

**Reforming the Victorian Planning Provisions:  
A Discussion Paper October 2017**

**Yarra Ranges Council Comments**

**29 November 2017**



## Summary

Yarra Ranges Council (YRC) is pleased to provide feedback and comments to Reforming the Victorian Planning Provisions Discussion Paper. Due to the tight timelines, the feedback has been circulated to Councillors but has not been formally endorsed by Council.

A review of the Victorian planning provisions is warmly welcomed and supported by YRC. Yarra Ranges is the most eastern 'metropolitan' local government area and with extensive urban and rural areas is classified as a peri - urban, green wedge, interface and/or a metropolitan Council.

As a Council, YRC processes a number of permit applications per year.

- In 2016 YRC issued 1885 permits (including Vic Smart and Amended Permits). Of these 33 were Vic Smart applications.
- In 2017 YRC issued 1438 permits to date (including Vic Smart and Amended Permits). Of these 123 were Vic Smart applications.

The feedback and comments in this document respond to the broad proposals in the Discussion Paper in principle. Overall, the planning system is sound but is unable to keep up with the burden of work it is being asked to complete. In this regard, the proposals to create clearer and more usable planning schemes is supported as long as it doesn't dilute local policy objectives or weaken the planning scheme's ability to provide for the protection of State, regional and local objectives and values.

YRC understands that further work needs to be done to complete drafting of the provisions and undertake further testing of its operation in consultation with Council. It is important that YRC continues to be consulted and be allowed enough time to respond to any proposed changes to the planning scheme in more detail. It is suggested that a review be made of the operation of Vic Smart with other Councils to understand the impact and benefits of Vic Smart to date before considering further application types and Code assess as part of the reform agenda.

YRC thanks the Minister and the Smart Planning team for the effort that has gone into the program thus far and for the opportunity to provide comment and feedback on the Discussion Paper.

## Background

Council officers understand that the Victorian Government, through its Smart Planning program, is simplifying and improving the operation of the planning system.

The Victorian Planning Provisions (VPP) are the planning policies and controls upon which all land use planning decisions are made. Cumulative amendments to the VPP and local planning schemes over the past 20 years have led to increasingly long and complex planning schemes. This has resulted in complexity, duplication, delays and uncertainty.

Changes to the VPP are being undertaken to address these issues. The Discussion Paper on Reforming the Victorian Planning Provisions was released for public comment in October 2017. The deadline for submissions is 5.00pm Friday 24 November 2017.

## Key Issues for Reform

The Discussion Paper was developed based on input from reference/advisory groups, surveys, previous studies, and key policy frameworks and initiatives. It identifies the following issues for reform which is supported by YRC.

- Planning schemes are not user friendly
- Long and Complex assessments

- 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

According to the discussion paper in 2016-17 “the planning system processed 56,000 planning permit applications and delivered approvals for 460,000 new dwellings and 620,000 new lots”. The proposed VPP reforms are in part a response to streamline and facilitate greater efficiency on an overburdened system.

However, the planning system should not lose sight of the need to also support the delivery of services ahead of or with development. As tools to achieve sustainable change, the planning system should also enable and support timely and efficient service and infrastructure delivery to meet the growing development pressures that are envisaged. Infrastructure planning and delivery of land use planning outcomes could be better integrated. Consequently, work on DCPs and ICPs should be expedited to provide Councils with the supporting framework as part of the planning scheme to resource and deliver timely infrastructure.

## **1. A simpler VPP structure with Vic Smart built in**

### **Proposal 1.1 Restructure and reform the particular provisions**

- Categorisation of particular provisions into groups would make it easier for the general public to navigate the system and ascertain if their proposed use qualifies for Vic Smart, permit exempt or otherwise. Placing together all provisions relating to a theme, for example biodiversity and landscape values, would also support clearer assessment.
- The ‘one stop shop’ approach should make it easier for businesses, particularly SMEs to navigate the planning scheme and has the potential to reduce the holding costs associated with establishing businesses. However, it is unclear where these specific use provisions will sit and how appropriate levels of car parking dispensation (being one of the key issues with current permit applications) are to be considered.
- The Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP) is currently recognised in Clause 53 of the Yarra Ranges Planning Scheme. It is unclear where the RSP sits within the proposed re-structure of particular provisions and how it will be considered as part of the one stop shop provisions. Further detail is sought in this regard.

### **Proposal 1.2 Integrate Vic Smart into appropriate particular provisions**

- Integrating Vic Smart into the planning scheme is a good idea in principle, to improve the Scheme’s transparency. In practice, this could lead to repeated information on the operation and decision making criteria as part of Vic Smart in zones, overlays and particular provisions. It is unclear how the proposal will reduce the bulk of the planning scheme and improve navigation in this regard.
- Applications to destroy, remove or lop one tree are currently provided for in Vic Smart. YRC does not support increasing the extent of Vic Smart application to more than one tree or into overlays that are intended to protect natural environments, biodiversity or landscape values, nor should they be integrated into applications to remove native vegetation. Assessing such applications requires referral, time to review and respond and are unlikely to be appropriate where there are Environmentally Sustainable Design or Water Sensitive Urban Design requirements to be considered.

### **Proposal 1.3 Consolidate all administrative provisions**

- Consolidation of administrative provisions as well as the relocation of incorporated documents and background documents as part of General Provisions is supported. However, it is questionable whether this will help in reducing the size of the planning scheme or whether it will be easier to navigate.

## **2. An integrated planning policy framework**

### **Proposal 2.1: Integrate state, regional and local planning policy**

The proposed Planning Policy Framework (PPF) seeks to integrate State, Regional and Local Policy into a consolidated framework. The envisaged benefits include strengthened and streamlined policy, reduction of repetitive clauses and inconsistencies between state and local policy, greater customisation of content and ease of review. YRC supports the proposal in principle subject to the following comments:

- A greater emphasis on regional planning is supported especially across areas with similar values for example, biodiversity and landscape planning as municipalities who exist in the same landscape type/bioregion could work together to protect agreed values.
- It is unclear how the proposed PPF refers to the metropolitan strategy and the eight regional growth plans. Where does the metropolitan partnership regions (Inner Metro, Inner Southeast, Western, Northern, Eastern, and Southern) fit into this framework and is metropolitan Melbourne as a region at the same “level” as the Eastern metropolitan region. It is unclear how all these layers will simplify the planning scheme.
- The proposed PPF framework will have to be tested to ensure that any translation is policy neutral and any adjustments that are required would be capable of being successfully translated without losing critical local content especially in the removal of controls from local policy.
- There is reference in the proposed policy themes to “development contribution plans”. A framework for developer contributions that addresses urban renewal and established areas would be supported to facilitate the land use planning outcomes envisaged by the reform agenda.
- Given the significance of the RSP as a major strategic planning document in Yarra Ranges, the PPF needs to consider the role of the RSP and other regional plans as foreshadowed in Clause 53.

### **Proposal 2.2: Simplify the Municipal Strategic Statement**

- The revised structure in the draft PPF could lead to confusion and dilution of the Municipal Strategic Statement (MSS) through the splitting up of the MSS vision into different clauses. In the same way that the vision guides all objectives and strategies at State level, the MSS vision for a municipality is central to that municipality and, along with the local areas sections, must be able to be accommodated in their existing form into the new PPF structure.
- Significant time, effort and expense have been expended by YRC in the development, and ongoing review, of the MSS and local policy. Amendment C148 has been two years in the making and is currently being prepared for Council resolution to be referred to a Panel. Careful consideration must be given to any

process of translation of the planning scheme to ensure that the objectives and policies that are being sought are not lost and remains true to Council's intent.

- It is unclear if a simplified MSS will reduce the frequency and extent of review that is currently required and if there will be resulting efficiencies for Council and DELWP.

### **Proposal 2.3: Expand policy themes**

- The current Local Planning Policy Framework (LPPF) provides a logical and cohesive place for a council to articulate a vision, policy context, key issues relevant to decision-making, the overarching planning response and connections to other documents such as the Council Plan and Health Plan. Local policy also provides the ability to spatially resolve competing policy tensions in a particular precinct or geographic area. Breaking these policies down into themes could be counterproductive resulting in the loss or misinterpretation of a place or topic specific intent.
- It is unclear where some YRC local policies would fit into the structure shown in Appendix 1. For example, how does the local policy on gaming machines in Clause 22.08 and horticultural structures Clause 22.03 fit in the PPF? It is not immediately apparent given the proposed PPF themes in Appendix 1 of the Discussion Paper where these policies may sit.
- The proposed table of contents lists 'Out-of-centre development' as a heading. It is important that economic growth is focused in the existing centres and that out-of-centre development is discouraged in order for activity centres and main streets to thrive.
- It is unclear as to why Coastal and Marine areas will have a specific heading under tourism. Particularly when the latest tourism trends indicate a demand for visitation to alpine and bushland areas. It is appropriate to consider how tourism can benefit businesses within the peri urban areas, particularly where land size and land price significantly impacts the profitability of agriculture.

