

Dear Sir/madam,

1 December 2017

**Smart Planning Program
Submission to Review of Victorian Planning Provisions (VPPs)**

*Submitted online via
Engage Victoria Website:
<https://engage.vic.gov.au/reform-victoria-planning-provisions>*

We write in response to the Victorian Government's recent request for submissions on the current review of the Victorian Planning Provisions (VPPs). The Smart Planning Program is seeking to review the VPPs in order to reduce complexity, duplication, delays and uncertainty. Ratio strongly supports the intent of the Smart Planning review.

This submission has been prepared after members of our team attended information sessions run by PIA, VPELA and the Property Council on the Smart Planning Review. A detailed review of the Discussion Paper has also been undertaken. In response, please find attached:

- Table 1 which includes a response against each of the proposed modifications;
- Appendix A – Amended Car Wash provision (including track changes);
- Appendix B – Proposed Caretakers Houses provision; and
- Appendix C – Proposed Service Station provision.

We note the finer details of a number of the changes proposed are not available for comment at this stage. We would welcome the opportunity to comment further as any detailed policy changes are developed.

Should you have any queries regarding this submission, please do not hesitate to contact the office.

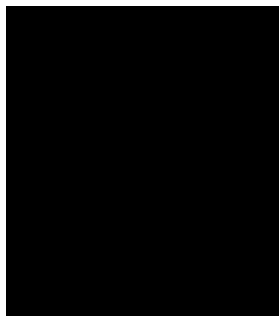


Table 1: Ratio Response to Possible Reforms of Specific Provisions

ID. No. Zones	Clause No.	Name	Modification	Justification	Ratio Comments
ID. No. Zones 1	Clause No. 30	All zone schedules	<p>Review all zone schedules having regard to the following:</p> <p>a) Enhance the Ministerial Direction – The Form and Content of Planning Schemes to limit structural modifications (such as to headings and order, etc) and ensure consistency across the VPP</p> <p>b) Ensure the distinction between the state and local clauses remains clear.</p>	<p>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>	Support improving consistency across the various schedules to the zones in principle.
ID. No. Zones 2	Clause No. 30	All zones	<p>Review zones having regard to the following:</p> <p>a) Rename zones from being numerical (for example, 'Industrial 1 Zone') to being descriptive and adopting everyday words, such as used for the residential zones</p> <p>b) Examine the role and function of the following zones to establish whether they can be replaced with other VPP tools (such as the Mixed Use Zone or the Commercial 1 Zone and an Incorporated Plan Overlay or Development Plan Overlay), or amalgamate the following zones into a single zone that can be</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>	Support the simplification of zone names and improving the clarity of wording in principle.

			<p>tailored to reflect local circumstances:</p> <p>i. Priority Development Zone</p> <p>ii. Activity Centre Zone</p> <p>c) Create consistency in use of phrasing where a common meaning applies (such as the phrases 'generally in accordance with', 'generally consistent with' and 'in accordance with').</p>		
<p>ID. No. Zones 3</p>	<p>Clause No. 32</p>	<p>Name All Residential Zones</p>	<p>Modification</p> <p>Review residential zones having regard to the following:</p> <p>a) Make single dwellings on lots greater than 300sqm exempt from a planning permit by lowering the threshold for a permit from 500 to 300sqm (they are already exempt on lots greater than 500sqm), relying on the building code to address siting and design issues</p> <p>b) Make 'Childcare Centre' a Section 1 (as of right) land use within the Residential Growth Zone, subject to conditions, such as relating to size</p> <p>c) Redraft the following phrase used uniquely in the residential zones as a permit trigger: 'construction and extension of ...' and adopt the more commonly used 'to construct a building or construct and carry out works ...' to create consistency with other zones.</p>	<p>Justification</p> <p>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.</p> <p>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.</p>	<p>Ratio Comments</p> <p>A) Support B) Support C) Support</p> <p>In addition, we recommend the mandatory garden area should not apply to sites within the General Residential Zone where housing growth is specifically encouraged.</p>
<p>ID. No. Zones 4</p>	<p>Clause No. 32.04</p>	<p>Name Mixed Use Zone</p>	<p>Modification</p> <p>Review the Mixed Use Zone having regard to the following:</p> <p>a) Make more commercial uses in the Mixed Use Zone Section 1 (as</p>	<p>Justification</p> <p>Providing a greater range of land use exemptions (subject to conditions) in the Mixed Use Zone would facilitate commercial and community-focused activity and streamline the planning application process for applicants.</p>	<p>Ratio Comments</p> <p>A) Support B) Support C) Support</p>

