21 November 2017

The Hon. Richard Wynne MP
Minister for Planning

Dear Minister Wynne,

Whitehorse City Council Submission to Reforming the Victoria Planning Provisions discussion paper - supporting Information

Thank you for the opportunity to comment on the proposals outlined in the Reforming the Victoria Planning Provisions discussion paper (the discussion paper). Council has provided a submission in the form of the online questions provided on the Engage Victoria webpage. Council provided this letter and attachments as supporting information to the online submission. Council has reviewed the discussion paper and has 4 key areas of concern with the proposals:

1. The proposed Planning Policy Framework (PPF) structure will diminish the presence and comprehensiveness of local policy in the planning scheme.
2. The proposed code assessment process for secondary dwelling standards or small lots is not supported unless ResCode requirements are broadened.
3. Some of the proposed increases in permit exemptions are worthy of consideration as long as conditions related to matters such as floor area and car parking are considered.
4. The discussion paper does not provide adequate information on a number of the proposals in order for Council to provide an informed assessment, including how proposed VicSmart triggers will be integrated into the planning scheme.

At the 20 November 2017 Ordinary Council Meeting, Council endorsed the preparation of a submission to the discussion paper to be formed on the officer assessment outlined in the Council report. The Council report and relevant supporting attachments are enclosed with this letter. This contains responses to the core proposals and comment on the specific changes to the planning scheme provisions.

If you would like to discuss this matter in further detail please contact: [Contact Information]

Enc
1. Reforming the Victoria Planning Provisions discussion paper Council report
2. Attachment 3 of the Council report – Detailed assessment of proposals 1, 2, 3 and 4
3. Attachment 5 of the Council report – Assessment of changes to specific planning scheme provisions
Strategic Planning

9.1.3 Reforming the Victoria Planning Provisions discussion paper - Submission to DELWP

SUMMARY

In July 2016 the Department of Environment, Land, Water and Planning (DELWP) launched Smart Planning, a two-year program to reform Victoria’s planning system. A major part of this program is updating the Victoria Planning Provisions (VPP) to increase their effectiveness and efficiency.

The Reforming the Victoria Planning Provisions discussion paper puts forward five proposals to reform the structure and operation of the VPP. DELWP is seeking feedback on the proposals outlined in this discussion paper.

This report provides an overview of the discussion paper and an officer assessment of the proposed changes. It is recommended Council endorse a submission to DELWP on the discussion paper, to be generally formed on the basis of the officer assessment in this report.

COUNCIL RESOLUTION

Moved by Cr Barker, Seconded by Cr Bennett

That Council endorse a submission to the Department of Environment, Land, Water and Planning on the Reforming the Victoria Planning Provisions discussion paper, to be generally based on the officer assessment in this report.

CARRIED UNANIMOUSLY

BACKGROUND

The Department of Environment Land Water and Planning (DELWP) introduced the Smart Planning program in July 2016 with the aim of making the planning system more effective, accessible, open and collaborative. The program is currently funded for two-years and comprises two stages, improve and reform, with scope for an additional third stage, known as transform, if further funding is secured beyond July 2018. Smart Planning’s objectives are to:

- Simplify planning regulation to improve the quality consistency and efficiency of planning decision making.
- Develop digital systems that allow citizens, industry and government to more easily access and understand planning rules and processes to boost activity, participation and efficiency.

A specific initiative of the reform stage is to review the Victoria Planning Provisions (VPP). On the 16 October 2017 DELWP released the Reforming the Victoria Planning Provisions discussion paper (the discussion paper) which focuses on proposed changes to the structure and operation of the VPP (see Attachment 1). DELWP is welcoming submissions in response to the proposed changes outlined in the discussion paper.

The purpose of this report is to provide an overview of the discussion paper and assess the proposed changes to the VPP. This assessment will form the basis for a Council submission to DELWP on the matter.
DISCUSSION

Smart Planning

The Smart Planning program was introduced as part of the 2016/17 Victorian Government Budget and is the first funded review and reform of Victoria’s planning system in more than 20 years. The program seeks to make planning in Victoria more efficient, effective, accessible and collaborative. The program focuses on two areas for improvement, digital systems and rules and policy. The details of the proposed changes and timing of these are outlined in Attachment 2 of this report, with a summary provided in Table 1.

Table 1 - The components of the Smart Planning Program

<table>
<thead>
<tr>
<th>Area of reform</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Scheme Amendment Information System (PSIMS)</td>
<td>2018</td>
</tr>
<tr>
<td>Online Amendments</td>
<td>2018</td>
</tr>
<tr>
<td>Victorian Planning Portal</td>
<td>Available now, further enhancements in 2018</td>
</tr>
<tr>
<td>Online state planning permit system</td>
<td>Early-to-mid 2018</td>
</tr>
<tr>
<td>Property dashboard</td>
<td>Early 2018</td>
</tr>
<tr>
<td>VicPlan map viewer</td>
<td>Available now, further enhancements in 2018</td>
</tr>
<tr>
<td>Improvements to the SPPF</td>
<td>Early 2018</td>
</tr>
<tr>
<td>Reform of the VPP</td>
<td>Consultation late 2017; first phase of delivery early-to-mid 2018</td>
</tr>
<tr>
<td>Expand VicSmart</td>
<td>Complete</td>
</tr>
</tbody>
</table>

The Smart Planning program is funded for two years (July 2016 – July 2018) with scope for further work beyond this, subject to additional funding being secured. As outlined in Table 1 some changes have already occurred, however the majority of the implementation will occur in the first half of 2018.

Victoria Planning Provisions (VPP)

The focus of this report is the reform to the current structure and operation of the VPP. Under the Planning and Environment Act 1987 (the Act) the Minister for Planning is required to create a set of standard provisions for Planning Schemes called the VPP. The VPP are a state wide template used to source and construct all Victorian planning schemes.

The VPP ensure planning schemes across Victoria are consistent by providing the framework, standard provisions and state planning policy. Council must provide local planning policy content and select appropriate zones and overlays from the VPP to make up its planning scheme.

The current VPP structure was introduced in 1997. Since this time, planning schemes have grown in size and complexity and DELWP considered it timely to review the relevance of the current VPP structure.

