhance natural water systems.
  - Integrate stormwater treatment into the landscape.
  - Protect quality of water.
  - Reduce run-off and peak flows.
  - Minimise drainage and infrastructure costs.

Policy guidelines

Planning must consider as relevant:


19.03-4

Telecommunications

20/09/2010
VCT1

Objective

To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

Strategies

- Facilitate the upgrading and maintenance of telecommunications facilities.
- Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.
- Ensure the communications technology needs of business, domestic, entertainment and community services are met.
- Do not prohibit the use of land for a telecommunications facility in any zone.
Encourage the continued deployment of broadband telecommunications services that are easily accessible by:

- Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.
- Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.

In consideration proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

Policy guidelines

Planning must consider as relevant:


Waste and resource recovery

Objective

To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills.

Strategies

Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.

Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.

Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.

Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.

Enable waste and resource recovery facilities to locate in close proximity in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.

Site, design, manage and rehabilitate waste disposal facilities in accordance with the *Waste Management Policy (Siting, Design and Management of Landfills)* (Environmental Protection Authority, 2004).

Integrate waste and resource recovery infrastructure planning with land use and transport planning.

Policy guidelines

Planning must consider as relevant:

- Waste Management Policy (Siting, Design and Management of Landfills) (Environmental Protection Authority, 2004).
- Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills) (Environmental Protection Authority, 2001).
- Victorian Organics Resource Recovery Strategy (Sustainability Victoria, 2015).
- Designing, Constructing and Operating Composting Facilities (Environmental Protection Authority, 2015).

19.03-6 Pipeline infrastructure

Objective
To plan for the development of pipeline infrastructure subject to the Pipelines Act 2005 to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

Strategies
Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.

Provide for environmental management during construction and on-going operation of pipeline easements.

19.03-7 Survey infrastructure

Objective
To protect geodetic sites (survey marks) that support infrastructure projects, land development, survey, mapping and geographical information systems.

Strategies
Protect the location of survey marks established by the Office of the Surveyor-General.
Ensure the safekeeping of survey marks.
INFRASTRUCTURE CONTRIBUTIONS OVERLAY

45.11

Shown on the planning scheme map as ICO with a number.

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify the area where an infrastructure contributions plan applies for the purpose of imposing contributions for the provision of infrastructure.

To identify the infrastructure contribution imposed for the development of land.

45.11-1

Infrastructure contributions plan

A schedule to this overlay must specify the name of the infrastructure contributions plan to which it applies.

The requirements of the relevant infrastructure contributions plan incorporated into this scheme apply to the development of land covered by this overlay.

45.11-2

Permit requirement

A permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant infrastructure contributions plan.
- Include any conditions required to give effect to any levies set out in the relevant schedule to this overlay.

45.11-3

Monetary component

A schedule to this overlay must specify, if applicable:

- The standard levy rate payable.
- The supplementary levy rate payable.

45.11-4

Land component

A schedule to this overlay must specify, if applicable:

- The infrastructure contributions plan land contribution percentage for each class of development.
- The parcel contribution percentage for each parcel of land in the infrastructure contributions plan area.
- The land credit amount or land equalisation amount in respect of each parcel of land in the infrastructure contributions plan area.
Indexation

A schedule to this overlay must specify:

- The method and timing of indexation to be applied to the standard levy rate and any supplementary levy rate of the monetary component.
- The method and timing of adjustment to be applied to the land credit amounts and land equalisation amounts of the land component.

Land or development exempt from infrastructure contributions

The following land or development of land is exempt from an infrastructure contribution:

- A non-government school.
- Housing provided by or on behalf of the Department of Health and Human Services.
- For any other land or development of land specified in a schedule to this overlay.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
BUILDINGS AND WORKS

