Dear Mr. Dixon

REFORMING THE VICTORIA PLANNING PROVISIONS – SUBMISSION ON BEHALF OF MORELAND CITY COUNCIL

I refer to the Reforming the Victoria Planning Provisions discussion paper, released for public comment on 16 October 2017. Moreland City Council (MCC) thanks the Department of Environment, Land, Water and Planning (DELWP) and the Smart Planning Program Group for this opportunity to comment on the proposed reforms to the Victoria Planning Provisions. Please find enclosed a full submission which has been made by officers on behalf of Council in the absence of their being sufficient timelines for a Council decision.

Officers are generally supportive of the Smart Planning Program, being an active member of the local government working group since its inception and we thank you for the opportunity for our participation in this way. We are supportive of any reform that makes the planning system easy to use, particularly for members of the community who may not regularly engaged on planning matters.

Unfortunately our review of the paper leads us to conclude that much of the discussion paper is focused on small changes that would do little to reduce complexity. A number of the changes proposed are administrative in nature and do not fundamentally alter the way in which a member of the public would engage on planning matters. More concerning is that the one change that would substantially alter the assessment process – code assessment – sets the framework for the outsourcing or privatisation of the planning system. For this reason, officers and we feel sure Council as well, do not support under any circumstances, code assessment. The timing of such a recommendation, to outsource the planning system when the disastrous consequences of the same approach with the building industry over the last 30 years have come to such prominence, is highly surprising.
We are also deeply concerned with the proposal to centralise the preparation of planning scheme amendments with a dedicated team within DELWP responsible for drafting amendment documentation. This proposal would greatly reduce the ability for councils to respond to local issues, and would result in bottlenecks in what is already a lengthy process. Moreland also has a proud history of preparing amendments that fill fundamental gaps in State planning policy such as apartment guidelines and environmentally sustainable development. We would be greatly aggrieved if there was no longer an ability to fill these gaps when required and feel sure that DELWP has benefited from this work which would no longer be undertaken.

Our assessment of the achievement of Ministerial Direction 15 timelines and Moreland amendments reveals that DELWP and the Minister routinely fail to meet these timeframes significantly, with many decisions made months and on occasion’s years after Council’s submission at all stages of the process. As such we have little faith in DELWP being able to deliver on such a time critical and complex task if added to its existing workloads.

In closing, the discussion paper is quite broad with little detail provided regarding some significant changes. Given this lack of details it has been quite difficult to formulate responses to some aspects of the discussion paper. Accordingly, we request that specific changes are released for public comment before being finalised.

1 December 2017

Submitted online via Engage Victoria.
Reforming the Victoria Planning Provisions
Discussion Paper

Submission on behalf of Moreland City Council

The views expressed in this submission have been formulated at Council Officer level, through a cross-disciplinary working group. Due to reporting timeframes, this submission has not been endorsed by Council.

1 December 2017
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Introduction

Moreland City Council (MCC) is one of Melbourne’s fastest growing municipalities, with 15,000 new residents calling Moreland home between 2011 and 2016, according to ABS figures. This population growth results in MCC consistently ranking in the top 10 for planning permit applications received, according to the State Governments Planning Permit Activity Reporting System (PPARS). Accordingly, any change to the form, content and permit triggers of the Victoria Planning Provisions (VPPs) is likely to have an impact on MCC resources.

MCC\(^1\) is generally supportive of the Smart Planning Program, being an active member of the working group. MCC supports a fair, transparent and easily accessible planning system, which fosters community engagement in the planning process. MCC also supports a planning system where highly skilled planning officers are utilised for merits based decision making, and not a system whereby a permit is granted simply because a checklist has been satisfied. To this end, MCC does not support a planning system where code assessment is a significant component, with code assessment used sparingly and in limited circumstances only. Code assessment has been used in other jurisdictions to (at least in part) privatise the planning system, which MCC would not support under any circumstances. While MCC acknowledges that in a rate capped environment all Councils have a responsibility to best utilise resources, this must not be at the expense of accountability, transparency and community engagement throughout the planning process.