Under Section 12B(1) of the Act Councils must review its planning scheme no later than one year after each date by which it is required to approve a Council Plan. The Whitehorse Planning Scheme has regularly been reviewed, consistent with this requirement of the Act.
9.1.3 (cont)

Reforming the Victoria Planning Provisions Discussion Paper

On 16 October 2017 the discussion paper was released for public comment. This discussion paper focuses on the structure and operation of the VPP and puts forward five broad proposals for change:

1. A simpler VPP structure with built in VicSmart assessment
2. An integrated planning policy framework
3. Assessment pathways for simple proposals
4. Smarter planning scheme drafting
5. Improve specific provisions

The key changes to be implemented by the above proposals are:

- Restructure the VPP and redraft some of the provisions
- Widen the use of VicSmart
- Combine the State Planning Policy Framework and Local Planning Policy Framework into a single, multi-level Planning Policy Framework
- Review planning permit triggers
- Review and increase planning permit exemptions
- Remove duplicated and outdated clauses
- Updates for clarity and relevance

DELWP has released the discussion paper on the Engage Victoria webpage and submissions must be submitted via an online form by Friday 24 November 2017.

Officer Assessment

Officers have reviewed the discussion paper and an assessment of each of the proposals is provided below.

Attachment 3 provides a more detailed assessment of Proposals 1 to 4 including some background information to assist in understanding the reasons for change. This attachment also provides an officer response to specific questions in the online submission form that DELWP is using to seek feedback. It is proposed that Council submit its submission and response to the questions via this online platform.

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

Proposal 1.1 – Restructure and reform the Particular Provisions into a more understandable and consistent format, with an emphasis on providing clearer assessment pathways for specific uses and development.

Particular Provisions relate to specific issues such as car parking and advertising signage, and provide guidance for issues such as the form of residential development (ResCode).

Officers agree that review of the Particular Provisions could help useability of the scheme. However, clarification is required on how the provisions would be allocated into the proposed assessment pathways and the format of the revised layout.

Proposal 1.2 – Integrate VicSmart classes into Particular Provisions and overlay schedules rather than being in stand-alone clauses.

When the VicSmart legislation was added to the VPP, an additional suite of stand-alone clauses were inserted into planning schemes to implement the fast-track assessment process.
The current layout of the planning scheme is cumbersome in relation to VicSmart provisions. Officers agree with this proposal, however it is suggested that the references to the VicSmart classes be provided in the overlay header clause rather than in the schedules.

Proposal 1.3 – Incorporated documents and other administrative and operational provisions to be relocated to the General Provisions section.

This proposal refers to clauses in the scheme relating to matters such as; how the scheme works, when it began, what area it covers, referral and notice provisions and listing of incorporated documents (i.e. Significant Tree studies).

Officers agree that it makes sense to have all these clauses in the one section of the scheme.

Proposal 2 – An integrated Planning Policy Framework

Proposal 2.1 – Integrate current state, regional and local planning policy into a single Planning Policy Framework (PPF).

Proposal 2.2 – Simplify the Municipal Strategic Statement so it sits within the proposed PPF structure as a ‘municipal context and vision’.

Attachment 4 provides a table of contents for the proposed PPF format. This should be referred to for a more detailed understanding of the proposed changes.

The current policy structure in the Planning Scheme consists of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF). The LPPF contains the Municipal Strategic Statement (MSS).

Officers strongly disagree with proposals 2.1 and 2.2. The proposed PPF and simplified MSS structure will diminish the presence and comprehensiveness of local policy. The current policy structure provides a snapshot of an area by looking in one part of the planning scheme. This will be removed by the proposed PPF. Clarification is also required as to whether Section 7 and 12A of the Act will be amended to address these proposed changes to the format of the MSS. Officers are not supportive of the proposal to significantly simplify the MSS by relocating parts to the PPF. The MSS provides integral direction to numerous Council documents, such as the Council Plan and should not be simplified.

Proposal 2.3 – Expand policy themes to ensure the proposed PPF provides an appropriate location for current local and regional policy and considers possible needs in the future.

The current state policy framework contains broad themes around housing, transport and environment.

Officers acknowledge that an expanded set of policy themes would be required to support the proposed PPF structure. However, flexibility is needed within the broad themes to ensure that existing and future specific local policy content can be captured, rather than potentially requiring a state-wide amendment to introduce a new theme. In the absence of a complementary theme, the ability to put forward specific local policies will be restricted. In addition, the clauses in the proposed table of contents (Attachment 4) should be ordered to place the most commonly used clauses at the beginning.

Proposal 2.4 – Create a clearer and simpler structure for policy making

Proposal 2.5 – Set new rules and guidelines for writing policy

It is proposed to structure the proposed PPF similarly to the current State Planning Policy Framework (SPPF) with objectives, strategic and policy guidelines but with a new ‘policy documents’ section for each policy. The local component of the PPF will contain two headings ‘policy application’ and ‘policy context’. 
9.1.3 (cont)

New rules of entry and drafting rules are proposed to ensure proposed policy has a land use or development focus and directly relates to discretion in the planning scheme.

Officers do not believe there is sufficient information to comment on proposals 2.4 and 2.5. It is very difficult to comment on rules of entry and drafting rules that are described, but not provided in full. Officers have further concern that the rules may lead to the inability for some topics to be considered at a local level (as could have previously been done via the LPPF) as the change would not be allowed to the legislatively governed PPF.

Proposal 3 – Assessment pathways for simple proposals

Proposal 3.1 – Embed VicSmart assessment pathway into appropriate particular provisions and overlay schedules.

VicSmart is a streamlined assessment process for straightforward planning permit applications. Classes of application are identified in the planning scheme as being VicSmart and have specific requirements for information, assessment processes and decision guidelines. VicSmart provisions are currently at clauses 90 to 94 of the planning scheme.

Officers agree with this proposal, however, as noted above, it is suggested that references to the VicSmart classes be provided in the overlay header rather than in the schedules.

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

The proposed code-based assessment provisions would be developed specific to particular uses or development, and would require a permit to be issued if this code was met.

It is considered that this assessment process may be unnecessary in some cases. It may be more straightforward to broaden permit exemptions subject to clear tests and conditions. This would be the case with the example provided in the discussion paper (i.e.: a café in an existing commercial area). Permit exemptions for secondary dwelling standards or small lots are not supported unless ResCode requirements are broadened to ensure certainty of outcomes. The code-based assessment could be broadened to consider applications for pop-up type activities, as well as temporary structures associated with events or festivals.

Proposal 4 - Smarter planning scheme drafting

Proposal 4.1 – Create a new VPP user manual with rules for the drafting and application of planning scheme provisions.

The current user manual, the Manual for the Victoria Planning Provisions, 1997 has never been updated and currently refers to provisions that no longer exist.

Officers agree in principle with this proposal, however further information is required on the user manual’s content.

Proposal 4.2 – Establish a business unit within DELWP dedicated to VPP and planning scheme amendment drafting

This business unit would be established to ensure the integrity and usability of planning schemes is protected.

Officers agree that this proposal is valid in principle. However, further information is required on the structure of this business unit to ensure it is well resourced to keep pace with the significant number of planning scheme amendments sought by councils.