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

62.02-1

Buildings and works not requiring a permit

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- Buildings or works which provide for fire protection under relevant legislation.
- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Buildings or works with an estimated cost of $1,000,000 or less carried out by or on behalf of a municipality.
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.
- An anemometer located on a site for three years or less.
- Buildings and works associated with a use on adjoining land or street trading if authorised under a local law.
- Gardening.
- Buildings and works associated with a minor utility installation.
- Buildings or works which are a modification necessary to comply with a direction under the Dangerous Goods Act 1985 or the Occupational Health and Safety Act 2004 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.
- Buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are met.
- Buildings and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under the Water Act 1989.
- Buildings and works associated with a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- Buildings and works associated with apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- A temporary portable classroom associated with an education centre located on a site for three years or less.
- A temporary shed or temporary structure for construction purposes, or a temporary portable land sales office located on the land for sale.
- A children’s cubbyhouse.
- External lighting normal to a dwelling.
- The construction, alteration, removal or demolition of an observational bore where a licence has been issued for those works under Part 5 of the Water Act 1989.
- Any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shadecloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo.
- An annexe attached to a movable caravan located on land used for a camping and caravan park.
- Works associated with geotechnical testing or service proving.
- Buildings and works associated with the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.

**62.02-2 Buildings and works not requiring a permit unless specifically required by the planning scheme**

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- A fence.
- A sign.
- Roadworks.
- Street furniture including post boxes, telephone booths, fire hydrants, bus shelters, shade sails, traffic control devices and public toilets.
- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.
- Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.
- Disability access and disability facilities associated with an education centre (not including a lift external to a building).
- Art work that is carried out by or on behalf of a public land manager.
- Oil pipelines.
- Buildings and works associated with a dependent person's unit.
- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.
- Repairs and routine maintenance to an existing building or works.
- Domestic services normal to a dwelling.
- A rainwater tank with a capacity of not more than 10,000 litres.
- Bicycle pathways and trails.
- A television antenna.
- A flagpole.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.
- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
• A solar energy facility attached to a building that primarily services the land on which it is situated.
• Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling.
• Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
• An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

62.02-3 Vegetation removal

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.


DEVELOPMENT INFRASTRUCTURE

Development contributions and infrastructure contributions plans

Objective

To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

Strategies

Prepare Development Contributions Plans and Infrastructure Contributions Plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.

Collect development contributions on the basis of an approved Development Contributions Plan and Infrastructure Contributions Plan.

Require annual reporting by collecting and development agencies to monitor the collection and expenditure of levies and the delivery of infrastructure.

Policy guidelines

Planning must consider as relevant:

- Development Contributions Guidelines (Department of Sustainability and Environment, June 2003 - as amended March 2007).
- Ministerial Direction on the Preparation and Content of Development Contribution Plans and Reporting Requirements for Development Contributions Plans.
- Ministerial Direction on the Preparation and Content of Infrastructure Contribution Plans and Reporting Requirements for Infrastructure Contributions Plans.

Water supply, sewerage and drainage

Objective

To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

Strategies

Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.

Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Plan urban stormwater drainage systems to:

- Coordinate with adjacent municipalities and take into account the catchment context.
- Include measures to reduce peak flows and assist screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts on water quality in receiving waters.
- Prevent, where practicable, the intrusion of litter.
Encourage the re-use of wastewater including urban run-off, treated sewage effluent and run-off from irrigated farmland where appropriate.

**Policy guidelines**

Planning must consider as relevant:

- *State Environment Protection Policy (Waters of Victoria).*
- Any relevant Environment Protection Authority guidelines.
- *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016)
- *Guidelines for planning permit applications in open, potable water supply catchment areas* (Department of Sustainability and Environment, 2012)

**19.03-3 Stormwater**

**Objective**

To reduce the impact of stormwater on bays and catchments.

**Strategies**

Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions.

Mitigate stormwater pollution from construction sites.

Ensure stormwater and groundwater entering wetlands do not have a detrimental effect on wetlands and estuaries.

Incorporate water-sensitive urban design techniques into developments to:

- Protect and enhance natural water systems.
- Integrate stormwater treatment into the landscape.
- Protect quality of water.
- Reduce run-off and peak flows.
- Minimise drainage and infrastructure costs.

**Policy guidelines**

Planning must consider as relevant:


**19.03-4 Telecommunications**

**Objective**

To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

**Strategies**

Facilitate the upgrading and maintenance of telecommunications facilities.

Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.
Ensure the communications technology needs of business, domestic, entertainment and community services are met.

Do not prohibit the use of land for a telecommunications facility in any zone.

Encourage the continued deployment of broadband telecommunications services that are easily accessible by:

- Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.
- Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.

In consideration proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

**Policy guidelines**

Planning must consider as relevant:


**Waste and resource recovery**

**Objective**

To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills.

**Strategies**

Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.

Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.

Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.

Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.

Enable waste and resource recovery facilities to locate in close proximity in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.

Site, design, manage and rehabilitate waste disposal facilities in accordance with the *Waste Management Policy (Siting, Design and Management of Landfills)* (Environmental Protection Authority, 2004).

Integrate waste and resource recovery infrastructure planning with land use and transport planning.

**Policy guidelines**

Planning must consider as relevant:

• Any Regional Waste and Resource Recovery Implementation Plan.
• *Waste Management Policy* (Siting, Design and Management of Landfills) (Environmental Protection Authority, 2004).
• *Best Practice Environmental Management Guideline (Siting, Design Operation and Rehabilitation of Landfills)* (Environmental Protection Authority, 2001).
• *Victorian Organics Resource Recovery Strategy* (Sustainability Victoria, 2015).
• *Designing, Constructing and Operating Composting Facilities* (Environmental Protection Authority, 2015).

19.03-6  
**Pipeline infrastructure**

**Objective**

To plan for the development of pipeline infrastructure subject to the *Pipeline Act 2005* to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

**Strategies**

Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.

Provide for environmental management during construction and on-going operation of pipeline easements.

19.03-7  
**Survey infrastructure**

**Objective**

To protect geodetic sites (survey marks) that support infrastructure projects, land development, survey, mapping and geographical information systems.

**Strategies**

Protect the location of survey marks established by the Office of the Surveyor-General.

Ensure the safekeeping of survey marks.
62.02 BUILDINGS AND WORKS

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

62.02-1 Buildings and works not requiring a permit

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- Buildings or works which provide for fire protection under relevant legislation.
- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Buildings or works with an estimated cost of $1,000,000 or less carried out by or on behalf of a municipality.
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.
- An anemometer located on a site for three years or less.
- Buildings and works associated with a use on adjoining land or street trading if authorised under a local law.
- Gardening.
- Buildings and works associated with a minor utility installation.
- Buildings or works which are a modification necessary to comply with a direction under the Dangerous Goods Act 1985 or the Occupational Health and Safety Act 2004 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.
- Buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are met.
- Buildings and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under the Water Act 1989.
- Buildings and works associated with a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- Buildings and works associated with apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- A temporary portable classroom associated with an education centre located on a site for three years or less.
- A temporary shed or temporary structure for construction purposes, or a temporary portable land sales office located on the land for sale.
- A children’s cubbyhouse.
- External lighting normal to a dwelling.
- The construction, alteration, removal or demolition of an observational bore where a licence has been issued for those works under Part 5 of the Water Act 1989.
- Any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shadecloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo.

An annexe attached to a movable caravan located on land used for a camping and caravan park.

Works associated with geotechnical testing or service proving.

Buildings and works associated with the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.

**62.02 Building and works not requiring a permit unless specifically required by the planning scheme**

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- A fence.
- A sign.
- Roadworks.
- Street furniture including post boxes, telephone booths, fire hydrants, bus shelters, shade sails, traffic control devices and public toilets.
- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.
- Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.
- Disability access and disability facilities associated with an education centre (not including a lift external to a building).
- Art work that is carried out by or on behalf of a public land manager.
- Oil pipelines.
- Buildings and works associated with a dependent person's unit.
- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.
- Repairs and routine maintenance to an existing building or works.
- Domestic services normal to a dwelling.
- A rainwater tank with a capacity of not more than 10,000 litres.
- Bicycle pathways and trails.
- A television antenna.
- A flagpole.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.
- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.
- A disabled access ramp.
- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.
- A solar energy facility attached to a building that primarily services the land on which it is situated.
- Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

**Vegetation removal**

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.