			<p>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>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>ID. No. Zones 5</p>	<p>Clause No. 33.01</p>	<p>Name Industrial 1 Zone</p>	<p>Modification Review the Industrial 1 Zone having regard to the following: 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.</p>	<p>Justification 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. 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>Ratio Comments A) Support B) Support</p>
<p>ID. No. Zones 6</p>	<p>Clause No. 33.03</p>	<p>Name Industrial 3 Zone</p>	<p>Modification Review the Industrial 3 Zone having regard to the following: 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</p>	<p>Justification 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. Making 'Motor Vehicle 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>Ratio Comments A) Support B) Support C) Support</p>

ID. No. Zones	Clause No.	Name	Modification	Justification	Ratio Comments
7	34.02	Commercial 2 Zone	<p>Review the Commercial 2 Zone having regard to the following:</p> <p>a) Make 'Convenience Restaurant' a Section 1 (as of right) land use</p> <p>b) Make 'Manufacturing Sales' a Section 1 (as of right) land use to support the establishment of 'small makers' and creative industries.</p>	<p>'Convenience Restaurant' and 'Manufacturing Sales' are both land uses that are in keeping with the purpose of the zone. This reform would facilitate</p> <p>business activity by removing unnecessary regulatory burden from the planning application process for these land uses.</p>	<p>A) Support</p> <p>B) Support</p>
8	35	All rural zones	<p>Review the rural zones having regard to the following:</p> <p>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.</p>	<p>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.</p>	<p>A) Support</p>
9	35.07	Farming Zone	<p>Review the Farming Zone having regard to the following:</p> <p>a) Allow more primary produce sales as a Section 1 (as of right) use by increasing the floor area condition and allow a wider range of related goods to be sold.</p>	<p>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.</p>	<p>A) Support</p>
10	37.03	Urban Floodway Zone	<p>Review the Urban Floodway Zone having regard to the following:</p> <p>a) Assess the role and function of the zone, in the context of the suite of flooding overlays, and</p>	<p>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</p>	<p>A) Support</p> <p>We support the review of the various flooding tools and question the necessity of this provision. We also support increased</p>

			consider whether it can be replaced with a flood overlay only (see also Floodway Overlay proposal).	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.	justification being required for its application, given how restrictive the zone is.
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.	Ratio Comments A) Support B) No comment
ID. No. Overlays	Clause No.	Name All overlays	Modification	Justification These reforms aim to holistically increase consistency across the VPP,	Ratio Comments A) Support

12	40		<p>Review all overlays having regard to 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>and to guide municipalities to the 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>B) Support</p> <p>C) Support</p> <p>D) Support</p>
ID. No. Overlays 13	Clause No. 42	Name Environmental and landscape overlays	<p>Modification</p> <p>Review all environmental and landscape overlays having regard to the following:</p> <p>a) Amend the head provision to relocate the 'Table of exemptions'</p>	<p>Justification</p> <p>This change seeks to increase useability by ensuring that all permit exemptions related to vegetation are listed at Clause 62. This provides a central location and reduces lengthy provisions appearing multiple times,</p>	<p>Ratio Comments</p> <p>A) Support</p> <p>B) Support</p> <p>C) Support</p>

			<p>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>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>ID. No. Overlays 14</p>	<p>Clause No. 43.01</p>	<p>Name Heritage Overlay</p>	<p>Modification</p> <p>Review the Heritage Overlay having regard to the following:</p> <p>a) Review the proposed reforms to the overlay as proposed by the Heritage Provisions Advisory Committee, such as clarifying whether the overlay recognises precinct-wide or site specific values</p> <p>b) Create consistency in use of words where a common meaning applies, such as ‘cultural significance’, ‘heritage value’, ‘heritage interest’ and so on</p> <p>c) Create a new permit exemption for minor buildings and works, which do not affect heritage values, such as small verandas and pergolas and maintenance and the minor upgrade of railway infrastructure. Consider limiting exemptions to non-contributory buildings</p> <p>d) Review the use of exemptions for certain minor buildings and works, such as those cited in Yarra and Moreland Council</p>	<p>Justification</p> <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>Ratio Comments</p> <p>A) Support B) Support C) Support D) Support</p>

			incorporated documents, to determine if these exemptions can be introduced more broadly across Victoria and made more transparent and accessible.		
ID. No. Overlays 15	Clause No. 43.04	Name Development Plan Overlay	Modification Review the Development Plan Overlay having regard to the following: a) Amend the exemption from notice and review provision to remove the 'catch 22' provision.	Justification The 'catch 22' provision is set out in Saunders v Frankston CC (Red Dot) [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.	Ratio Comments A) Support We recommend clarifying when notice isn't required and providing clear direction that notice must not be given when an application is notice is exempt. This improve consistency in when notice is and isn't give, reduce the resources required to advertise application even though notice is exempt and reduce confusion in the community when residents are notified of an application but have no third-party review rights.
ID. No. Overlays 16	Clause No. 43.05	Name Neighbourhood Character Overlay	Modification 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.	Justification 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.	Ratio Comments A) Support
ID. No. Overlays 17	Clause No. 44	Name Land management overlays	Modification Review all land management overlays having regard to the following: a) Review the role and function of the three inundation related overlays (Land Subject to Inundation Overlay, Special Building Overlay, and Floodway Overlay, together with the Urban	Justification 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	Ratio Comments A) Support