While MCC supports the Smart Planning Program in principle, the program of work outlined in the VPP discussion paper does little more than tinker with the existing system. The financial resources dedicated to the Smart Planning Program should enable an end-to-end review of the planning process, including legislative reform. The VPP discussion paper proposes structural changes, which do little more than bury local content, while proposing a series of complicated assessment pathways and permit exemptions, creating further complexities in the system.

The Smart Planning Program should not just focus on today, but should examine how the planning system can be modernised for tomorrow. At a macro-level, little regard has been given to Plan Melbourne, with no link to the proposed PPF and the Plan Melbourne 5-year Implementation Plan.

At a micro-level, no regard has been given to new assessment technologies, such as using 3D Models to examine how a development proposal may sit in its context, without the need to rely on 2D images. Further, the Victorian Government has acknowledged the damaging effects climate change is likely to have on communities, through the passing of the Climate Change Act 2017 and the adoption of Victoria’s Climate Change Framework. It is unclear how the changes proposed would assist in implementing the government’s vision for net zero emissions and a climate-resilient Victoria by 2050. No meaningful progress has been made on environmentally sustainable design (ESD) as part of these reforms, which is a lost opportunity. MCC strongly suggests that the Smart Planning Program look at the inclusion of mandatory ESD provisions for all new development, based on existing work done by the local government sector.

The impact the role the state government plays in the housing sector has also generally been ignored through the discussion paper, with no mention of affordable or social housing. Victoria lags behind other jurisdictions, who require a proportion of new residential development to be set aside for affordable and/or social housing. While local government has advocated for innovation in this space for some time, little support has been provided to produce any meaningful results.

MCC is also concerned that the discussion paper is extremely light on detail, with MCC unable to reach even basic conclusions regarding many of the changes. Given there is no commitment to further consultation, MCC is concerned that many changes will simply be rammed through, given the arbitrary deadlines for the program. MCC strongly suggests that further consultation

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\(^1\) This submission has been made by officers on behalf of Council, in the absence of sufficient timelines for a Council decision. Where ‘MCC’ is used, this is an officer perspective.
is proposed regarding specific changes, once submissions have been collected, examined and addressed.

**Principles of a modernised VPP**
MCC supports the addition of the two new principles 'digital first' and 'proportional'. It is acknowledged that the existing planning system can sometimes be difficult to navigate, with limited ability for the Planning Scheme to cross-reference relevant content, due to the document based storage and delivery method (individual PDF files). MCC supports a more accessible document library, with reference and incorporated documents linked directly from the Planning Scheme.

Proportional Assessment is also supported, provided the simpler assessment pathways do not result in check box planning permits.

**Proposal 1: A simpler VPP structure with VicSmart assessment**

**Proposal 1.1 Restructure and reform the particular provisions**
MCC supports this proposal in principle. This change would simplify the VPP structure with ordinary performance standards and specific use and development provisions for all of Victoria’s planning schemes. MCC is concerned that the ‘specific use and development provisions’, which would be separate to the Zone and Overlay permit triggers, will result in a burdensome process for determining if a permit is required, and may result in additional enquiries to Council planning officers. Further, the language used may not be entirely clear to the public when/if a permit is required, with the current broad ‘restaurant’ definition an example of where the planning scheme does not reflect the common community definition.

Should this approach be pursued, it must be made clear in the parent trigger that particular provision(s) may apply to a specific land use and/or development, relevant to common language land uses.

Finally, the use of ‘interface provisions’ is supported, with the requirement to provide a Cultural Heritage Management Plan an excellent example of where cross-legislative requirements cause delays and confusion in the planning process.

**Proposal 1.2 Integrate VicSmart into appropriate particular provisions and overlay schedules**
MCC supports this proposal.

**Proposal 1.3 Consolidate all administrative provisions**
MCC supports this proposal.

**Proposal 2: An integrated planning policy framework**

**Proposal 2.1 Integrate state, regional and local planning policy**
MCC partially supports this proposal. This proposal seeks to integrate the current State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF – which includes the Municipal Strategic Statement - MSS) into a single Planning Policy Framework (PPF) with three levels of policy - State, Regional and Local.