### **Proposal 2.4: Create a clearer and simpler structure for policy making**

- There may not always be a connection between State and local policy as local policy by its very nature has 'local' impacts. While at times councils may seek to give a local interpretation to a State policy, the policies are there to predominantly reflect local issues that may come up in decision-making.
- The PPF contains State, regional and local provisions all in one section of a planning scheme. It is unclear who will maintain and amend the policy framework. Clarity is also required around who will implement the objectives and strategies outlined.

### **Proposal 2.5: Set new rules and guidelines for writing policy**

- The DELWP practice note on writing local policy that now exists is very helpful. It would be useful to expand this to other parts of the planning scheme. However, YRC suggests that this should be 'guidelines' rather than rules. Some local issues are difficult to address and require a degree of flexibility. Council is concerned that content and intent of local policy objectives are not lost for the sake of streamlining and formatting.
- The examples given on page 21 of the Discussion Paper of future drafting rules are consistent with current drafting guidelines so it is difficult to understand what further forms the proposed new rules will take. Will there be added restrictions that may

remove Council discretion in policy making; or is it a simple collation and update of what is now found in strategic assessment guidelines, practice notes and Ministerial Directions for easier reference and access by practitioners?

- Consistent structure and guidelines for policy making is supported, it will provide more resilience for practitioners working across multiple Councils

### 3. Assessment pathways for simple proposals

#### **Proposal 3.1: Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules**

- Please refer to comments made as per Proposal 1.2

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

- Code based assessment has often been considered as a key element of planning reform. As part of the VPPs the effectiveness of the proposed model largely depends on how prescriptive the criteria are for what qualifies for code based assessment. If there is uncertainty or subjectivity, code based assessment is not the solution. If truly objective tests can be identified, these might be better structured as exemptions, rather than to create a separate assessment process. Consequently, if there is no subjectivity, why require a permit at all? The value that planners will bring to the process is questionable.
- There is some mention (p.26) of some more complex Vic Smart applications having longer time frames. Extended Vic Smart timeframes together with the proposal to increase Vic Smart applications, introduce Code-based assessment and the normal permit assessment process could create a confusing rather than user-friendly system. Effectively the proposal creates two classes of Vic Smart, code assess and the normal permit assessment process. Will there be a scenario where there are multiple triggers, each of which falling within a different assessment category? Care needs to be taken not to further complicate the planning system.
- Code based assessment for simple proposals like a café/restaurant, secondary dwelling and small lots were suggested on page 25 of the Discussion Paper. It is unclear how the same code could be applied across all municipalities uniformly. For example a café application would have to take into account that there are areas in Yarra Ranges that remain unsewered.
- YRC currently faces challenges in managing Vic Smart applications and it is unclear whether additional Vic Smart application types and Code based assessment frameworks will achieve a faster timeframe and better outcome for both Council and the applicant.
  - Vic Smart does not allow the opportunity to advertise and is heavily reliant on pre-emptive amenity conditions that seek to protect neighbours once the development is complete.
  - Vic Smart applications are considered 'high risk' with no ability for neighbours or Council to comment, object or call in a proposal. Decisions are made so fast Councillors could be contacted a week later after a decision has already been made.

- YRC has a complex planning framework, including Clause 53, which makes determining if an application is Vic Smart or not very time consuming. Sometimes an application may change from Vic Smart to a regular planning application which results in disgruntled and unhappy applicants, damaged relationships and an increase in fees, time and effort.

#### 4. Smarter planning scheme drafting

##### Proposal 4.1: Create a new VPP user manual

- There is an existing VPP user manual and an updated version would certainly provide support to practitioners and promote greater consistency in policy drafting and use of the schemes. A user friendly version is also supported for use by the general public especially if there is a need to navigate, Code assess and Vic Smart application pathways.
- There also needs to be greater resourcing and support besides an updated VPP manual for Councils if the VPP reforms are to be implemented. Council will require support in translating and navigating the PPF and the integrated Vic Smart or Code Assess applications. Suggestions include:
  - Continued consultation and engagement to allow YRC to input and test the proposed changes as part of the VPP reform agenda.
  - Funding support if a PPF translation is envisaged by local councils. This is especially since YRC has already committed significant funds and resourcing to progress its MSS review and is on the cusp of requesting a Panel. There is no budget or resources to undertake further work envisaged as part of the reform process.
  - Council would support an expert policy writing team (internal or external to DELWP) that could undertake the work with councils or act as an expert review body.
  - Enough time allocated to ensure thorough testing by Council officers and allowing for legal advice to be sought before the revised structure and translations are formally introduced into the planning scheme. Testing could be done with live applications to ensure that policy intent and interpretation has not changed.
  - Support of DELWP through Ministerial amendments as part of a streamlined planning scheme amendment process to assist in the translation.
  - A program to establish ongoing monitoring to evaluate the changes and its impact on councils and the broader community is also supported.

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

- A business unit to support the reform agenda as part of the PPF translations is supported. However, the role of the business unit to prepare proposed planning provisions on instruction from Council is questioned. In this regard, the proposed role removes the discretion of local authorities to word local content as they see fit. While the preparation of a user manual, guidelines or practice notes to guide preparation of planning scheme content is reasonable, removing discretion from local Councils is not supported.
- The proposal also appears to belittle the expertise of local authorities to carry out this role, on the assumption that State Government planners are better placed/qualified.

However, local government planners are best placed to understand local conditions, issues, and their communities.

- Setting up a scenario where local planners need to give drafting instructions to State planners to create Scheme content could also add unnecessary time, difficulty, and frustration to the amendment process. It could lead to situations where Scheme content is unable to be prepared in a form supported by Council, and effectively prevents the exhibition of some proposals or results in multiple iterations of the same draft thus costing inefficiencies in time and resourcing.
- There already exists multiple opportunities within the current system for the State through DELWP to consider review, amend and even reject planning scheme amendments - through, authorisations, exhibitions and Ministerial approvals. VCAT and the Panel process provide further opportunity for independent professional review and input into amendments and permit applications. To add a further layer of amendment drafting to the existing suite of opportunities for State review is questioned.
- With the intention to increase/improve fast track applications, a service/system that assists applicants with the preparation of application requirements including example plans and permit triggers should be considered to support a more streamlined process.

#### **Proposal 4.3: Create an online Victorian planning library**

- A dedicated website or planning portal that provides a comprehensive repository of all planning documents is supported. In particular the proposal to hyperlink incorporated and reference documents, approved development plans, references documents and heritage citations to relevant sections of the planning scheme to provide easy and user-friendly access is considered to be of benefit in improving 24/7 access and transparency to the planning scheme
- The ability to process planning information based on queries rather than clause number is highly supported to enable clearer navigation of planning requirements.

### **5. Improve specific provisions**

#### **Proposal 5.1: Improvements to specific provisions**

- Please refer to Attachment 1 for further comments on the proposed improvements listed in Appendix 2 of the Discussion Paper

#### **Proposal 5.2: Update the Definitions section of the VPP**

- YRC supports a review of land use terms and definitions in the VPP to improve clarity, provide for emerging land uses and removal of obsolete/unnecessary terms.

#### **Proposal 5.3: Regularly review and monitor the VPP**

- A structured approach to allowing for feedback both from practitioners and key stakeholders on the operation of the VPPs is supported.
- Maintaining a register of reforms online with approximate timelines for decision is also supported.
- A regular program of monitoring VCAT and Panel decisions to flag outcomes and reports that recommend VPP change is supported.