			Floodway Zone) to understand if amalgamations are possible and the distinctions between the overlays and their objectives, are made clearer.	review with a view to avoiding duplication.	
ID. No. Overlays 18	Clause No. 44.01	Name Erosion Management Overlay	Modification Review the Erosion Management Overlay having regard to the following: a) Ensure provisions reflect the level of risk and purpose of the overlay b) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the control 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.	Justification 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.	Ratio Comments A) Support B) Support C) Support
ID. No. Overlays 19	Clause No. 44.02	Name Salinity Management Overlay	Modification Review the Salinity Management Overlay having regard to the following: 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 and ensure permit triggers are linked to the purpose of the overlay	Justification 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.	Ratio Comments A) Support B) Support C) Support

ID. No. Overlays	Clause No.	Name	Modification	Justification	Ratio Comments
20	44.03	Floodway Overlay	<p>c) Review referral authority requirements.</p> <p>Review the Floodway Overlay having regard to the following:</p> <p>a) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay</p> <p>b) Improve access to flood levels required to ensure drawings are compliant prior to submitting a planning permit application.</p>	<p>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'.</p>	<p>A) Support</p> <p>B) Support</p>
21	44.04	Land Subject to Inundation Overlay	<p>Review the Land Subject to Inundation Overlay having regard to the following:</p> <p>a) Update the purpose of the overlay from referring to a 1-in-100-year flood, to "flooding from a waterway in a 1% Annual Exceedance Probability (AEP) flood event"</p> <p>b) Update the purpose of the overlay to include the words "to provide for the protection of drainage assets".</p> <p>c) Ensure permit triggers are linked to the purpose of the overlay</p> <p>d) Increase the opportunities for permit exemptions, such as developments not impeding water flow</p> <p>e) Allow greater flexibility by expanding the floor space allowable for a building extension before a permit is triggered for buildings and works</p>	<p>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.</p>	<p>A) Support</p> <p>B) Support</p> <p>C) Support</p> <p>D) Support</p> <p>E) Support</p> <p>F) Support</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.		
ID. No. Overlays 22	Clause No. 44.05	Name Special Building Overlay	<p>Modification</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 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>Justification</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>Ratio Comments</p> <p>A) Support</p> <p>B) Support</p> <p>C) Support</p> <p>D) Support</p> <p>E) Support</p> <p>F) Support</p> <p>G) Support</p>

ID. No.	Clause No.	Name	Modification	Justification	Ratio Comments
Overlays 23	45.02	Airport Environs	Review the Airport Environs Overlay having regard to the following: a) Ensure the overlay reflects the new Federal standards and associated noise contours b) Consider the amalgamation of the overlay with Melbourne Airport Environs Overlay	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.	A) Support B) Support
Overlays 24	45.07	City Link Project	Review the City Link Project Overlay having regard to the following: a) Review the role and function of the overlay and consider deletion and replacement with Clause 52.03 Specific Site and Exclusions if a need for special provisions remains, noting the recommendation to map Clause 52.03 items b) Amend the head provision to rename the document as 'Melbourne City Link Project – Advertising Signs Location September 2014' in the Purpose and in Clauses 45.07-2 and 45.07-3.	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 reference to the latest version would increase the accuracy of the VPP.	A) Support B) Support
Particular Provisions 25	52.03	Specific Sites and Exclusions	Review Specific Sites and Exclusions having regard to the following: a) Remove outdated provisions b) Establish clear rules around when it can be used to avoid overuse c) Establish the practicality of mapping all items within a new Specific Provisions Overlay to	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	A) Support B) Support C) Support