While Council officers are generally supportive of this change, it is unclear what level of local content or variation would be accepted by DELWP. Historically, the State has been slow to respond to new and emerging policy themes, with local policy used to ‘plug the gaps’, at least in the interim. An example of this being the lack of state policy regarding environmentally sustainable development (ESD), with six Councils (later expanded to cover a further three) banding together to develop a consistent local policy. If there is no state policy ‘hook’ for local policy, then it is unclear how local policy could be inserted into the relevant planning scheme.
Councils must be able to respond to new and emerging trends at a local level, and should not need to rely on the state to first develop its position.

MCC would also urge the State Government to fund the translation of existing LPPF content into the new format, without relying solely on Local Government to fund this extensive and resource intensive change. Further, MCC would not support any reduction in content, with many local policies having gone through extensive public consultation and panel processes, which have come at significant financial cost to ratepayers.

Proposal 2.2 Simplify the Municipal Strategic Statement (MSS)
MCC supports this proposal. MCC simplified its MSS into three themes (Municipal Profile, Vision and Strategic Framework) through amendment C152 to the Moreland Planning Scheme, which was approved by the Minister for Planning in January 2015. This revised MSS is less than 20 pages in length, compared to some comparable municipalities, which have an MSS exceeding 50 pages.

Proposal 2.3 Expand policy themes
MCC supports this proposal. A starting point for determining the new policy themes should be the examination of the LPPF of all planning schemes, to determine where policy gaps at the state level exist. It is also important that a rigorous and agile framework is put into place, which allows policy themes to be updated periodically when new themes emerge.

In addition to the policy themes identified at Appendix 1, MCC recommends the following policy themes, with justification for requiring their inclusion provided below each heading.

Affordable Housing
Moreland’s current population of 172,000 is due to rise over 228,000 by 2036. The proportion of fully-owned homes declined from 45% to 28% from 2001 to 2016 and the proportion of renters has grown from 28% to 38%, with a strong trend towards long term or lifetime private rental tenure. More than half of residents who are private renters report being in moderate to heavy housing stress (financial vulnerability). In the south of the municipality, suburbs like Brunswick and Coburg are becoming home to many high-income professionals, attracted by the proximity to the CBD, good public transport links and a rich cultural environment. The other side of the resultant vibrancy in the housing market is a lack of affordable and secure housing options for those earning below-average incomes. This means that lower-income people cannot afford to rent or buy in most instances, and those displaced from their rental properties cannot remain in their neighbourhoods. In 2004 more than a quarter of rental properties in Moreland were affordable to a family on Centrelink benefits. This figure is now under 2%. One in ten renters have reported periods of being unable to afford to buy food the previous year.

MCC strongly urges DELWP to amend the VPP and PPF to enable mandatory inclusion of social and/or affordable housing in developments where it can be demonstrated that such inclusion is essential in meeting planning and social policy objectives in a defined area. Any such provisions should be mandatory, and not include trade-off provisions (i.e. height or setbacks), as provisions should responsibly apply across the board to all new developments of a certain scale. Pending a suitable policy base in the PPF, a new Overlay or Particular Provision could be introduced to enable a mandatory social and/or affordable housing requirement to be built into the Moreland Planning Scheme.

The VPP, and SPPF in particular, do not provide an unambiguous statutory base for the application of mandatory inclusionary provisions for affordable and/or social housing. This is a deficiency in the SPPF which could be addressed through a new PPF.

Once the policy mandate in the PPF is clarified, a special purpose Overlay, or a Government sponsored amendment to Clause 52 of the VPPs, could be applied to implement a social and/or affordable housing requirement for certain types of development. An Affordable Housing Overlay (or similar) is the preferred option to enable Councils to prepare Planning Scheme Amendments requiring developers in certain areas to incorporate affordable housing in their projects at a particular rate or contribute cash-in-lieu.
The terms ‘social’, ‘affordable’ and ‘public’ housing must be rigorously defined in the legislation or in the VPP/PPF.

**Apartment Design Standards**

While MCC welcomes the long overdue Better Apartment Design Standards (BADS), the BADS are generally not prescriptive enough to ensure good outcomes, and do not apply to many medium density housing developments at all. MCC has already seen development proposals which seek to vary standards, based on what the applicant describes as a ‘constrained site’, often being small or oddly shaped. MCC would welcome a review of the BADS in the near future, to ensure that it is meeting its intended purpose.