Proposal 4.3 – Create an online Victorian planning library

This library would contain all planning documents necessary for the efficient operation of the planning system. This could include incorporated documents, approved development plans, reference documents and historic planning documents.
9.1.3 (cont)

Officers agree, as it makes sense for all resources to be accessible in one place for Councils and the community. Online technology makes resources very accessible, allowing transparency of decision making and sharing of knowledge.

Proposal 5 - Improve specific provisions

The discussion paper proposes a number of reforms to specific provisions in the planning scheme. This includes broadening permit exemptions, introducing new definitions and consolidating certain provisions to remove duplication. The officer assessment of these proposals is provided as Attachment 5; the points below provide a summary:

- Agree with changes to improve consistency, legibility and accessibility of planning schemes.
- Agree with removing permit triggers if there are clear conditions in relation to floor area and car parking, for example.
- Agree that some provisions can be reviewed and consolidated, for example all flooding related provisions.
- Disagree with changes to overlay controls that will restrict the opportunity to customise them with local content.
- Agree that definitions and general terms need to be updated.

Next Steps

Table 2 below outlines the next steps and timeframes that DELWP proposes for the implementation of the reformed VPP.

Table 2 - Next steps for the implementation of the reformed VPP

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Task</th>
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<tbody>
<tr>
<td>16 October to 24 November 2017</td>
<td>Consultation on <em>Reforming the Victoria Planning Provisions</em> discussion paper.</td>
</tr>
<tr>
<td>December 2017 to January 2018</td>
<td>Review consultation responses and prioritise actions</td>
</tr>
<tr>
<td>Ongoing to mid-2018</td>
<td>Engagement with Advisory Group and Technical Reference Group (groups established by DELWP to assist in delivering a reform to the VPP).</td>
</tr>
<tr>
<td>Mid 2018</td>
<td>Proposed Gazettal of Amendment. This is likely to be a section 20(4) Ministerial Amendment without exhibition.</td>
</tr>
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</table>

CONSULTATION

DELWP facilitated consultation

In July 2017 DELWP released a rules and policy questionnaire where key stakeholder groups and government authorities were invited to participate. This questionnaire sought feedback on improvements to specific provisions and helped direct the scope and focus of the discussion paper.

The feedback received in this survey as well as recommendations from previous reviews and discussion papers suggested a series of key issues for the VPP reform to consider:

- Planning schemes are not user friendly
- Assessments are long and complex
- There are too many permit triggers
- The need for a stronger and clearer policy framework
- Better use of technology to deliver more accessible planning schemes and information
9.1.3 (cont)

DELWP released the discussion paper on Monday 16 October 2017 and is seeking feedback via an online survey until Friday 24 November 2017.

Municipal Association of Victoria (MAV) session

On 19 October 2017 the MAV hosted a briefing session on the discussion paper with members of the DELWP Smart Planning team. Council officers attended this session to learn more about the proposed reforms.

Internal consultation

An internal discussion with officers occurred on Thursday 26 October 2017 to discuss the proposals outlined in the discussion paper in order to formulate a Council submission.

This discussion formed the basis of the officer assessment outlined in this report.

External consultation

Officers have promoted the discussion paper by placing an advertisement in the Whitehorse Leader (6 November 2017) and by directly emailing a number of community and business associations with a link to the discussion paper and encouraging them to make a submission.

The proposed Gazettal of the VPP reform is expected in mid-2018. It is uncertain what this will entail but it is likely to be a first phase of changes with further more significant implementation to occur at a later date. This first phase of changes is likely to occur by a Ministerial Amendment under section 20(4) the Planning and Environment Act 1987 which means the community and councils will not have the ability to participate.

FINANCIAL IMPLICATIONS

There are no financial implications of the discussion paper for Council. The Smart Planning program is a Victorian Government led and funded initiative.

The potential Phase 1 planning scheme Amendment to implement the changes in mid-2018 is likely to be a Ministerial Amendment, therefore there will be no costs for Council.

Council staff resources would be required during the implementation of the reformed VPP to re-draft aspects of the Whitehorse Planning Scheme to suit the new structure. At this stage the exact financial implication is unknown, but could potentially be quite significant in terms of staff resourcing.

POLICY IMPLICATIONS

Strategic Direction 2 of the Council Plan (2017 – 2021) seeks to Maintain and enhance our built environment to ensure a liveable and sustainable city. By submitting comments about the discussion paper, Council is noting concerns with the proposed VPP structure which may detract from our ability to achieve this strategic direction.

Strategic Direction 4 of the Council Plan (2017 – 2021) seeks to achieve Strategic Leadership and Open and Accessible Government. By submitting comments about this process, Council is informing Victorian Government policy reform to ensure the ultimate outcome reflects Councils and the community’s interests.

If implemented, the proposals sought in the discussion paper will have a significant impact on the structure and way the current Whitehorse Planning Scheme is used and understood. In particular the proposed reforms to the current Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) will require Council to completely re-structure these components.
CONCLUSION

The Department of Environment, Land, Water and Planning (DELWP) launched the Smart Planning program in July 2016 to reform Victoria’s planning system. A key component of this program was a reform to the Victoria Planning Provisions (VPP). The Reforming the Victoria Planning Provisions discussion paper was released on 16 October 2017 and outlines five proposals that seek to reform the structure and operation of the VPP.

An Officer Assessment of the discussion paper has been completed and is outlined in this report. It is recommended a Council submission be made to DELWP in response to the discussion paper, to be generally formed on the Officer Assessment in this report.

ATTACHMENT

1. Reforming the Victoria Planning Provisions discussion paper (October 2017)
2. Areas of reform as part of the Smart Planning program
3. Detailed Assessment of Proposals 1 to 4
4. Proposed Planning Policy Framework (PPF) structure
5. Officer assessment of changes to specific planning scheme provisions
### Proposal 1 – A simpler VPP structure with VicSmart assessment built in