			improve transparency and public awareness.	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.	
ID. No. Particular Provisions 26	Clause No. 52.06	Name Car Parking	Modification Review Car Parking having regard to the following: a) Review car parking rates in Table 1 in the context of transport mode shifts, lifestyle and technology changes and densification, and provide rates for those land uses not listed b) Provide car parking exemption in selected zones (commercial zones, Mixed Use Zone, and industrial zones) for Section 1 uses in existing buildings where floor area is not increased (for example change of use applications) c) Assess the recommendations not yet implemented from the Car Parking Provisions Advisory Committee Final Report (2011) including the recommendation to make a Clause 52.06 application exempt from notice and review in all circumstances.	Justification 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). 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.	Ratio Comments A) Support Specifically, we recommend the following: - Reduce the warehouse rate to 1.5 spaces per 100sqm (the provision applicable prior to the reforms in 2012) - Introduce a progressively lower rate for warehouse and industry uses as they get larger to reflect the lower employment densities you get with increasing size. - Review the parking rates that are based on 'site area' (for example, Trade Supplies + Store as these have been found to result in either under supply or over supply). - Introduce a parking requirement for service stations of approximately 5 spaces (or alternatively a rate per 100sqm). - Reduce the on-site visitor requirement for Dwelling uses. In our experience a more appropriate rate would be one space for between 5 and 10 dwellings, then 0.1 spaces per dwelling thereafter. - Include Restricted Recreation Facility as a use in Table 1 with its own parking rate per patron. - Include café as a land use with a specific rate.

					B) Support C) Support
ID. No. Particular Provisions	Clause No.	Name	Modification	Justification	Ratio Comments
27	52.08	Earth and Energy Resources Industry	<p>Review Earth and Energy Resources Industry having regard to the following:</p> <p>a) Review the role and function of the planning system in earth and energy resources and explore opportunities to minimise conflict and overlap with the Work Authority process under the <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 Industry Interest Areas</p> <p>d) Rationalise the permit triggers and permit exemptions.</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>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>	A) No comment
28	52.10	Uses with Adverse Amenity Potential	<p>Review Uses with Adverse Amenity Potential having regard to the following:</p> <p>a) Review buffer distances taking into account the Environmental Protection Authority's Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013)</p> <p>b) Review and clarify the clause's application in 'reverse amenity' matters.</p>	<p>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</p>	A) Support B) Support

				between landowners and the community.	
ID. No. Particular Provisions 29	Clause No. 52.12	Name Service Stations	Modification 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.	Justification This update would improve the effectiveness of this provision and better align the provision's purpose with the explicit numerical requirements.	Ratio Comments A) Support. The provisions of Clause 52.12 are rigid, outdated and no longer reflect the current standards in terms of service station uses, amenity or built form. We submit Clause 52.12 should be amended as detailed in Appendix C. Crossover width requirements for service stations should be deleted and simply require crossover be designed to accommodate a tank truck.
ID. No. Particular Provisions 30	Clause No. 52.13	Name Car Wash	Modification 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.	Justification 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.	Ratio Comments A) Support The provisions of Clause 52.13 are rigid, outdated and no longer reflect the current standards in terms of car washing facilities. We recommend updating Clause 52.13 as detailed in Appendix A.
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.	Ratio Comments A) Support
ID. No. Particular	Clause No.	Name	Modification	Justification	Ratio Comments A) Support

Provisions 32	52.19	Telecommunications Facility	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.	These updates could make it easier for providers to deliver necessary infrastructure and would improve useability and effectiveness of the VPP.	
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 licencing 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'.	Justification There is duplication between the permit process set out at Clause 52.27, and the liquor licencing 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 implement the 'land use focused' principle of a modern planning scheme. 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 licenced premises,	Ratio Comments A) We support the removal of assessment criteria within Clause 52.27 which repeats considerations assessed under the VCGLR. B) Support the exemption of low risk licence categories in Commercial Zones from permit requirements. C) Support In addition, we would encourage better clarification on what amenity considerations are specifically required to avoid double up with VCGLR considerations (i.e. we contend that broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if ever) be a relevant planning consideration in the exercise of discretion for a particular licensed premises under Clause 52.27 (See: Hunt Club Commercial Ply Ltd v Casey CC (includes Summary) (Red Dot) [2013] VCAT 725 (20 May 2013)).

				subject to conditions. Consolidation and review of application requirements would also improve useability.	
ID. No. Particular Provisions 34	Clause No. 52.28	Name Gaming	Modification Review Gaming having regard to the following: 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.	Justification 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.	Ratio Comments We support the removal of duplication within the assessment process under the planning scheme and that of the VCGLR. Specifically, we recommend the removal of the requirement for a consideration of social and economic effects from the planning system (as this is regulated through the VCGLR). The focus of the planning assessment would then be on the location and proximity of incompatible uses. Further, we encourage better clarification on locational considerations (i.e should be related to immediate context rather than Municipality as a whole). We also recommend better clarification on whether the installation of additional gaming machines still requires permit even if no permit required to use machines (i.e. consideration of the McKinnon Principle - McKinnon Hotels Pty Ltd v Glen Eira CC [2011] VCAT 413 (17 March 2011)).
ID. No. Particular Provisions 35	Clause No. 52.29	Name Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road	Modification Review Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road having regard to the following: 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	Justification This provision has been the subject of much confusion 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. 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	Ratio Comments A) Support B) Support C) Support D) Support E) Support F) Support