## ATTACHMENT 1

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
ID. No. Zones 1	Clause No. 30	Name All zone schedules	<p><b>Modification</b></p> <p>Review all zone schedules having regard to the following:</p> <p>a) Enhance the Ministerial Direction – The Form and Content of Planning Schemes to limit structural modifications (such as to headings and order, etc) and ensure consistency across the VPP</p> <p>b) Ensure the distinction between the state and local clauses remains clear.</p>	<p><b>Justification</b></p> <p>Maintaining consistency throughout the VPP and across various council planning schemes would increase certainty for applicants, reduce confusion, and maintain a reliable assessment framework. Local variations should occur within strong parameters to ensure consistency with the purpose and powers of the VPP parent provision, and reduce structural inconsistency between schedules across the state.</p> <p>Digitisation of planning scheme content and the amendment process (PSIMS) would assist in ensuring a consistent structure for schedules.</p>	Supported
ID. No. Zones 2	Clause No. 30	Name All zones	<p><b>Modification</b></p> <p>Review zones having regard to the following:</p> <p>a) Rename zones from being numerical (for example, 'Industrial 1 Zone') to being descriptive and adopting everyday words, such as used for the residential zones</p> <p>b) Examine the role and function of the following zones to establish whether they can be replaced with other VPP tools (such as the Mixed Use Zone or the Commercial 1 Zone and an Incorporated Plan Overlay or Development Plan Overlay), or amalgamate the following zones into a single zone that can be tailored to reflect local circumstances:</p> <p>i. Priority Development Zone</p>	<p><b>Justification</b></p> <p>These reforms are designed to improve the usability and clarity of the VPP, through renaming zones so that they better correspond to their purpose, removing unnecessary zones with more targeted controls, and using consistent terminology to limit common points of confusion.</p>	Supported

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			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').		
ID. No. Zones 3	Clause No. 32	All Residential Zones	Review residential zones having regard to the following:  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.	Justification  The proposed modifications seek to improve the consistency of provisions, remove unnecessary permit triggers and allow for more as of right land uses in residential areas.  The package of single dwelling provisions, including Rescode in the VPP and Part 4 of the Building Regulations work together to regulate single dwellings. Relying on the building system to regulate single dwellings (except where an overlay applies) would reduce regulatory burden, and assist homeowners, whilst protecting local amenity through its siting and design provisions. Existing overlays would continue to trigger planning permits where special circumstances apply, such as heritage areas.	Supported in principle subject to detailed provisions and testing
ID. No. Zones 4	Clause No. 32.04	Mixed Use Zone	Review the Mixed Use Zone having regard to the following:  a) Make more commercial uses in the	Justification  Providing a greater range of land use exemptions (subject to conditions) in the Mixed Use Zone would facilitate commercial and community-focused activity	Supported (c)  Regarding (b) Manufacturing Sales – It is recognized that the proposal will facilitate the

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>Mixed Use Zone Section 1 (as of right) land uses where they are low impact, subject to conditions</p> <p>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</p> <p>c) Make 'Childcare Centre' a Section 1 (as of right) land use, subject to conditions, such as relating to size.</p>	<p>and streamline the planning application process for applicants. Floor area caps would ensure the beneficiaries of these changes are predominantly small-scale businesses. It is important to ensure the planning system does not unnecessarily burden new small business with costs and timeframes which may be prohibitive and disproportionate.</p>	<p>establishment of small business and diversity in offer. However, this needs to be balanced with amenity impacts for example from a Micro- brewery which is not supported as of right.</p> <p>Further the MUZ is intended to facilitate high density housing and the impacts of mixing manufacturing with residential needs to be considered</p>
<p>ID. No. Zones 5</p>	<p>Clause No. 33.01</p>	<p>Industrial 1 Zone</p>	<p>Review the Industrial 1 Zone having regard to the following:</p> <p>a) Make 'Motor Repairs' a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone</p> <p>b) Make 'Convenience Shop' a Section 1 (as of right) land use.</p>	<p>Making 'Motor Repairs' a Section 1 (as of right) land use would allow these uses to locate in areas with limited potential for amenity impacts.</p> <p>Making 'Convenience Shop' a Section 1 land use in the Industrial 1 Zone would facilitate small business activity and allow uses that improve the amenity of these areas by providing day to day services for workers.</p>	<p>Generally support motor repairs.</p> <p><i>Convenience shop might be better supported within commercial areas.</i></p>
<p>ID. No. Zones 6</p>	<p>Clause No. 33.03</p>	<p>Industrial 3 Zone</p>	<p>Review the Industrial 3 Zone having regard to the following:</p> <p>a) Make 'Motor Repairs' a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone</p> <p>b) Make 'Office' a Section 1 (as of right) land use subject to maximum floor area requirements</p>	<p>Making 'Office', 'Indoor Recreation Facility' and 'Take Away Food Premises' Section 1 land uses in the Industrial 3 Zone would facilitate small business activity, provide services for workers and allow for uses that contribute to economic growth without compromising the 'buffer' function of the zone. Conditions on the maximum floor area of 'Office' uses are designed to ensure that the zone does not become a de facto commercial precinct.</p> <p>Making 'Motor Vehicle Repairs' a Section 1 (as of right)</p>	<p>As above.</p> <p>Regarding 'Office' – agree there should be limits to the amount of office to ensure that underutilized commercial areas are the primary place for offices.</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			c) Make 'Indoor Recreation Facility' and 'Take Away Food Premises' Section 1 (as of right) land uses	land use would allow these uses to locate in areas with limited potential for amenity impacts.	
ID. No. Zones 7	Clause No. 34.02	Name Commercial 2 Zone	<b>Modification</b> Review the Commercial 2 Zone having regard to the following: a) Make 'Convenience Restaurant' a Section 1 (as of right) land use b) Make 'Manufacturing Sales' a Section 1 (as of right) land use to support the establishment of 'small makers' and creative industries.	<b>Justification</b> 'Convenience Restaurant' and 'Manufacturing Sales' are both land uses that are in keeping with the purpose of the zone. This reform would facilitate business activity by removing unnecessary regulatory burden from the planning application process for these land uses.	Disagree to making convenience restaurant a section 1 use. These applications have broader amenity and public health impacts that need to be assessed.
ID. No. Zones 8	Clause No. 35	Name All rural zones	<b>Modification</b> Review the rural zones having regard to the following: a) Remove the need for a buildings and works permit for a dwelling extension or associated outbuilding if in relation to an existing dwelling, by removing the floor area size restriction if necessary.	<b>Justification</b> Exempting buildings and works proposals for existing dwelling extensions and existing outbuilding modifications in the rural zones would remove permit applications from the planning system, allowing buildings to be controlled through the building permit process.	Supported in principle but care needs to be taken that associated outbuildings do not become second dwelling opportunities.  It should also be noted that rural zones in Yarra Ranges are covered by SLOs, BMOs ESOs etc. Consequently, this change will have little or no impact
ID. No. Zones 9	Clause No. 35.07	Name Farming Zone	<b>Modification</b> Review the Farming Zone having regard to the following: a) Allow more primary produce sales as a Section 1 (as of right) use by increasing the floor area condition and allow a wider range of related goods to be sold.	<b>Justification</b> This change would support a use that compatible with agricultural land uses, has relatively low amenity impacts, and facilitates more adaptable business models for farmers. Allowing more 'primary produce sales' as of right (with size conditions) would increase the planning system's responsiveness to new business trends, including the farm-to-table movement which is increasing in popularity across the state and is a welcome income stream for many farmers.	Supported

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
ID. No. Zones 10	Clause No. 37.03	Name Urban Floodway Zone	Modification Review the Urban Floodway Zone having regard to the following:  a) Assess the role and function of the zone, in the context of the suite of flooding overlays, and consider whether it can be replaced with a flood overlay only (see also Floodway Overlay proposal).	Justification The VPP contains four mechanisms which seek to manage use and development in areas liable to flooding. These include a range of zone and overlay controls, the application of which varies between municipalities, and between urban and rural areas. Review of the Urban Floodway Zone seeks to identify whether planning control over flood liable areas could be simplified to reduce confusion and possible duplicate controls within the VPP.	Supported in principle.
ID. No. Zones 11	Clause No. 37.07	Name Urban Growth Zone	Modification Review the Urban Growth Zone having regard to the following:  a) Upon gazettal of a precinct structure plan, land is rezoned to the applied zones specified within the zone, with the PSP implemented using existing VPP tools, and therefore eliminating the concept of applied zones and removing the need for a later planning scheme amendment  b) Reduce the complexity of future UGZ schedules through a more limited and rigid structure.	Justification At present, upon approval of a precinct structure plan (PSP) in Melbourne's growth areas, land remains zoned Urban Growth and a number of other zones are 'applied' through the provision but not by zone mapping. This represents a departure from the philosophy of the VPP and is a source of confusion particularly among non-professionals. The 'applied' zone is also not recognised when basic queries are made in relation to zoning, such as planning property reports. This change would rezone land to the identified 'applied' zone automatically and reduce cross reference between different parts of the VPP and structure plans. This would ultimately improve useability, promote consistency, reduce the need for future planning scheme amendments, and ensure compliance with the VPP philosophy.  Through the PSP negotiation process, many UGZ schedules become lengthy and complex, becoming 'planning schemes within a planning scheme', and moving away from the VPP principle that the planning scheme should be read as a whole. Stricter heading structures and a tighter 'head provision' should reduce excessive length and simplify the zone for all users.	Not applicable to YRC
ID. No. Overlays	Clause No.	Name All overlays	Modification Review all overlays having regard to	Justification These reforms aim to holistically increase consistency across the VPP, and to guide municipalities to the	There is a need to make the existing overlays all work consistently. The current