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Background</th>
<th>Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Restructure and reform the particular provisions</td>
<td>Zones and overlays in Planning Schemes provide guidance in relation to land use and development. Other planning requirements may apply to particular uses or development, these are captured by Particular Provisions. Particular Provisions are located between Clauses 50 and 57 in the planning scheme and include requirements around advertising signs, car parking as well as specific uses such as apartment developments. Currently particular provisions are listed individually (for example Clause 52.06 Car Parking); this proposal is seeking the provisions be placed into groups under proposed assessment pathways.</td>
<td>Agree that the particular provisions should be reviewed and the proposed assessment pathways are logical. Require clarification on how the provisions would be allocated under each of the assessment pathways and their format.</td>
</tr>
<tr>
<td>1.2 Integrate VicSmart into appropriate particular provisions and overlay schedules</td>
<td>VicSmart is a streamlined assessment process for straightforward planning permit applications. Classes of application are identified in the planning scheme as being VicSmart and have specific requirements for information, assessment processes and decision guidelines. A VicSmart application is a 10 day permit process and the application is not advertised. Currently applications that fall under the VicSmart planning assessment are at Clauses 90 to 94 of the Planning Scheme. Therefore when an application is assessed, the zones and overlays are referred to and the planner must also check a different part of the scheme to check whether the application is classified as VicSmart. This proposal is seeking the VicSmart trigger be integrated into the relevant overlays and particular provisions throughout the Planning Scheme.</td>
<td>Agree as this would streamline the process as it is currently time consuming and illogical to look in multiple locations. Suggest the reference to the VicSmart triggers be provided in the overlays’ header clause rather than in the schedules. Typically, permit triggers are listed in the header and given further effect in the schedule.</td>
</tr>
<tr>
<td>1.3 Consolidate all administrative provisions</td>
<td>Currently administrative provisions are scattered throughout the planning scheme and include provisions such as:  - Clause 61 – Admin of this scheme  - Clause 66 – Referral and notice provisions  - Clause 81 – Incorporated documents  The proposal seeks to consolidate all these provisions in one location in the General Provisions section.</td>
<td>Agree as it makes sense to have all the documents in one place.</td>
</tr>
</tbody>
</table>

### Specific Question from the DELWP online feedback form

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

No further suggestions in addition to what is proposed in the discussion paper.
### Proposal 2 – An integrated Planning Policy Framework (PPF)

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Background</th>
<th>Officer Assessment</th>
</tr>
</thead>
</table>
| **2.1 Integrate state, regional and local planning policy** | The current policy structure in the Planning Scheme consists of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF). The SPPF includes a number of state provisions including policy on housing, environment and transport as well as regional policies at Clause 11 (Settlement). The LPPF contains the Municipal Strategic Statement (MSS) as well as individual local policies on specific matters. For instance, the Whitehorse Planning Scheme has specific local policies on tree conservation, student accommodation and activity centres. Currently the local and state policies sit separately and are clearly defined in the planning scheme. The proposal seeks to integrate state, regional and local policies into a single Planning Policy Framework (PPF). | Disagree for the following reasons:  
- This change will diminish and dilute the presence and comprehensiveness of local policy.  
- Concerned this will result in a loss of local identify in the planning scheme.  
- The current policy structure provides a snapshot of an area by looking in one place; this will be removed by the proposal.  
- Concerned that not all of Council’s local policy will fit appropriately in the reformed structure.  
- Require clarification on what happens to aspects of policy that do not have an appropriate place in the reformed structure. However, officers agree with making the distinction between state and regional level policy. |
| **2.2 Simplify the Municipal Strategic Statement (MSS)** | The MSS sits in the Local Planning Policy Framework (LPPF) section of the Planning Scheme. The MSS provides the broad local policy basis for making decisions under a planning scheme. The Whitehorse MSS provides guidance on the following topics:  
- Municipal profile  
- Key issues  
- A vision for the City of Whitehorse  
- Strategic Direction  
- Environment  
- Housing  
- Economic Development  
- Infrastructure  
- Monitoring and Review  
This proposal will reduce the current Whitehorse MSS content down to a ‘municipal context and vision’ with the remaining content to be integrated into the PPF structure. | Disagree for the following reasons:  
- Require clarification on what the specific format of the revised MSS will be and the guidelines for its contents.  
- Concern regarding oversimplification of the MSS and loss of local content.  
- Local policy guidance is critical in determining locally important issues, which was a key element to the current format of the VPP.  
- The commitment to the current format was given when the VPP were implemented to ensure the removal of local municipal planning schemes did not translate to ‘one size fits all’ planning. This issue remains; local policy contributes to the local nuances that make individual places. Clarification is required as to whether Section 7 and 12A of the Planning and Environment Act (1987) will be amended to address these proposed changes to the format of the MSS. |
<p>| <strong>2.3 Expand policy themes</strong> | The current state policy framework contains broad themes around housing, transport and environment. This proposal seeks to expand upon these to ensure there is a place for current and future policy in the proposed PPF structure. | Agree that expanded policy is required to support the proposed PPF structure. Importantly, the themes need to be flexible enough to capture existing and future specific local policy content. There is concern that without this flexibility a statewide amendment to add themes and inclusion of specific local policy content will be unreasonably restricted. |</p>
<table>
<thead>
<tr>
<th>2.4 Create a clearer and simpler structure for policy making</th>
<th>Suggest Clause 15 Built Environment and Heritage and Clause 16 Housing be moved to the front of the proposed PPF structure as the most commonly used Clauses should be at the beginning.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The current policy structure in the planning scheme generally contains objectives, strategies and policy guidelines. This structure is intended to be utilised in the proposed PPF with an additional ‘policy document’ section. Additionally the local section of the PPF is proposed to contain a ‘policy application’ and ‘policy context’ heading.</td>
<td>Unable to comment. Clarification is required on what aspects of Council’s policy will be allowed in the new structure under the proposed headings.</td>
</tr>
<tr>
<td>2.5 Set new rules and guidelines for writing policy</td>
<td>Agree with this principle in general, however there is insufficient information provided to comment at this stage. Clarification is required on what the rules and guidelines for writing policy will be.</td>
</tr>
<tr>
<td>Rules about drafting policy in planning schemes are currently available via Planning Practice Notes and other resources provided by the Department of Environment, Land, Water and Planning (DELWP). This proposal is to provide clearer drafting rules and rules of entry to ensure policy in the proposed PPF has a land use or development focus and directly relates to discretion within the planning scheme.</td>
<td>Concerned those elements of local policy that do not strictly fit the rules and guidelines will be removed. Council’s often have local policy that provides further local direction and context on a state level issue, and this should not be lost via the proposed changes.</td>
</tr>
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</table>

**Specific Question from the DELWP online feedback form**

**Are there any themes that should be added to the proposed Planning Policy Framework (PPF) thematic framework to ensure it covers all required policies?**

Council is concerned there does not appear to be an appropriate location in the proposed PPF structure for the following local policies currently in the Whitehorse Planning Scheme:

- Clause 22.04 Tree Conservation
- Clause 22.12 Former Brickworks Site, 78 Middleborough Road, East
- Clause 22.13 14 Federation Street, Box Hill
- Clause 22.17 Gaming

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

There is a concern that the proposed PPF structure will put more of an emphasis on State Planning Policy and detract from the Local Policies that characterise the municipality and provide guidance on important local matters. The ability to quickly grasp an understanding of the local issues of an area is a positive aspect of the current VPP structure, and Council is concerned the proposed structure will remove this feature.