			<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 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>	<p>Ratio Comments</p> <p>A) Support</p> <p>We specifically would encourage increasing the bicycle parking provision for offices and dwellings. In addition, the requirement as it applies to dwellings should be amended to apply to multi dwelling developments of 5 or more dwellings, not just those about 3 storeys.</p> <p>B) Support</p>
ID. No. Particular Provisions 37	Clause No. 52.37	Name Post Boxes and Dry Stone Walls	<p>Modification</p> <p>Review Post Boxes and Dry Stone Walls having regard to the following:</p> <p>a) Examine the feasibility of removing the provision, identifying historic post boxes and dry stone walls through mapping and protecting them through the Heritage Overlay.</p>	<p>Justification</p> <p>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.</p>	<p>Ratio Comments</p> <p>A) Support</p>
ID. No. Particular	Clause No.	Name	Modification	Justification	Ratio Comments

Provisions 38	54, 55, 56 and 58	Residential	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.	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.	<p>A) Support</p> <p>The operations of Clause 54, 55, 56 and 58 have been formulated to provide an overriding objective which must be met and relevant standards that should be met. A standard contains the requirements to meet the objective.</p> <p>Support is given to provide further clarification of the relationship between the objectives and standards. It is our view that where there is full compliance with the standard, the relevant objective is met. This aligns with the operation of the clauses and with the VCAT decision by Member Byard in <u>Chak Lai Li v Whitehorse CC</u> [2005] VCAT 1274. The quantifiable requirements in a standard are formulated to achieve the overriding objective. It would be illogical to meet all the requirements and then conclude it fails to meet the objective. To that end, it would make the requirements in the standard redundant.</p> <p>It is important to also acknowledge that an objective can still be met without full compliance of a standard and that meeting an objective does not equate to an automatic approval. These commonly held views are still applicable and their appropriate application should be specifically defined within the scheme.</p>
ID. No. Particular Provisions 39	Clause No. 57	Name Metropolitan Green Wedge Land	Modification 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	Justification 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	Ratio Comments A) Support

			Zone) in a way that is policy neutral and does not weaken its controls.	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.	
ID. No. General Provisions 40	Clause No. 60	Name General Provisions	Modification Review General Provisions having regard to the following: 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.	Justification Application requirements are currently listed under permit triggers, making them spread across many 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. 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.	Ratio Comments A) Support
ID. No. General Provisions 41	Clause No. 65	Name Decision Guidelines	Modification Review Decision Guidelines having regard to the following: a) Review all decision guidelines across the VPP and consolidate	Justification 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	Ratio Comments A) Support

			under Clause 65, similar to Clause 66 Referral and Notice provisions.	ensure that all decision guidelines are appropriate and relevant. 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	
ID. No. General Provisions 42	Clause No. 66	Name Referral and Notice Provisions	Modification Review Referral and Notice Provisions having regard to the following: a) Remove references to seeking the views and comments of referral authorities throughout the VPP and use formal processes of Clause 66 instead b) Review the classification of referral agencies as ‘recommending’ authorities or ‘determining’ authorities c) Encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters d) Make the Department of Economic Development, Jobs, Transport and Resources a referral authority for land near existing quarries.	Justification 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.	Ratio Comments A) No comment B) Support C) Support D) No comment
ID. No. General	Clause No.	Name General Terms	Modification	Justification	Ratio Comments A) Support

Definitions 43	72		Review General Terms to investigate the inclusion of: a) 'outbuildings normal to a dwelling' b) 'sensitive uses'.	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.	B) Support In addition, we recommend the term 'garden area' be better defined.
ID. No. General Definitions 44	Clause No. 74	Name Land Use Terms	Modification Review all VPP land use terms and definitions, and associated treatment in the land use tables, having regard to the following objectives: a) Reduce the number of terms b) Remove obsolete uses c) Separate out common land uses only when necessary to be treated differently in zone tables d) Be less prescriptive by removing overly specific terms e) Broaden terms and definitions to account for rapidly shifting industries and lifestyles f) Use every day and plain-English terms that the community readily understands 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 Land Use Terms to investigate adding the following (only where necessary and in recognition of the objectives above):	Justification 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. The VPP seeks to categorise how land is used into 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. In other cases, definitions need updating to reflect shifts in the land use over time. 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. Please see Proposal 5.1 for more information.	Ratio Comments We support the review of land use terms. In addition to those listed, we recommend the removal of the 'Nursing Home' Definition from Clause 74. Nursing home is currently listed within Clause 74 however is not specifically defined which creates confusion regarding the nature of this type of use (as compared to aged care). Given the changing face of care in this space, this is no longer seen to require its own definition and such uses could adequately fall within 'Residential Aged Care Facility'. This is particularly the case as the definition for Residential Aged Care facility refers to 'personal or nursing care'. Please also see Appendix B in relation to care takers' residences. We also recommend amending the definition of a Service Station to: <i>Land used to sell motor vehicle fuel from bowsers as well as the charging of electric vehicles, and sale of lubricants. It may include the:</i> a) <i>selling of motor vehicle accessories or parts;</i> b) <i>selling of food, drinks for consumption on or off the premises and other convenience goods;</i> c) <i>hiring of trailers;</i> d) <i>servicing or washing of motor vehicles; and</i> e) <i>installing of motor vehicle accessories or parts</i>