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
12	40		<p>the following:</p> <p>a) Review whether the distinction of overlays controlling development, as opposed consistency across the VPP, and to guide to use, remains valid, and provide updated guidance, acknowledging that some overlays already control use (AEO, SRO, DPO)</p> <p>b) Review the approach of using overlays to identify buffers, such as the Environmental Significance Overlay, and examine how the VPP can transparently and consistently identify and protect significant sites requiring buffers (for example: landfills, treatment plants, water supply catchments and quarries)</p> <p>c) Create consistency in use of terms where a common meaning applies (such as the phrases 'generally in accordance with', 'generally consistent with' and 'in accordance with') and in the use of common assessment techniques (e.g. Determining tree protection zones)</p> <p>d) Clarify that if a permit is not required within the head provision, then the provisions of the schedule to that control do not apply. This may require holistic review of how the VPP reacts with local provisions.</p>	<p>correct application of controls.</p> <p>It is recognised that some VPP tools have been re-purposed over time, such as the Environmental Significance Overlay being utilised as a 'buffer' control. Examining whether buffers could, or should, be formalised through proper VPP tools would assist in providing transparency. There would need to be consideration that some uses requiring buffers are short lived, requiring the buffer overlay to be removed at some point.</p> <p>A review of the 'head provision' to clarify that the schedule does not apply if a permit is not triggered would reduce a common source of confusion among non-professionals and increase public confidence in the planning scheme.</p>	<p>VPP is inconsistent - in some cases you must schedule 'in' what requires a permit. In others you schedule 'out' what needs a permit. This is not transparent to the end user of the scheme.</p> <p>The DDO is often taken for a mandatory control - which is not the case unless you make the control mandatory in the schedule.</p> <p>Yarra Ranges has no experience using SLO as a buffer tool.</p> <p>Strongly agree there is need to clarify what the Overlay does and the relationship to permit triggers. This also goes to the ambit of discretion – eg what the permit is actually 'allowed' to look at.</p>
ID. No. Overlays	Clause No. 42	Name Environmental and landscape overlays	Modification Review all environmental and landscape overlays having regard to	Justification This change seeks to increase useability by ensuring that all permit exemptions related to vegetation are	Disagree.  The purpose of these

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
13			<p>the following:</p> <p>a) Amend the head provision to relocate the 'Table of exemptions' to Clause 62.02- 3 and insert the following words "No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the exemptions listed in the Table to Clause 62.02-3 apply".</p> <p>b) Increase opportunities for permit exemptions (such as associated with a single dwelling) by ensuring permit triggers are linked to the purpose of the control</p> <p>c) Ensure consistency across all schedules.</p>	<p>listed at Clause 62. This provides a central location and reduces lengthy provisions appearing multiple times, thus improving transparency and functionality of the VPP. Other reform suggestions seek to review the consistency between the structures of schedules, and apply a standard approach to the rationale of permit triggers to ensure they are adequately justified in their application.</p>	<p>overlays is to indicate and protect high quality vegetation or biodiversity areas. Exempting permits for single dwellings and vegetation is contrary to these primary objectives.</p>
<b>ID. No. Overlays</b> 14	<b>Clause No.</b> 43.01	<b>Name</b> Heritage Overlay	<b>Modification</b> <p>Review the Heritage Overlay having regard to the following:</p> <p>a) Review the proposed reforms to the overlay as proposed by the Heritage Provisions Advisory Committee, such as clarifying whether the overlay recognises precinct-wide or site specific values</p> <p>b) Create consistency in use of words where a common meaning applies, such as 'cultural significance', 'heritage value', 'heritage interest' and so on</p> <p>c) Create a new permit exemption for minor buildings and works, which do not affect heritage values, such as small verandas and pergolas and</p>	<b>Justification</b> <p>These items of reform seek to improve the clarity of the Heritage Overlay and the public's understanding of heritage precincts, sites and buildings. This includes implementation of recommendations from the Heritage Provisions Advisory Committee Final Report (2007), and exploring new opportunities for permit exemptions in inappropriate circumstances. In the context of the widespread application of the Heritage Overlay, these changes could result in far fewer permits for minor matters.</p>	<p>Supported</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>maintenance and the minor upgrade of railway infrastructure. Consider limiting exemptions to non-contributory buildings</p> <p>d) Review the use of exemptions for certain minor buildings and works, such as those cited in Yarra and Moreland Council incorporated documents, to determine if these exemptions can be introduced more broadly across Victoria and made more transparent and accessible.</p>		
<b>ID. No.</b> <b>Overlays</b> 15	<b>Clause No.</b> 43.04	<b>Name</b> Development Plan Overlay	<b>Modification</b> Review the Development Plan Overlay having regard to the following: <p>a) Amend the exemption from notice and review provision to remove the 'catch 22' provision.</p>	<b>Justification</b> The 'catch 22' provision is set out in <i>Saunders v Frankston CC (Red Dot)</i> [2009] VCAT 144 (19 February 2009) and concerns the literal translation of notice and review provisions and Section 52(1A) of the <i>Planning and Environment Act 1987</i> . Clarifying this clause would remove a source of confusion.	Clarifying the clause to remove confusion is supported subject to the following comment: <p>Any change must consider the purpose of the DPO which specifically and deliberately eliminates the provisions for notice and consultation.</p> <p>One of the purposes of the overlay is "To exempt an application from notice and review if it is generally in accordance with a development plan", and a requirement in 43.04-1 states "A permit granted must: Be generally in accordance with the development plan..." Between them, these provisions settle the matter.</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
					<p>A permit granted must be generally in accordance with the DP – it can only be granted if it is generally in accordance with the development plan. If it is, 43.04-2 exempts it from notice requirements. If it is not, it must be refused</p> <p>The DPO is based on public notice and consultation in the amendment process being incorporated into the overlay and subsequent development plan, thus doing away with need for doubling-up on notice and consultation in the permit stage. Any proposed changes to notice and review exemptions must be considered as part of a review of the basic principles of notice and engagement.</p>
<b>ID. No.</b> <b>Overlays</b> 16	<b>Clause No.</b> 43.05	<b>Name</b> Neighbourhood Character Overlay	<b>Modification</b> Review the Neighbourhood Character Overlay having regard to the following:  a) Examine the role and function of the Overlay in the context of the new Neighbourhood Residential Zone, and other VPP tools.	<b>Justification</b> The Neighbourhood Residential Zone has been applied widely, particularly within many of Melbourne's inner and middle suburbs, to control development and particularly density. In doing so, the role of the Neighbourhood Character Overlay has been reduced, although its function in controlling demolition remains distinct. In this respect, review of the Neighbourhood Character Overlay is warranted to determine if it could be removed to simplify the VPP.	Not currently used in the YRC planning scheme
<b>ID. No.</b>	<b>Clause</b>	<b>Name</b>	<b>Modification</b>	<b>Justification</b>	Supported