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

Council requires the following further information in order to understand the transition to the proposed PPF format:

- An understanding of the scale and timelines for this process, particularly as Council’s MSS review is currently underway.
- In indication of the ‘rules of entry’ for the new PPF format.
There will be a significant amount of work and resources required to re-draft provisions to ensure they fit into the proposed PPF structure, including distributing some current policies across a number of Clauses. For example, there will be aspects of Council’s current Clause 21.08 Housing that will belong in the following proposed Clauses - Context and vision, Planning and Places, Heritage and Housing.

Determining where particular Clauses sit and ensuring there is no duplication or fragmentation across themes will be a time consuming task. DELWP will need to consider this in the timeframes for the process and in the resourcing and guidance it provides Councils to complete this task.
## Proposal 3 - Assessment pathways for simple proposals

<table>
<thead>
<tr>
<th>Proposal</th>
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<th>Officer Assessment</th>
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</thead>
</table>
| 3.1 Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules | Same as proposal 1.2  
VicSmart is a streamlined assessment process for straightforward planning permit applications. Classes of applications are identified in the planning scheme as being VicSmart and have specific requirements for information, assessment processes and decision guidelines. A VicSmart application is a 10 day permit process and an application is not advertised. Currently applications that fall under the VicSmart planning assessment are at Clauses 90 to 94 of the planning scheme.  
This proposal is seeking the VicSmart trigger be integrated into the relevant overlays and particular provisions. | Agree, this would streamline the process as it is currently time consuming having to look in multiple locations.  
Suggest the VicSmart trigger be provided in the overlays header Clause rather than in the schedules. Typically, permit triggers are listed in the header and given further effect in the schedules. |
| 3.2 Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners | The VicSmart process is a code-based assessment process, as it provides the ability for a planning scheme to confine the assessment of certain classes of permit application to a specified set of criteria. Therefore it provides an ability to focus the discretion of a decision maker on considering whether an objective set of criteria (a code) are met, and enables a code assessment pathway.  
The proposed code-based assessment provisions would be developed specific to particular applications, and would require a permit to be issued if this code was met. The example provided in the discussion paper is a café in an existing commercial area, under the Commercial 1 Zone a ‘small café code’ could be developed with a number of objectives, if all of these objectives are met a permit would be granted in 10 days. | An example of a café in an existing commercial building is provided, however it would seem more appropriate for this example, and potentially others that may be code-assessable, to not require a permit. Permit exemptions could be broadened if certain criteria are met.  
The secondary dwelling standards are not supported unless ResCode requirements are broadened to ensure certainty of outcomes. |

### Specific Question from the DELWP online feedback form

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

The code-based assessment could be broadened to consider applications for pop-up type activities, as well as temporary structures associated with events or festivals.
Proposal 4 – Smarter planning scheme drafting

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<tr>
<th>Proposal</th>
<th>Background</th>
<th>Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Create a new VPP user manual</td>
<td>The current user manual, the Manual for the Victoria Planning Provisions 1997 has never been updated and currently refers to provisions that no longer exist. This proposal intends to create a new VPP user manual to ensure it reflects the proposed changes.</td>
<td>Agree with the principle, however further information on the user guide’s content is required before comment can be provided. The user manual would need to be regularly updated to avoid the current situation where 20 years on, the VPP has not been reviewed.</td>
</tr>
<tr>
<td>4.2 Establish a business unit dedicated to VPP and planning scheme amendment drafting</td>
<td>There are existing units in DELWP that review planning scheme amendment drafting, however this new unit is proposing to formalise and strengthen this.</td>
<td></td>
</tr>
<tr>
<td>4.3 Create an online planning library</td>
<td>There is currently no online planning library that DELWP manages for planning resources. The proposed library may include incorporated documents, approved development plans, reference documents, historic planning documents and heritage citations.</td>
<td>Agree, it makes sense to have all resources in one place for Councils and the community to easily access.</td>
</tr>
</tbody>
</table>

Specific Question from the DELWP online feedback form

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

No further suggestions in addition to what is proposed in the discussion paper.

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

The following documents should be included in a Victorian planning library; historic planning schemes, incorporated documents, reference documents, heritage citations, significant tree statements, approved development plans, technical documents that have supported amendments, approved Master Plans.

An easy to navigate search engine should be implemented to ensure this library is accessible for all.

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

It is important to ensure local policy is emphasised and kept at the forefront of planning schemes and within the proposed PPF format.