		<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', '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>		
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ID. No. General Definitions	Clause No.	Name	Modification	Justification	Ratio Comments
45	74	Land Use Terms	<p>Review Land Use Terms having regard to the following:</p> <p>a) Investigate how the VPP treats commercial battery storage facilities both as stand-alone facilities and those collocated with energy generation projects, including whether new or revised definitions are required and in which zones they are appropriate.</p>	<p>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.</p>	<p>A) Support</p>
46	75	Nesting Diagrams	<p>Review Nesting Diagrams having regard to the following:</p> <p>a) Shift 'Cinema Based Entertainment Facility' from un-nested to within the 'Place of Assembly' group.</p>	<p>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.</p>	<p>A) Support</p> <p>In addition, we recommend reviewing the nesting of 'Residential Aged Care'. Currently, the format of Clause 75.01 (Accommodation Group) nests 'Residential Aged Care Facility' under 'Residential Building'. Residential Buildings are subject to requirements within the planning scheme that place unreasonable restrictions on developments for aged care facilities, particularly in residential zones. Other community based commercial uses (e.g. retirement village, childcare centre, medical centre) are not affected by the same requirements.</p> <p>Examples of this issue:</p> <p>In both the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ), the mandatory garden area requirements and mandatory height / storey requirements apply to Residential Buildings. Clause 55 also applies. These buildings have specific operational requirements (as recognised in Clause 16.02-1). and should not be subject to these requirements.</p> <p>To resolve this issue, we recommend:</p>

					<p>Amending Clause 75.01 to have Residential Aged Care Facility as a standalone use nested under Accommodation (similar to Residential Village).</p> <p>In making this change, the definition of Residential Building would need to be amended to read 'Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential aged care facility, residential village or retirement village.'</p> <p>Amend Clause 75.01 to remove 'Nursing Home' (as discussed above under ID No. 44).</p>
<p>ID. No. Incorporated Documents 47</p>	<p>Clause No. 81</p>	<p>Name Incorporated Documents</p>	<p>Modification</p> <p>Review Incorporated Documents having regard to the following:</p> <p>a) Examine whether a standard template can be adopted to ensure consistency across documents</p> <p>b) Address the use of Australian Standards (fee payable for access), moving away from incorporating documents that are not free to access</p> <p>c) Review the usefulness of each incorporated document including whether extracts should be taken from particularly large documents</p> <p>d) Remove obsolete and outdated documents</p> <p>e) Replace document references with updated versions where available.</p>	<p>Justification</p> <p>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.</p> <p>Updating the listed incorporated documents with newer versions, and removing outdated documents, would increase the relevance of the VPP.</p>	<p>Ratio Comments</p> <p>A) Support B) Support C) Support D) Support E) Support</p>

ID. No. Other	Clause No.	Name	Modification	Justification	Ratio Comments
48	N/A	Practice Notes	<p>Review Planning Practice Notes 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>Repackaging the (now long) list of practice notes would 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>	<p>A) Support</p> <p>B) Support</p> <p>C) Support</p> <p>We note the application of mandatory provisions should only be used when appropriate strategic justification exist.</p>
49	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 Schemes Online' to allow convenient 'copy and paste' into</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</p>	<p>A) Support</p> <p>We strongly support the provision of planning permits and endorsed plans being available free of charge online. This will both improve transparency and reduce the workload of Planning Administration Departments of Council.</p> <p>B) Support</p>

			reports, or deliver through HTML using PSIMS.	innovative online tools for the community. PDF-based planning scheme provisions, while suited to 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	Name Section 173 agreements	Modification Review Section 173 agreements having regard to the following: 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.	Justification 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. Providing standard agreement templates would focus the parties on the substantive issues and reduce time and cost for all parties.	Ratio Comments A) Support B) Support