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
Overlays 17	No. 44	Land management overlays	<p>Review all land management overlays having regard to the following:</p> <p>a) Review the role and function of the three inundation related overlays (Land Subject to Inundation Overlay, Special Building Overlay, and Floodway Overlay, together with the Urban Floodway Zone) to understand if amalgamations are possible and the distinctions between the overlays and their objectives, are made clearer.</p>	<p>The VPP contains three flooding overlays and a related zone. A holistic review of the set with a view to reducing their number and making the roles more distinct would assist in reducing complexity and simplifying the VPP. The role of the <i>Building Act 1993</i> should be considered in this review with a view to avoiding duplication.</p>	
ID. No. Overlays 18	Clause No. 44.01	Erosion Management Overlay	<p>Review the Erosion Management Overlay having regard to the following:</p> <p>a) Ensure provisions reflect the level of risk and purpose of the overlay</p> <p>b) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the control</p> <p>c) Modify the overlay to allow the waiver of a geotechnical risk assessment from minor matters, such as subdivision applications where each proposed lot contains an existing dwelling, and two lot subdivisions in a rural zone.</p>	<p>These changes would ensure the overlay remains clear in its intent and that the burden of controls remains proportional to the scale of development proposed. Where possible, permit exemptions should be expanded in appropriate cases, and provisions should reflect the purpose of the overlay.</p>	<p>Disagree</p> <p>Resources in terms of funding to councils to support more accurate mapping of the EMO eg using LIDAR technology, will increase efficiency of this control.</p> <p>Removal of a geotechnical risk assessment, is not supported considering the potential risks to life and property.</p> <p>The local provisions of the Yarra Ranges planning scheme already contains appropriate permit exemptions which were recently extended based on operational experience.</p>
ID. No. Overlays 19	Clause No. 44.02	Salinity Management Overlay	<p>Review the Salinity Management Overlay having regard to the following:</p>	<p>These changes would ensure the overlay remains clear in its intent and that the burden of controls remains proportional to the scale of development proposed.</p>	<p>Not currently used in the YRC planning scheme</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>a) Amend the head provision to relocate the 'Table of exemptions' to Clause 62.02- 3 and insert the following words "No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the exemptions listed in the Table to Clause 62.02-3 apply"</p> <p>b) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</p> <p>c) Review referral authority requirements.</p>	Where possible, permit exemptions should be expanded in appropriate cases, and provisions should reflect the purpose of the overlay.	
<b>ID. No.</b> <b>Overlays</b> 20	<b>Clause No.</b> 44.03	<b>Name</b> Floodway Overlay	<b>Modification</b> Review the Floodway Overlay having regard to the following: <p>a) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</p> <p>b) Improve access to flood levels required to ensure drawings are compliant prior to submitting a planning permit application.</p>	<b>Justification</b> These improvements would streamline the planning process and reduce unnecessary time delays at planning stage by encouraging applicants to obtain information upfront. Under the proposal, permit exemptions would be increased for minor matters or where design mitigates flood risk. Remaining permit triggers would be specific to the purpose of the overlay only, and not a 'catch all'.	Not currently used in the YRC planning scheme
<b>ID. No.</b> <b>Overlays</b> 21	<b>Clause No.</b> 44.04	<b>Name</b> Land Subject to Inundation Overlay	<b>Modification</b> Review the Land Subject to Inundation Overlay having regard to the following: <p>a) Update the purpose of the overlay from referring to a 1-in-100-year flood, to "flooding from a waterway in a 1% Annual Exceedance Probability (AEP)</p>	<b>Justification</b> These improvements clarify the purpose of the overlay, increase permit exemptions and in doing so reduce unnecessary planning delays for minor and low risk matters.	Supported in principle. Regarding (e) Currently the threshold is 20sqm if the floor height of the extension is not lower than the existing floor height. While a 20sqm extension is very minor, if this was significantly increased it