The discussion paper states there may be some loss of flexibility in the drafting of local provisions, however more concise and precisely expressed planning controls can only improve their effectiveness. There is a concern that if flexibility is removed the ability to adapt the VPP to future requirements will be loss. Also, the ability to characterise the VPP with important local content will be jeopardised. Whilst end users of the planning scheme always seek certainty, they also seek a planning scheme that provides them with an ability to negotiate outcomes, particularly in circumstances where uses or development are not well captured by the scheme.
<table>
<thead>
<tr>
<th>Part of the Planning Scheme</th>
<th>Modification</th>
<th>Officer Assessment</th>
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<tbody>
<tr>
<td>All zone schedules</td>
<td>a) Enhance the Ministerial Direction — The Form and Content of Planning Schemes to limit structural modifications and ensure consistency across the VPP. b) Ensure the distinction between the state and local clauses remains clear.</td>
<td>a) Agree - Seeks to improve the consistent and useability of planning schemes. b) Agree - This is particularly important to ensure the local identity of municipalities continues to be strongly conveyed in Planning Schemes.</td>
</tr>
<tr>
<td>All zones</td>
<td>a) Rename zones from being numerical (for example, ‘Industrial 1 Zone’) to being descriptive and adopting everyday words, such as used for the residential zones. b) Examine the role and function of the following zones to establish whether they can be replaced with other VPP tools (such as the Mixed Use Zone or the Commercial 1 Zone and an Incorporated Plan Overlay or Development Plan Overlay), or amalgamate the following zones into a single zone that can be tailored to reflect local circumstances: i) Priority Development Zone ii) Activity Centre Zone c) Create consistency in use of phrasing where a common meaning applies (such as the phrases ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’).</td>
<td>a) Agree - Using descriptive names for zones rather than numerical references will assist the community in better understanding planning provisions. b) Agree - Perhaps the Comprehensive Development Zone could also form part of this review. c) Agree - Does not change the intent of the provision.</td>
</tr>
<tr>
<td>Zone</td>
<td>a) Description</td>
<td>b) Comment</td>
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| All residential zones        | a) Make single dwellings on lots greater than 300sqm exempt from a planning permit by lowering the threshold for a permit from 500 to 300sqm (they are already exempt on lots greater than 500sqm), relying on the building code to address siting and design issues.  
   b) Make ‘Childcare Centre’ a Section 1 (as of right) land use within the Residential Growth Zone, subject to conditions, such as relating to size.  
   c) Redraft the following phrase used uniquely in the residential zones as a permit trigger: ‘construction and extension of …’ and adopt the more commonly used ‘to construct a building or construct and carry out works …’ to create consistency with other zones. | a) Agree subject to this comment - Not problematic provided there are overlays that would control building form, mass, height and vegetation removal. Schedules of concern to Council include NRZ1 - NRZ4 and GRZ2 to maintain the 'Bush Environment' and 'Bush Suburban' neighbourhood character types.  
   b) Agree subject to this comment - Require further information relating to the size condition, there would also need to be conditions relating to car parking and site accessibility.  
   c) Agree - Does not change the intent of the provision. | |
| Mixed Use Zone                | a) Make more commercial uses in the Mixed Use Zone Section 1 (as of right) land uses where they are low impact, subject to conditions.  
   b) Make 'Manufacturing Sales' a Section 1 (as of right) land use with a condition relating to floor area size to support the establishment of small ‘makers’ and creative industries.  
   c) Make ‘Childcare Centre’ a Section 1 (as of right) land use, subject to conditions, such as relating to size. | a) Agree subject to comment - The range of section 1 uses was recently reviewed and expanded as part of the Reformed Zones process. Need more information on the uses proposed if this is to include uses other than small scale Manufacturing Sales and Childcare Centre listed in b) and c). Size thresholds are important.  
   b) Agree  
   c) Agree | |
| Industrial 1 Zone            | a) Make ‘Motor Repairs’ a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone.  
   b) Make 'Convenience Shop' a Section 1 (as of right) land use. | a) Agree - This would enable the controls to sit within the zone rather than within a particular provision.  
   b) Agree - Provided 'Convenience Shop' is more clearly defined in the definitions section, and consideration is given to floor area limitations to ensure the use is proportionate to the overarching industrial intent. | |
<table>
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<tr>
<th>Zone</th>
<th>Action Details</th>
<th>Notes</th>
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</table>
| Industrial 3 Zone             | a) Make ‘Motor Repairs’ a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone.  
b) Make ‘Office’ a Section 1 (as of right) land use subject to maximum floor area requirements.  
c) Make ‘Indoor recreation Facility’ and 'Take Away Food Premises' Section 1 (as of right) land uses. | a), b) and c) - Agree subject to this comment - Acceptable based on car parking being met. We note that changes to the definitions section of the scheme will also need updating to ensure that newly defined uses have a car parking rate attributed to them. We note this as of right use should also be conditional upon no external storage of vehicles occurring. |
| Commercial 2 Zone             | a) Make 'Convenience Restaurant' a Section 1 (as of right) land use.  
b) Make ‘Manufacturing Sales’ a Section 1 (as of right) land use to support the establishment of ‘small makers’ and creative industries. | a) and b) - Agree subject to this comment - Acceptable as long as there are conditions related to size, car parking and site accessibility. |
<p>| All rural zones               | N/A - Does not apply in Whitehorse                                                                                                                                                                           | N/A - Does not apply in Whitehorse                                                     |
| Farming zone                  | N/A - Does not apply in Whitehorse                                                                                                                                                                           | N/A - Does not apply in Whitehorse                                                     |
| Urban Floodway Zone           | a) Assess the role and function of the zone, in the context of the suite of flooding overlays, and consider whether it can be replaced with a flood overlay only (see also Floodway Overlay proposal). | a) Agree subject to this comment - Combining all flood related provisions is supported contingent upon mapping being kept up to date. Clarification on what happens when properties are partially affected is required. |