Additional matters

ID. No. Other N/A	Clause No. 52.07	Name Loading Requirement	Modification Include the size & standard of design vehicle for which the loading bay dimensions in 52.07 are designed. Limit the application of Clause 52.07 to avoid the clause triggering a permit requirement for small businesses which clearly have no ability to provide loading on site.	Ratio Comments This will provide greater clarity in assessing whether or not these dimensions are appropriate for a specific use.
ID. No. Other N/A	Clause No. 92.03	Name VicSmart Provisions	Modification Further clarification should be provided regarding how the threshold distance is measured for the construction of buildings and works within Commercial and Industrial Zones outlined at Clause 92.03. Specifically, the	Ratio Comments The initiative to better integrate VicSmart in the VPP structure and to adopt a codified assessment is welcomed.

			<p>measurement of distance should be from the location of the works rather than the property boundary. This would be consistent with how the threshold distances apply to advertising signs.</p> <p>There also needs to be clear guidance of discerning when a permit can be appropriately approved under VicSmart and when an existing permit needs to be amended.</p>	<p>We have experienced issues in the past when amending an existing permit to include a use or development that would classify for the VicSmart process, however is required to go through the standard amendment process because there is an existing permit in place.</p> <p>Clarification across the board that a new separate permit can be applied for and granted, rather than the existing permit always requiring to be amended would be beneficial.</p>
ID. No. Other N/A	Clause No. N/A	Name Caretakers House	Modification Include a new particular provision in relation to caretakers' houses.	Ratio Comments <p>The Planning Scheme does not currently recognise the genuine need for caretakers' houses associated with various industrial and commercial land uses.</p> <p>Introduce a Caretakers' House Particular Provision as per Appendix B.</p>
ID. No. Other N/A	Clause No. N/A	Name Childcare Centres	Modification The use of the land for a childcare centre should be given further guidance within the zoning provisions or the creation of a particular provision.	Ratio Comments <p>Proposals for the use of land for a Childcare Centre within a residential zone are not given a consistent approach given Council's typically contain local policies which address this type of use. These local policies often suggest that childcare centres should be precluded from areas not meeting certain criteria. Further guidance should be provided on appropriate site characteristics, relative to the scale of a centre. Further guidance on built form and acoustic measures should also be provided. This information should be consistent across different municipalities.</p> <p>We support the introduction of exemptions for the use of the land for a childcare centre within the Residential Growth Zone subject to conditions.</p>
ID. No. Other N/A	Clause No. 32.07, 32.08, 32.09	Name Service Stations in Residential Zones	Modification The use of the land as a service station should be A section 1 use provided the minimum land size requirements are met and the site is located on a corner of two road zones.	Ratio Comments <p>The issue is the current provisions do not encourage service stations to be located in appropriate locations. By amending the Section 1 requirements for a service station,</p>

				the Planning Scheme will encourage these uses to be located at busy intersections, where non-residential uses are able to be absorbed within minimal impact on residential amenity.
ID. No. Other N/A	52.05	Advertising Signs for Service Stations	<p>Category 1 and 2 should be amended to include the 'service station sign' (see below) as an 'as of right sign'.</p> <p>Category 3 and 4 should be amended to include the 'service station sign' as a 'permit required sign'.</p> <p>Include a new definition for 'Service Station Sign':</p> <p><i>A business identification sign that also includes the current price of petrol sold on the premises. The sign must have a maximum height of 7 metres and may be internally illuminated.</i></p>	<p>Ratio Comments</p> <p>Recent VCAT Decisions have determined that signage displaying the current price of petrol is prohibited in Residential Zones. Given the ACCC requires service stations to display the current price of petrol, these findings have made service stations prohibited in residential zones by default.</p>

52.13
21/09/2009
VC60

CAR WASH

Purpose

To ensure that amenity, site layout and design are considered when land is to be used for a car wash, especially if the site adjoins a residential zone.

To ensure that use of land for a car wash does not impair traffic flow or road safety.

Requirements to be met

Land may be used for a car wash only if the following requirements are met. A permit may be granted to vary the requirements, if the responsible authority considers the purposes of this clause are satisfied.

Crossovers

~~No more than 2 vehicle crossovers may give access to the site from a road and at the road alignment a crossover must be:~~

- ~~* No wider than 7.7 metres.~~
- ~~* At least 4.5 metres from another crossover on the site.~~
- ~~* At least 7.7 metres from another road or if a splayed corner, at least 7.7 metres from the splay.~~
- ~~* At least 1.8 metres from a crossover on another property.~~

Crossovers should be provided to allow the safe and efficient ingress and egress of vehicles.

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Kerb or barrier

Except at crossovers, a kerb or barrier must be built along the road alignment to prevent the passage of vehicles.