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>flood event”</p> <p>b) Update the purpose of the overlay to include the words “to provide for the protection of drainage assets”.</p> <p>c) Ensure permit triggers are linked to the purpose of the overlay</p> <p>d) Increase the opportunities for permit exemptions, such as developments not impeding water flow</p> <p>e) Allow greater flexibility by expanding the floor space allowable for a building extension before a permit is triggered for buildings and works</p> <p>f) Examine whether finished floor level height above flood level should be a planning scheme requirement or a self / code assess mechanism, or a matter for the Building Act.</p>		<p>could lead to inappropriate works. I.e. the ‘existing floor height’ of the building could be below the flood level and at risk. DELWP may consider specifying that these extensions would need to be above the flood level determined by Melbourne Water rather than no lower than the existing floor height.</p> <p>Regarding (f) Many referrals to MW simply result in floor height requirements. If a planning permit could be avoided in some cases in favour of a simpler process, it would be positive.</p>
<p><b>ID. No.</b> <b>Overlays</b> 22</p>	<p><b>Clause No.</b> 44.05</p>	<p><b>Name</b> Special Building Overlay</p>	<p><b>Modification</b></p> <p>Review the Special Building Overlay having regard to the following:</p> <p>a) Revise the name of the overlay to better reflect its purpose</p> <p>b) Update the purpose of the overlay to include “to provide for the protection of drainage assets”, and remove reference to Clauses 33 and 35 of the SEPP (Waters of Victoria) from the purpose of the overlay</p> <p>c) Make buildings and works (including dwelling extensions and</p>	<p><b>Justification</b></p> <p>Renaming of the overlay would increase transparency within the community and promote the understanding that the control mitigates the impact of flooding on development. An updated purpose increases the relevance of the control.</p> <p>Overall, the application process under the Special Building Overlay requires streamlining including through the provision of additional permit exemptions, opportunities to enter into ‘fast-track’ streams where appropriate, and avoidance of unnecessary referrals as requested by Melbourne Water.</p>	<p>Supported in principle</p> <p>(a) This is a good suggestion. Currently, the name gives no indication of what the control relates to.</p> <p>(c) This is unclear – It is assumed that it is intended to say ‘where minimum floor levels are met’. If this is the case, it is a positive change that will avoid duplication between the planning and building processes.</p> <p>(e) It does not make sense to</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>new dwellings) permit exempt where minimum flood levels are met and the Building Act applies</p> <p>d) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</p> <p>e) Amend the wording of the overlay so that a planning permit application that is subject to flooding from councils' overland flow paths (less than 60ha catchments) can be assessed solely by council and do not require a referral to Melbourne Water</p> <p>f) Consider the greater use of VicSmart where the Special Building Overlay is the only trigger</p> <p>g) Ensure schedules are uniform and consolidated across Victoria.</p>		<p>change this in the Head Clause because most Councils have not mapped flooding from their infrastructure. However, there is a need for the overlay to provide for schedules addressing local asset flooding as in Port Phillip C111, but it seems the SBO already allows for this. The change proposed in g) – to make schedules uniform and consolidated across Victoria - has potential to limit the ability for Councils to add schedules addressing flooding from their infrastructure, as in Port Phillip C111.</p>
<p><b>ID. No.</b> <b>Overlays</b> 23</p>	<p><b>Clause No.</b> 45.02</p>	<p><b>Name</b> Airport Environs</p>	<p><b>Modification</b> Review the Airport Environs Overlay having regard to the following:</p> <p>a) Ensure the overlay reflects the new Federal standards and associated noise contours</p> <p>b) Consider the amalgamation of the overlay with Melbourne Airport Environs Overlay</p>	<p><b>Justification</b> Updating this provision would increase the accuracy and relevance of the overlay. There is an opportunity to simplify the VPP by amalgamating this overlay with the Melbourne Airport Environs Overlay, using a schedule to account for the particular needs of different airports. The overlay could also be repurposed to cater for heliport flight paths rather than the DDO as occurs currently.</p>	<p>Not currently used in the YRC planning scheme</p>
<p><b>ID. No.</b> <b>Overlays</b> 24</p>	<p><b>Clause No.</b> 45.07</p>	<p><b>Name</b> City Link Project</p>	<p><b>Modification</b> Review the City Link Project Overlay having regard to the following:</p> <p>a) Review the role and function of the</p>	<p><b>Justification</b> It is considered that the City Link Project may no longer warrant its own overlay, given its completed state, and may be more suitable for inclusion within Clause 52.03 Specific Site and Exclusions. Updating the document</p>	<p>Not currently used in the YRC planning scheme</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>overlay and consider deletion and replacement with Clause 52.03 Specific Site and Exclusions if a need for special provisions remains, noting the recommendation to map Clause 52.03 items</p> <p>b) Amend the head provision to rename the document as 'Melbourne City Link Project – Advertising Signs Location September 2014' in the Purpose and in Clauses 45.07-2 and 45.07-3.</p>	<p>reference to the latest version would increase the accuracy of the VPP.</p>	
<p><b>ID. No. Particular Provisions</b> 25</p>	<p><b>Clause No.</b> 52.03</p>	<p><b>Name</b> Specific Sites and Exclusions</p>	<p><b>Modification</b> Review Specific Sites and Exclusions having regard to the following:</p> <p>a) Remove outdated provisions</p> <p>b) Establish clear rules around when it can be used to avoid overuse</p> <p>c) Establish the practicality of mapping all items within a new Specific Provisions Overlay to improve transparency and public awareness.</p>	<p><b>Justification</b> Intended to be used sparingly, Clause 52.03 Specific Sites and Exclusions has been increasingly used in recent years. It is used to facilitate projects where other VPP provisions may be more suitable, to the detriment of the VPP. As one of the more powerful tools, its provisions can set aside the entire scheme. Despite this, it lacks transparency and does not appear in common searches such as a planning property report. As such, it is commonly overlooked. To increase transparency, the sites subject to Clause 52.03 would be mapped through a new overlay. If this is unachievable, this practice should be adopted for all new entries. Removal of an entry where its application is no longer needed (say, because the project is complete) should also take place to reduce the size and complexity of the VPP.</p>	<p>Supported</p>
<p><b>ID. No. Particular Provisions</b> 26</p>	<p><b>Clause No.</b> 52.06</p>	<p><b>Name</b> Car Parking</p>	<p><b>Modification</b> Review Car Parking having regard to the following:</p> <p>a) Review car parking rates in Table 1 in the context of transport mode shifts, lifestyle and technology changes and densification, and</p>	<p><b>Justification</b> There has been much discussion in recent times within industry and communities on the need to improve car parking requirements. These suggestions seek to update the provision having particular regard to the recommendations of the Car Parking Provisions Advisory Committee Final Report (2011).</p>	<p>Supported but proposed rates and exemptions to be tested</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>provide rates for those land uses not listed</p> <p>b) Provide car parking exemption in selected zones (commercial zones, Mixed Use Zone, and industrial zones) for Section 1 uses in existing buildings where floor area is not increased (for example change of use applications)</p> <p>c) Assess the recommendations not yet implemented from the Car Parking Provisions Advisory Committee Final Report (2011) including the recommendation to make a Clause 52.06 application exempt from notice and review in all circumstances.</p>	<p>The review of parking rates would reduce costs associated with providing car parking where it is found that the rates are in excess of demand. Combined with a review of bicycle rates, this would support the policy goal of encouraging transport alternatives and reduce the need for car parking dispensation permits in small matters.</p>	
<p><b>ID. No. Particular Provisions</b> 27</p>	<p><b>Clause No.</b> 52.08</p>	<p><b>Name</b> Earth and Energy Resources Industry</p>	<p><b>Modification</b> Review Earth and Energy Resources Industry having regard to the following:</p> <p>a) Review the role and function of the planning system in earth and energy resources and explore opportunities to minimise conflict and overlap with the Work Authority process under the <i>Mineral Resources (Sustainable Development) Act 1990</i></p> <p>b) Add a new sub-clause to Clause 52.08 to specify that permits cannot be issued with conditions that duplicate or conflict with an approved work plan</p> <p>c) Combine the provision with Clause 52.09 Stone Extraction and Extractive</p>	<p><b>Justification</b> Removing duplicate processes would simplify the planning system and ensure regulation is better targeted. Any change would need to ensure important community issues continue to be addressed. This would implement the 'land use focused' principle of a modern planning scheme.</p> <p>Combining this provision with Clause 52.09 Stone Extraction and Extractive Industry Interest Areas would 'group' similar issues within a single clause. These changes would improve the clarity of the VPP and increase its effectiveness, ensuring that resources are not taken up with duplicated processes.</p>	<p>Supported</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			Industry Interest Areas  d) Rationalise the permit triggers and permit exemptions.		
<b>ID. No. Particular Provisions</b> 28	<b>Clause No.</b> 52.10	<b>Name</b> Uses with Adverse Amenity Potential	<b>Modification</b> Review Uses with Adverse Amenity Potential having regard to the following:  a) Review buffer distances taking into account the Environmental Protection Authority's Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013)  b) Review and clarify the clause's application in 'reverse amenity' matters.	<b>Justification</b> The buffer distances currently referenced within Clause 52.10 are based on an outdated guideline. It is important to update them as industries and their impacts have changed over time, as have community expectations. This would ensure the VPP remains effective and that controls are proportional to the impact of new development. There is also an opportunity to review whether the clause should operate in reverse amenity matters, which is when a sensitive use is proposed near an existing use creating amenity impacts. This would clarify a point of confusion and may reduce land use conflicts between landowners and the community.	Supported
<b>ID. No. Particular Provisions</b> 29	<b>Clause No.</b> 52.12	<b>Name</b> Service Stations	<b>Modification</b> Review Service Stations having regard to the following:  a) Ensure the provision is updated to reflect current practices and modern service station designs, including reviewing the site area and crossover dimensions.	<b>Justification</b> This update would improve the effectiveness of this provision and better align the provision's purpose with the explicit numerical requirements.	Supported
<b>ID. No. Particular Provisions</b> 30	<b>Clause No.</b> 52.13	<b>Name</b> Car Wash	<b>Modification</b> Review Car Wash having regard to the following:  a) Ensure the provision is updated to reflect current practices and modern car wash design, including reviewing crossover dimensions.	<b>Justification</b> Over time, the design of car washing facilities has changed with the advent of modern technology and changed traffic standards. Updating this provision would improve its relevance and consistency with the remainder of the VPP.	Supported

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
ID. No. Particular Provisions 31	Clause No. 52.14	Name Motor Vehicle, Boat or Caravan Sales	Modification Review Motor Vehicle, Boat or Caravan Sales having regard to the following:  a) Review the role and purpose of this provision, and the relevance of the dimensions, with a view to either removing or updating.	Justification The standards in this clause are outdated and are often inappropriate given the complexities of urban environments and the inherent variety in the premises themselves. As such, it is considered that this provision may not add value to the VPP, and removing it would simplify the VPP. If deleted, applications for Motor Vehicle, Boat or Caravan Sales may be adequately addressed by the application requirements and decision guidelines of various zone (and overlay) provisions.	Supported
ID. No. Particular Provisions 32	Clause No. 52.19	Name Telecommunications Facility	Modification Review Telecommunications Facility having regard to the following:  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.	Justification These updates could make it easier for providers to deliver necessary infrastructure and would improve useability and effectiveness of the VPP.	Supported  Given the increase in telecommunication facilities a broader review should be conducted including co-location of facilities
ID. No. Particular Provisions 33	Clause No. 52.27	Name Licensed Premises	Modification Review Licensed Premises having regard to the following:  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	Justification There is duplication between the permit process set out at Clause 52.27, and the liquor licensing process as managed by the Victorian Commission for Gambling and Liquor Regulation. This double-up takes valuable resources and creates lengthy timeframes and added costs for applicants, particularly for small business such as cafes and restaurants.  Removing duplicate processes would simplify the planning system and ensure regulation is better targeted. Any change would need to ensure important community issues continue to be addressed. This would	Supported for (a) and (c).  There is still a case for utilising planning expertise and local government knowledge of the social and health impacts of alcohol on their communities, in assessing the land use amenity impacts of liquor license proposals, but the two processes should be reviewed to ensure they