| Urban Growth Zone             | N/A - Does not apply in Whitehorse                                                                                                                                                                           | N/A - Does not apply in Whitehorse                                                     |</p>
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<tr>
<th>Speciality</th>
<th>Action</th>
<th>Response</th>
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<tr>
<td>All overlays</td>
<td>a) Review whether the distinction of overlays controlling development, as opposed to use, remains valid, and provide updated guidance, acknowledging that some overlays already control use (AEO, SRO, DPO).</td>
<td>a) Disagree - Not supported as the structure of the zone provides the overarching control of use, with site specific elements of development and use being controlled through overlays. This maintains the localised importance and the basis of proper local land use planning.</td>
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<td></td>
<td>b) Review the approach of using overlays to identify buffers, such as the Environmental Significance Overlay, and examine how the VPP can transparently and consistently identify and protect significant sites requiring buffers (for example: landfills, treatment plants, water supply catchments and quarries).</td>
<td>b) Disagree subject to comment - Do not support the rolling back or reduction of overlay controls - the schedules provide an important distinction for each Council area. Concerned that the ESO may not be the best planning tool to identify buffers around uses such as existing and former landfills, industry, etc and that a new overlay may be needed to better reflect the intent of buffers, information requirements and permit triggers.</td>
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<td></td>
<td>c) Create consistency in use of terms where a common meaning applies (such as the phrases ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’) and in the use of common assessment techniques (e.g. Determining tree protection zones).</td>
<td>c) Agree - Does not change the intent of the provisions.</td>
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<td></td>
<td>d) Clarify that if a permit is not required within the head provision, then the provisions of the schedule to that control do not apply. This may require holistic review of how the VPP reacts with local provisions.</td>
<td>d) Agree - Helps make the process clearer.</td>
</tr>
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</table>
| Environmental and landscape overlays | a) Amend the head provision to relocate the 'Table of exemptions' to Clause 62.02-3 and insert the following words “No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the exemptions listed in the Table to Clause 62.02-3 apply”.  
  b) Increase opportunities for permit exemptions (such as associated with a single dwelling) by ensuring permit triggers are linked to the purpose of the control.  
  c) Ensure consistency across all schedules. | a) Agree subject to this comment - Provided no additional exemptions are included, a consistent and consolidated approach to exemptions could streamline the scheme.  
  b) Disagree - Do not support increasing opportunities for vegetation removal or risk of inappropriate built forms without a permit.  
  c) Agree  
Suggest a buildings and works permit trigger be added to the VPO header clause similar to the trigger in the SLO. This will ensure buildings and work don't encroach and impact on significant vegetation identified by this overlay. |
| --- | --- | --- |
| Heritage Overlay | a) Review the proposed reforms to the overlay as proposed by the Heritage Provisions Advisory Committee, such as clarifying whether the overlay recognises precinct-wide or site specific values.  
  b) Create consistency in use of words where a common meaning applies, such as ‘cultural significance’, ‘heritage value’, ‘heritage interest’ and so on.  
  c) Create a new permit exemption for minor buildings and works, which do not affect heritage values, such as small verandas and pergolas and maintenance and the minor upgrade of railway infrastructure. Consider limiting exemptions to non-contributory buildings.  
  d) Review the use of exemptions for certain minor buildings and works, such as those cited in Yarra and Moreland Council incorporated documents, to determine if these exemptions can be introduced more broadly across Victoria and made more transparent and accessible. | a), b), c) and d) Agree subject to this comment - Require clarification of the relevance of a report that was finalised in 2007. Support increasing exemptions provided the heritage merit of a building or precinct is not compromised. |
<p>| Development Plan Overlay | a) Review the exemption from notice and review provision to remove the 'catch 22 provision'. | a) Agree |</p>
<table>
<thead>
<tr>
<th>Neighbourhood Character Overlay</th>
<th>a) Examine the role and function of the Overlay in the context of the new Neighbourhood Residential Zone, and other VPP tools.</th>
<th>a) Agree subject to this comment - The Neighbourhood Character Overlay is used comprehensively in Whitehorse. This proposal requires clarification on how the important guidance in this overlay (particularly in terms of managing demolition and building replacement) would be translated into another provision if this is removed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Management Overlays</td>
<td>a) Review the role and function of the three inundation related overlays (Land Subject to Inundation Overlay, Special Building Overlay, and Floodway Overlay, together with the Urban Floodway Zone) to understand if amalgamations are possible and the distinctions between the overlays and their objectives, are made clearer.</td>
<td>a) Agree subject to this comment - Combining all flood related provisions is supported contingent upon mapping being kept up to date. Clarification on what happens when properties are partially affected is required.</td>
</tr>
<tr>
<td>Erosion Management Overlay</td>
<td>N/A - Does not apply in Whitehorse</td>
<td>N/A - Does not apply in Whitehorse</td>
</tr>
<tr>
<td>Salinity Management Overlay</td>
<td>N/A - Does not apply in Whitehorse</td>
<td>N/A - Does not apply in Whitehorse</td>
</tr>
<tr>
<td>Floodway Overlay</td>
<td>N/A - Does not apply in Whitehorse</td>
<td>N/A - Does not apply in Whitehorse</td>
</tr>
</tbody>
</table>
| Land Subject to Inundation Overlay | a) Update the purpose of the overlay from referring to a 1-in-100-year flood, to “flooding from a waterway in a 1% Annual Exceedance Probability (AEP) flood event”.  
b) Update the purpose of the overlay to include the words “to provide for the protection of drainage assets”.  
c) Ensure permit triggers are linked to the purpose of the overlay.  
d) Increase the opportunities for permit exemptions, such as developments not impeding water flow.  
e) Allow greater flexibility by expanding the floor space allowable for a building extension before a permit is triggered for buildings and works.  
f) Examine whether finished floor level height above flood level should be a planning scheme requirement or a self/code assess mechanism, or a matter for the Building Act. | a), b), c), d), e) and f) Agree - These changes will strengthen this provision. |
### Special Building Overlay