Queuing lane

~~A queuing lane on the site must be able to accommodate at least 10 vehicles before entry to a car wash.~~

~~If petrol is available for sale to vehicles queuing to be washed, the lane must be able to accommodate at least 10 vehicles before the petrol-selling point.~~

~~The lane must be clearly shown on the ground and marked for use only by vehicles queuing to be washed.~~

~~The area between the exit from a car wash and the nearest crossover must be able to accommodate at least 2 vehicles in single file.~~

All vehicles being washed or waiting to be washed must be wholly on the site.

Discharge of waste

Waste from a vehicle wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the *Environment Protection Act 1970* and be installed to the satisfaction of the responsible authority.

Amenity requirements

The amenity of the locality must not be ~~adversely~~ unreasonably affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way.

To ensure this requirement is met, a car wash application must demonstrate compliance with SEPP N-1.

No building or works may be of temporary or portable construction.

Adjoining residential zone

If the site adjoins a residential zone, a landscape buffer strip at least 3 metres wide along the common boundary must be planted and maintained to the satisfaction of the responsible authority.

DRAFT

52.XX CARETAKERS' HOUSES

XX/XX/XXXX
VC
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Purpose

To recognise the genuine need for on-site caretakers in association with various industrial and commercial land uses.

To ensure that caretakers' houses are genuinely associated with the industrial or commercial use to which they are associated.

52.XX-1 Requirements to be met

XX/XX/XXXX
VC
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A caretakers' house must meet the following requirements:

- The caretaker's house be provided directly in association with and ancillary to approved commercial or industrial land use.
- The caretaker's house be above ground level.
- The caretaker's house be less than 10 per cent of total floor area of the associated commercial or industrial use (excluding car parking and loading bay areas) or 100m² whichever is less.
- There be a demonstrated need for a caretaker to look after the commercial or industrial property when it is empty or to supervise its maintenance and cleaning.

52.XX-2 Permit Required

XX/XX/XXXX
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Despite the requirements of Clause 52.XX-1, a permit may be granted to vary the requirements, if the responsible authority considers the purposes of this clause are satisfied.

DRAFT

52.12 Service Station Purpose

21/09/2009
VC60

To ensure that amenity, site layout and design are considered when land is to be used for a service station, especially if the site is located within or adjoins a residential zone.

To ensure that use of land for a service station does not impair traffic flow or road safety.

Requirements to be met

Land may be used for a service station only if the following requirements are met.

A permit may be granted to vary the requirements, if the responsible authority considers the purposes of this clause are satisfied.

Site area and dimensions

The site must be a minimum of 2,500 square metres and a maximum of 5,000 square metres. The frontage must be at least 36 metres (30 metres if the site is on a corner) and the depth at least 30 metres.

Crossovers

Crossovers should be provided to allow the safe and efficient ingress and egress of vehicles, including fuel tankers.

Car Parking

Car parking should be provided at a rate of 1 car space per 100sqm of kiosk space accessible to the public, not including bowser spaces as well as 1 staff space.

Loading requirements

No separate loading dock is required above and beyond the standard car parking rate and dedicated fill point.

Kerb or barrier

Except at crossovers, a kerb or barrier must be built along the road alignment to prevent the passage of vehicles.

Road setbacks

Walls of buildings should be set back from streets:

Development Context	Minimum setback from Front Street	Minimum Setback from Side Street
There is an existing building on both the abutting allotments facing the same street, and the site	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the	N/A

is not on a corner.	lesser.	
There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	N/A
There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.	N/A
The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</p>	Walls of new development facing the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.

- A canopy must be at least 2.5 metres from a road.
- Petrol pumps, pump islands, water and air supply points and storage tank filling points must be at least 3.6 metres from a road.
- Petrol tankers must be wholly on the site when storage tanks are being filled.

- Driveway space must be sufficient to enable a vehicle 13.8 metres by 2.5 metres to enter and leave the site without reversing.
- No vehicle may be serviced unless it is wholly on the site.

Discharge of waste

Waste from a vehicle wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.

Amenity requirements

The amenity of the locality must not be unreasonably affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way.

To ensure this requirement is met, a service station application must demonstrate compliance with SEPP N-1.

In addition, if the site adjoins a residential zone:

- A landscape buffer strip at least 3 metres wide along the common boundary must be planted and maintained to the satisfaction of the responsible authority.
- External lights must be directed away from the residential zone to prevent light spill and glare.

Trailers for hire

If trailers are for hire on the site:

- The site must be at least 2,500 square metres.
- All trailers must be wholly on the site and must not encroach on landscaping or car parking areas or accessways.
- On a corner site, a trailer higher than 1 metre must be parked at least 9 metres from the corner.