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>conditions, and relying on the Victorian Commission for Gambling and Liquor Regulation licensing process</p> <p>c) Include and clarify common application requirements, such as 'cumulative impact statements'.</p>	<p>implement the 'land use focused' principle of a modern planning scheme.</p> <p>Any change would need to maintain consideration of important community issues in relation to licensed premises. Consistent with a number of facilitative changes for small business, it is considered that premises within commercial zones could be exempt from the need for a planning permit for licensed premises, subject to conditions. Consolidation and review of application requirements would also improve useability.</p>	<p>work efficiently together.</p> <p>The proposal to exempt businesses from the planning permit processes must be replaced with an efficient and effective process for assessing the impact of new licenses on local communities.</p> <p>There must be considerations of the objectives of the Victorian public health and wellbeing act and the Victorian Outcomes Framework measure to achieve a:</p> <p><i>"10 per cent decrease in excess alcohol consumption by adolescents and adults by 2025."</i></p>
<p><b>ID. No. Particular Provisions</b> 34</p>	<p><b>Clause No.</b> 52.28</p>	<p><b>Name</b> Gaming</p>	<p><b>Modification</b></p> <p>Review Gaming having regard to the following:</p> <p>a) Review the role and function of the planning system in gambling and explore opportunities to minimise conflict and overlap with the Victorian Commission for Gambling and Liquor Regulation licensing process.</p>	<p><b>Justification</b></p> <p>Removing duplicate processes would simplify the planning system and ensure regulation is better targeted. Any change would need to ensure important community issues continue to be addressed. This would implement the 'land use focused' principle of a modern planning scheme.</p>	<p>Supported.</p> <p>There is still a case for utilising planning expertise in assessing the land use amenity impacts of gaming proposals, but the two processes should be reviewed to ensure they work efficiently together.</p>
<p><b>ID. No. Particular</b></p>	<p><b>Clause No.</b></p>	<p><b>Name</b> Land Adjacent to a</p>	<p><b>Modification</b> Review Land Adjacent to a Road</p>	<p><b>Justification</b> This provision has been the subject of much confusion</p>	<p>Supported</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
Provisions 35	52.29	Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road	<p>Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road having regard to the following:</p> <p>a) Clarify permit triggers and application requirements, in particular whether an alteration to access can refer to a change in use as well as a physical alteration</p> <p>b) Include a definition for the term 'create or alter access'</p> <p>c) Amend the provision to provide additional permit exemptions</p> <p>d) Explore the possibility of using standard VicRoads conditions to avoid referral</p> <p>e) Make access to a service road (other than an excluded service road) exempt from referral to VicRoads</p> <p>f) Make applications under this clause exempt from normal notice and review provisions.</p>	<p>and a number of 'Red Dot' decisions at VCAT. It is important that this provision is updated to better reflect the current requirements of VicRoads and DELWP and to reduce unnecessary permit triggers and referral requirements.</p> <p>Clarification on the scope of permit triggers would assist councils in understanding how to process applications which fall under this provision, while also creating added transparency for applicants. Adopting standard conditions to avoid referrals could streamline the permit process and produce time savings for applicants and reduce the administrative burden for councils.</p>	
ID. No. Particular Provisions 36	Clause No. 52.34	Name Bicycle Facilities	<p>Modification</p> <p>Review Bicycle Facilities having regard to the following:</p> <p>a) Update bicycle rates to reflect environmental sustainability goals, the needs of modern businesses and increased popularity of cycling as a transport mode, particularly with respect to offices</p> <p>b) Provide rates for more types of development.</p>	<p>Justification</p> <p>As with Clause 52.06 Car Parking, Clause 52.34 Bicycle Facilities requires review to better reflect sustainability initiatives, the needs of modern business and the increased popularity of cycling. This would better implement existing policy, such as encouraging alternative transport modes, and increase the relevance of the VPP.</p>	Supported

<b>ID. No. Zones</b>	<b>Clause No.</b>	<b>Name</b>	<b>Modification</b>	<b>Justification</b>	<b>YRC Comment</b>
<b>ID. No. Particular Provisions</b> 37	<b>Clause No.</b> 52.37	<b>Name</b> Post Boxes and Dry Stone Walls	<b>Modification</b> Review Post Boxes and Dry Stone Walls having regard to the following:  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.	<b>Justification</b> The purpose of this provision is to specifically conserve historic post boxes and dry stone walls. Because it is not mapped and is in an obscure location in the VPP, the provision is commonly overlooked, and does not appear on planning property reports. The protection and conservation of items of heritage value is generally managed under the Heritage Overlay and it is therefore considered that this overlay is better suited to this role. This would require mapping of historic post boxes and dry stone walls which would increase the transparency of the VPP. It would also improve understanding and compliance with this provision.	Supported
<b>ID. No. Particular Provisions</b> 38	<b>Clause No.</b> 54, 55, 56 and 58	<b>Name</b> Residential	<b>Modification</b> Review Clause 54,55,56 and 58 having regard to the following:  a) Clarify the relationship between the standards and objectives, and particularly whether full compliance with the standard means that the objective is also met.	<b>Justification</b> This change would aim to remove a development and subdivision provisions common point of confusion among applicants, councils and the community, and address a variety of VCAT decisions on this issue.	Supported
<b>ID. No. Particular Provisions</b> 39	<b>Clause No.</b> 57	<b>Name</b> Metropolitan Green Wedge Land	<b>Modification</b> Review Metropolitan Green Wedge Land having regard to the following:  a) Assess the practicality of making this provision more transparent by incorporating the requirements into existing VPP zones (such as the Green Wedge Zone) in a way that is policy neutral and does not weaken its controls.	<b>Justification</b> The purpose of this reform is to increase the transparency of green wedge controls and reduce the complexity of the VPP by consolidating controls. Clause 57 is a commonly overlooked and 'hidden' provision that acts in addition to zones. It does not appear in basic search queries such as planning property reports. Relying on existing tools, amended as necessary, to manage green wedge areas in a way that maintains the strength of the controls would improve the transparency of the VPP.	Supported  Consider reviewing the definition of green wedge in Clause 57 of the planning scheme which is not aligned with the description in the Planning and Environment Act 1987.
<b>ID. No. General Provisions</b>	<b>Clause No.</b>	<b>Name</b> General Provisions	<b>Modification</b> Review General Provisions having	<b>Justification</b> Application requirements are currently listed under permit triggers, making them spread across many	Supported in principle but to be tested

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
40	60		<p>regard to the following:</p> <p>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.</p>	<p>different parts of the VPP. In practice, they are not used conscientiously by applicants nor are they routinely required by councils. Because of this they have lost their relevance to many permit processes. They also add to complexity by repeatedly describing typical requirements, such as basic site and context plans. These common requirements could be defined in Clause 72 meaning their contents do not need to be restated under every trigger.</p> <p>Many councils have created their own 'checklists' of application requirements based on different application types, practically making the application requirements in the scheme redundant. In some cases excessive application requirements can cause delays to permit processes and add to the cost of an application. A table form with checkboxes for each requirement under each trigger could be a logical method of presentation. Reviewing and consolidating the application requirements would make the VPP clearer and simpler.</p>	
<b>ID. No. General Provisions</b> 41	<b>Clause No.</b> 65		<p><b>Modification</b></p> <p>Decision Guidelines Review Decision Guidelines having regard to the following:</p> <p>a) Review all decision guidelines across the VPP and consolidate under Clause 65, similar to Clause 66 Referral and Notice provisions.</p>	<p><b>Justification</b></p> <p>A review of the decision guidelines across the scheme, would remove obsolete requirements and add much needed requirements that better reflect policy and practice. This would ensure that all decision guidelines are appropriate and relevant.</p> <p>There is much repetition within decision guidelines as they are scattered in many locations across the planning system. Clause 65 contains overarching decision guidelines, but more specific guidelines are often found under each permit trigger. In the case of common triggers (use, subdivision and building and works), these guidelines are often repeated under each zone, such as "the drainage of the land" appearing in IN1Z, IN2Z, IN3Z, C1Z, C2Z and PZ. A new checkbox table in Clause 65 with each trigger listed could be a more efficient and simpler method</p>	Supported but to be tested