- a) Revise the name of the overlay to better reflect its purpose.
- b) Update the purpose of the overlay to include “to provide for the protection of drainage assets”, and remove reference to Clauses 33 and 35 of the SEPP (Waters of Victoria) from the purpose of the overlay.
- c) Make buildings and works (including dwelling extensions and new dwellings) permit exempt where minimum flood levels are met and the Building Act applies.
- d) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay.
- e) Amend the wording of the overlay so that a planning permit application that is subject to flooding from councils’ overland flow paths (less than 60ha catchments) can be assessed solely by council and do not require a referral to Melbourne Water.
- f) Consider the greater use of VicSmart where the Special Building Overlay is the only trigger.
- g) Ensure schedules are uniform and consolidated across Victoria.

### Airport Environs Overlay

| N/A - Does not apply in Whitehorse | N/A - Does not apply in Whitehorse |

### City Link Project Overlay

| N/A - Does not apply in Whitehorse | N/A - Does not apply in Whitehorse |

### Specific Sites and Exclusions

- a) Remove outdated provisions.
- b) Establish clear rules around when it can be used to avoid overuse.
- c) Establish the practicality of mapping all items within a new Specific Provisions Overlay to improve transparency and public awareness.

a), b) and c) Agree - Support the use of a Specific Provisions Overlay or similar to identify and raise awareness for these sites, as well as removing redundant entries where proposals are completed.
| **Car Parking** | **a)** Review car parking rates in Table 1 in the context of transport mode shifts, lifestyle and technology changes and densification, and provide rates for those land uses not listed.  
**b)** Provide car parking exemption in selected zones (commercial zones, Mixed Use Zone, and industrial zones) for Section 1 uses in existing buildings where floor area is not increased (for example change of use applications).  
**c)** Assess the recommendations not yet implemented from the Car Parking Provisions Advisory Committee Final Report (2011) including the recommendation to make a Clause 52.06 application exempt from notice and review in all circumstances. | **a)** Agree  
**b)** and **c)** Disagree - Parking waiver without notice is picked up in vicsmart and considered appropriate at current thresholds. |
| **Earth and Energy Resources Industry** | N/A - Does not apply in Whitehorse | N/A - Does not apply in Whitehorse |
| **Uses with Adverse Amenity Potential** | **a)** Review buffer distances taking into account the Environmental Protection Authority’s Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013).  
**b)** Review and clarify the clause’s application in ‘reverse amenity’ matters. | **a)** and **b)** Agree - Particularly the ability to consider reverse amenity uses. The review process to also consider the recently released EPA Guidelines - Assessing planning proposals within the buffer of a landfill. |
| **Service Stations** | **a)** Ensure the provision is updated to reflect current practices and modern service station designs, including reviewing the site area and crossover dimensions. | **a)** Agree |
| **Car Wash** | **a)** Ensure the provision is updated to reflect current practices and modern car wash design, including reviewing crossover dimensions. | **a)** Agree |
| **Motor Vehicle, Boat or Caravan Sales** | **a)** Review the role and purpose of this provision, and the relevance of the dimensions, with a view to either removing or updating. | **a)** Agree subject to this comment - Support review to update but removal all together is not supported. |
| Telecommunications Facility | a) Update the Code of Practice for Telecommunications Facilities in Victoria (2004) (an incorporated document in the VPP) and the particular provisions to recognise advances in equipment technology.  
b) Clarify permit triggers and exemptions without requiring cross-referencing to another document. | a) and b) Agree - This will achieve greater consistency of information to Council. |
| Licensed Premises | a) Review the role and function of the planning system in licensed premises and explore opportunities to minimise conflict and overlap with the Victorian Commission for Gambling and Liquor Regulation licensing process.  
b) Make premises in commercial zones exempt from the need for a planning permit, subject to certain conditions, and relying on the Victorian Commission for Gambling and Liquor Regulation licensing process.  
c) Include and clarify common application requirements, such as ‘cumulative impact statements’. | a) Agree - Consistency between these areas is important.  
b) Disagree - Whitehorse has a dry area so removal of permit triggers in commercial 1 zone not supported.  
c) Agree - will provide greater guidance. |
<p>| Gaming | a) Review the role and function of the planning system in gambling and explore opportunities to minimise conflict and overlap with the Victorian Commission for Gambling and Liquor Regulation licensing process. | a) Agree - There should be a review on the role that planning should play in gambling. Noting that Whitehorse currently has a Gaming Policy at Clause 22.17 that could be used to form a State level policy in the VPP. |</p>
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<tr>
<th>Topic</th>
<th>Suggestions</th>
<th>Agreement</th>
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</table>
| Land adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road | a) Clarify permit triggers and application requirements, in particular whether an alteration to access can refer to a change in use as well as a physical alteration.  
b) Include a definition for the term ‘create or alter access’.  
c) Amend the provision to provide additional permit exemptions.  
d) Explore the possibility of using standard VicRoads conditions to avoid referral.  
e) Make access to a service road (other than an excluded service road) exempt from referral to VicRoads.  
f) Make applications under this clause exempt from normal notice and review provisions. | a), b), c), d), e) and f) Agree - These changes will streamline the process and ensure consistency. |
| Bicycle Facilities                              | a) Update bicycle rates to reflect environmental sustainability goals, the needs of modern businesses and increased popularity of cycling as a transport mode, particularly with respect to offices.  
b) Provide rates for more types of development. | a) and b) Agree - Strengthens the current provisions. |
<p>| Post Boxes and Dry Stone Walls                  | a) Examine the feasibility of removing the provision, identifying historic post boxes and dry stone walls through mapping and protecting them through the Heritage Overlay. | a) Agree - Strengthens the current provisions. |
| Residential development and subdivision provisions | a) Clarify the relationship between the standards and objectives, and particularly whether full compliance with the standard means that the objective is also met | a) Agree subject to comment - Objectives should stand alone and not be deemed compliant just because a numerical figure is met. |
| Metropolitan Green Wedge Land                  | N/A - Does not apply in Whitehorse                                                                | N/A - Does not apply in Whitehorse |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Proposal</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>All General Provisions</td>
<td>a) Consolidate application requirements into a single clause similar to Clause 66 (Referrals and Notice), review all existing requirements, and add common application requirements (such as basic plans) to definitions to reduce duplication of description.</td>
<td>a) Disagree - Don’t support because it means too much cross referencing between different parts of the scheme. Support mandatory information requirements. More information on this proposal is needed.</td>
</tr>
<tr>
<td>Decision Guidelines</td>
<td>a) Review all decision guidelines across the VPP and consolidate under Clause 65, similar to Clause 66 Referral and Notice provisions.</td>
<td>a) Disagree - Don’t support because it means too much cross referencing between different parts of the scheme.</td>
</tr>
<tr>
<td>Referral and Notice Provisions</td>
<td>a) Remove references to seeking the views and comments of referral authorities throughout the VPP and use formal processes of Clause 66 instead.</td>
<td>a), b), c) and d) Agree subject to this comment - This Clause should reflect how referral authorities worked historically by removing the reference to either a recommending or determining authority. An application should either need a referral or not.</td>
</tr>
<tr>
<td>General Terms</td>
<td>Review General Terms to investigate the inclusion of: a) ‘outbuildings normal to a dwelling’. b) ‘sensitive uses’.</td>
<td>a) and b) Agree - Ensures completeness of General Terms section.</td>
</tr>
</tbody>
</table>
| Land Use Terms | a) Reduce the number of terms.  
b) Remove obsolete uses.  
c) Separate out common land uses only when necessary to be treated differently in zone tables.  
d) Be less prescriptive by removing overly specific terms.  
e) Broaden terms and definitions to account for rapidly shifting industries and lifestyles.  
f) Use every day and plain-English terms that the community readily understands aid understanding (bar), in other cases.  
g) Modernise definitions including consideration of emerging social, economic and technological trends.  
h) Provide definitions for undefined terms, excluding those where there is an appropriate ordinary dictionary meaning or definition in the Act.  
Review a number of land use terms to add and revise a number (refer to Appendix 2 of the discussion paper for a complete list) | Agree - Strongly support review of definitions to ensure contemporary and modern land uses are included and older terminology is removed.  
This review should also consider advertising signs definitions.  
Examples of terms that have changed or do not exist include:  
- Tavern to bar  
- Massage premises (currently undefined)  
- Day spa (Currently undefined)  
- Restaurant to cafe |
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<tbody>
<tr>
<td>Nesting Diagram</td>
<td>a) Shift ‘Cinema Based Entertainment Facility’ from un-nested to within the ‘Place of Assembly’ group.</td>
</tr>
</tbody>
</table>
| Incorporated Documents | a) Examine whether a standard template can be adopted to ensure consistency across documents.  
b) Address the use of Australian Standards (fee payable for access), moving away from incorporating documents that are not free to access.  
c) Review the usefulness of each incorporated document including whether extracts should be taken from particularly large documents.  
d) Remove obsolete and outdated documents.  
e) Replace document references with updated versions where available. | a), b), c), d) and e) Agree - No issues, ensures consistency and accessibility of incorporated documents. |
| Practice Notes | a) Repackaging the extent of practice notes to make them easier to navigate. This includes introducing a new VPP manual to support planning authorities (and repositioning appropriate practice notes focused on implementing and writing provisions into the manual).  
b) Create a new Practice Note addressing advertising sign provisions, in particular outlining a mechanism by which councils can address concerns about the safety impact of signs on or near state-controlled roads where VicRoads is not a referral authority.  
c) Update Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes - to reflect the circumstances when mandatory provisions should be applied. | a), b) and c) Agree - Practice Notes should be updated and easier to access from the DELWP website. They are currently difficult to locate and the search function is inadequate. |
| Technology and the availability of documents | a) Review processes for accessing planning applications and update Planning Practice Note 74 - Availability of planning documents - to encourage councils to make documents relating to permit applications available freely online via their website.  
b) Provide a plain text version of planning schemes on 'Planning Schemes Online' to allow convenient 'copy and paste' into reports, or deliver through HTML using PSIMS. | a) and b) Agree - Strongly support greater electronic accessibility. |
| Section 173 agreements | a) Their role in the planning system and whether they are overused including in local schedules.  
b) The benefits of creating a standard agreement template that would only require minimal amendments for most purposes. | a) and b) Agree subject to this comment - The ability to use Section 173 agreements should be retained, they are a necessary tool to ensure community expectations are achieved and enforced. Consideration could be given to including sunset clauses to allow cessation of the agreement once the obligations of the use and development are met. |