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
ID. No. General Provisions 42	Clause No. 66	Referral and Notice Provisions	<p>Review Referral and Notice Provisions having regard to the following:</p> <p>a) Remove references to seeking the views and comments of referral authorities throughout the VPP and use formal processes of Clause 66 instead</p> <p>b) Review the classification of referral agencies as 'recommending' authorities or 'determining' authorities</p> <p>c) Encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters</p> <p>d) Make the Department of Economic Development, Jobs, Transport and Resources a referral authority for land near existing quarries.</p>	<p><b>Justification</b></p> <p>This reform seeks to clarify and bring consistency to referrals by limiting them to formal referrals only and moving away from informal referrals. It also seeks to remove unnecessary regulatory burden and streamline the referral process for appropriate application types through greater use of standard agreements.</p>	<p>Supported (b) and (c)</p> <p>Regarding (a) there are risks in moving away from informal referrals. The planning scheme triggers for referring to some authorities are not strong enough to raise issues at the right time. An example is Melbourne Water where there are biodiversity/water quality risks. If the flood risk is avoided, the application could not be referred and important information could be missed.</p>
ID. No. General Definitions 43	Clause No. 72	General Terms	<p><b>Modification</b></p> <p>Review General Terms to investigate the inclusion of:</p> <p>a) 'outbuildings normal to a dwelling'</p> <p>b) 'sensitive uses'.</p>	<p><b>Justification</b></p> <p>These are terms that are common sources of confusion and dispute. Providing the definitions would bring clarity and make the planning scheme easier to use, as well as improving permit application timeframes.</p>	Supported
ID. No. General Definitions 44	Clause No. 74	Land Use Terms	<p><b>Modification</b></p> <p>Review all VPP land use terms and definitions, and associated treatment in the land use tables, having regard to the following objectives:</p> <p>a) Reduce the number of terms</p>	<p><b>Justification</b></p> <p>Land use terms are a common source of confusion and dispute, and have not kept pace with changes in businesses and communities. The survey suggested widespread support for a holistic review of land use terms, especially from local government planners.</p> <p>The VPP seeks to categorise how land is used into</p>	<p>Supported</p> <p>Review the definition and permit triggers for 'Earthworks' in the Green Wedge zone. The current regime provides for</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>b) Remove obsolete uses</p> <p>c) Separate out common land uses only when necessary to be treated differently in zone tables</p> <p>d) Be less prescriptive by removing overly specific terms</p> <p>e) Broaden terms and definitions to account for rapidly shifting industries and lifestyles</p> <p>f) Use every day and plain-English terms that the community readily understands aid understanding (bar), in other cases</p> <p>g) Modernise definitions including consideration of emerging social, economic and technological trends</p> <p>h) Provide definitions for undefined terms, excluding those where there is an appropriate ordinary dictionary meaning or definition in the Act.</p> <p>Review Land Use Terms to investigate adding the following (only where necessary and in recognition of the objectives above):</p> <p>‘Rural workers accommodation’, ‘Carbon sequestration’, ‘Contractor’s Depot’, ‘Holiday dwelling’, ‘Café’, ‘Music and arts festival’, ‘Maker’, ‘Community gardens’, ‘Storage facility’ and ‘Animal day care’.</p> <p>Review Land Use Terms to investigate revising the following:</p> <p>‘Tavern’, ‘Airport’ and ‘Airfield’,</p>	<p>defined and, at times, very specific terms. Many of the terms are now outdated. In some cases obscure terms are used (tavern) when everyday terms could aid understanding (bar), in other cases very common land uses are not used (café). Where the common term and the planning term depart, this causes uncertainty and confusion among the community and makes it harder for non-professionals to participate in the planning system.</p> <p>In other cases, definitions need updating to reflect shifts in the land use over time.</p> <p>Modernising the land use terms and definitions, and consequential changes to the zone land use tables, would simplify the VPP and improve levels of understanding of the planning system.</p> <p>Please see Proposal 5.1 for more information.</p>	<p>exemptions that are unclear and difficult to prove as it refers to the rate of flow or discharge point of water.</p> <p>Earthworks at a commercial scale should require a planning permit.</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			<p>'Primary produce sales', 'Utility installation', 'Minor utility installation', 'Place of worship', 'Anemometer', 'Winery', 'Shop', 'Food and drink premises', 'Leisure and recreation', 'Animal keeping', 'Brothel', 'Renewable energy facility', 'Heliport', 'Caretakers residence', 'Community market', 'Trash and treasure market', 'Dwelling', 'Cinema based entertainment facility', 'Warehouse', 'Store', 'Gambling premises', 'Gaming premises', 'Convenience restaurant', 'Art and craft centre', 'Art gallery', 'Amusement parlour', 'Pleasure park', 'Retirement village' and 'Residential village', 'Restricted retail facility', 'Group accommodation', 'Industry', 'Medical centre', 'Agriculture', 'Bed and breakfast', 'Night club', 'Hotel', 'Retail', 'Accommodation', 'Place of assembly', 'Restaurant', 'Earth and energy resources' and 'Stone extraction', 'Materials recycling', and 'Transfer Stations'.</p> <p>Review Land Use Terms to investigate removing terms within the land use table that do not have definitions as is consistent with Clause 71.</p>		
<b>ID. No. General Definitions</b> 45	<b>Clause No.</b> 74	<b>Name</b> Land Use Terms	<b>Modification</b> Review Land Use Terms having regard to the following: a) Investigate how the VPP treats commercial battery storage facilities both as stand-alone facilities and	<b>Justification</b> As battery storage facilities are predicted to increase in number and scale in future years, it is important that the VPP is able to define and facilitate their approval. This would increase the relevancy of the VPP and support sustainability policy goals.	Supported

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			those collocated with energy generation projects, including whether new or revised definitions are required and in which zones they are appropriate.		
ID. No. General Definitions 46	Clause No. 75	Name Nesting Diagrams	<b>Modification</b> Review Nesting Diagrams having regard to the following: a) Shift 'Cinema Based Entertainment Facility' from un-nested to within the 'Place of Assembly' group.	<b>Justification</b> Cinema fits more naturally within a 'Place of Assembly' nesting diagram and in doing so would provide clarity to the VPP. Its treatment in the zone land use tables would also need review so that any change is policy neutral.	Supported
ID. No. Incorporated Documents 47	Clause No. 81	Name Incorporated Documents	<b>Modification</b> Review Incorporated Documents having regard to the following: 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.	<b>Justification</b> Ready access to planning documents is a fundamental principle of a modern planning scheme. Documents should be available freely and accessible online, in forms that are readable and capable of 'copy' and 'paste'. Noting the recommendation to implement a Victorian planning library, making all documents free and fully accessible would increase transparency, lead to fewer disputes, and improve confidence in the planning system. Updating the listed incorporated documents with newer versions, and removing outdated documents, would increase the relevance of the VPP.	Supported
ID. No. Other 48	Clause No.	Name Practice Notes	<b>Modification</b> Review Planning Practice Notes	<b>Justification</b> Repackaging the (now long) list of practice notes would	Supported

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
	N/A		<p>having regard to the following:</p> <p>a) Repackaging the extent of practice notes to make them easier to navigate. This includes introducing a new VPP manual to support planning authorities (and repositioning appropriate practice notes focused on implementing and writing provisions into the manual)</p> <p>b) Create a new Practice Note addressing advertising sign provisions, in particular outlining a mechanism by which councils can address concerns about the safety impact of signs on or near state-controlled roads where VicRoads is not a referral authority</p> <p>c) Update Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes - to reflect the circumstances when mandatory provisions should be applied.</p>	<p>improve readability and accessibility.</p> <p>In recent years, the practice of applying mandatory controls (as opposed to discretionary controls) has shifted following a series of high profile panel reports and planning scheme amendments. Updating the practice note to reflect government policy and to provide clearer guidance would remove a source of common confusion and uncertainty among applicants, councils and the community.</p>	
ID. No. Other 49	Clause No. N/A	Technology and the availability of documents	<p>Review planning systems having regard to the following:</p> <p>a) Review processes for accessing planning applications and update Planning Practice Note 74 - Availability of planning documents - to encourage councils to make documents relating to permit applications available freely online via their website</p> <p>b) Provide a plain text version of planning schemes on 'Planning</p>	<p>Visiting a council office to view a planning application file is an anachronism that acts as a barrier to participation in the planning process. Making applications available online would bring considerable transparency benefits and improve public confidence in the planning system, as well as reducing administrative burden for councils to service requests. Some councils already do this for major applications. The data should be made available for third parties, subject to privacy considerations, to create new and innovative online tools for the community.</p> <p>PDF-based planning scheme provisions, while suited to</p>	Supported. YRC has introduced e-planning on its website

ID. No. Zones	Clause No.	Name	Modification	Justification	YRC Comment
			Schemes Online' to allow convenient 'copy and paste' into reports, or deliver through HTML using PSIMS.	printing, are difficult to interact with, and make it difficult for council planners and applicants to undertake the common task of 'copying' and 'pasting' into reports. Making a plain text version of each planning scheme would be a simple but effective time saver for practitioners.	
ID. No. Other 50	Clause No. N/A	Section 173 agreements	<p>Review Section 173 agreements having regard to the following:</p> <p>a) Their role in the planning system and whether they are overused including in local schedules</p> <p>b) The benefits of creating a standard agreement template that would only require minimal amendments for most purposes.</p>	<p>The use of Section 173 agreements has increased in recent years, representing a 32 per cent increase since 2004. This has cost implications for applicants, councils and the titles office. The process of drafting, negotiating and signing agreements is a common source of planning delay.</p> <p>Providing standard agreement templates would focus the parties on the substantive issues and reduce time and cost for all parties.</p>	Supported