**Development Contributions**

MCC notes that the Development Contributions Plans Overlay, as it operates currently, is a blunt and inflexible tool, which does not allow the accompanying Capital Works Plan to be updated with changing priorities. A Development Contributions Plan (DCP) can often last for 5-10 years, while a Council Term is limited to 4 years. This often results in changing priorities, as a result of new Council priorities. While a planning scheme amendment can be undertaken to update the work program, it is a time consuming and resource intensive exercise, which is not considered a value exercise.

MCC would suggest that further flexibility be allowed in a DCP, to allow funds to be redirected as Council’s priorities change. It is noted that Councils are required to undergo a full and transparent process for budget planning, which the community may submit to.

**Environmentally Sustainable Development**

MCC is concerned with the inaction of DELWP in developing a state wide Environmentally Sustainable Development (ESD) Policy. While MCC is pleased with the approval of Amendment C71 in November 2015, the inclusion of a sunset clause (recently extended to 30 June 2019 by Amendment GC72) causes uncertainty to both councils and the development community. MCC strongly suggests that a revised PPF include mandatory ESD provisions for all development applications, ensuring consistency across the state.

**Best Practice**

Following on from the discussion above regarding ESD, many aspects of the SPPF advocate for ‘best practice’ in various elements of building and open space use and design. Unfortunately, best practice is seldom defined, which results in individual decision makers judging best practice on ill-defined criteria. In fact, the term ‘best practice’ is used throughout the SPPF, but is never defined. MCC would suggest that where the term ‘best practice’ is used, that it points to a set of measurable criteria, which can used for assessment purposes.

**Car Stackers**

With increasing urban consolidation and density comes the desire to use land as efficiently as possible. This has led to a proliferation of the use of car stackers for residential and mixed use developments, particularly in inner city areas. A recent VCAT decision (see Mark Higginbotham & Ors v Moreland CC [2017] VCAT 2407 - 8 September 2017) suggests that a review of the Victoria Planning Provisions at Clause 52.06 Car Parking of all planning schemes is required, with a view to introducing requirements relating to the construction, operation and maintenance of car stacker units. MCC urges DELWP to include assessment criteria at Clause 52.06 regarding car stackers.

**Landscape Guidelines for Medium Density Development**

With the approval of Amendment VC136 in April 2017, there are defined guidelines for landscaping in apartment developments. Unfortunately, much of Moreland’s development is buildings less than five storeys in residential zones, where the provisions of Clause 56 do not apply. While MCC has incorporated the Moreland Tree Planting Manual for Residential Zones, December 2014 into its planning scheme (Amendment C153), there is a policy vacuum for
medium density unit, flat and townhouse developments, which needs to be urgently addressed at the state level.

Moreland has one of the lowest canopy tree covers across the metropolitan region, with much of the existing canopy tree cover being on private land. While Clause 55.03-8 (landscaping objectives) provides some guidance, it is often ignored by VCAT ‘on balance’, given the competing objectives for urban consolidation in the planning scheme.

MCC urges DELWP to consider introducing landscape guidelines for medium density development, to ensure the protection of existing and provision of new canopy tree cover across urban areas.

Plan Melbourne Action linked to the PPF

While Plan Melbourne is a mandatory consideration in the decision making process, pursuant to Clause 9.01, the 5-year Implementation Plan sits outside of Plan Melbourne as a separate document, with its status in the planning scheme often debated at Planning Panels and VCAT. The action items and details should be linked to strategies and policy in the PPF, with strategies and policies which do not align with Plan Melbourne removed. This will create a holistic view in the decision making process, and will ensure the implementation plan is given the status that it deserves in the planning system.

Proposal 2.4 Create a clearer and simpler structure for policy making

MCC supports this proposal. To ensure that Councils are not disadvantaged on ‘Day 1’ of the new format, it should be made clear that some policy themes are yet to be developed, rather than simply leaving out the local policy section or stating ‘no content’.

The rationale for this is, that applicants (and VCAT) are quick to take advantage of changes to the SPPF, claiming that Council has not made a local variation to a schedule, and thus there is no policy on a matter. An example of this is when the GRZ/NRZ was changed as part of VC110, allowing Neighbourhood Character objectives to be inserted into the Schedule. Unfortunately, within a week of this gazettal, some VCAT Members had taken the view that, where no schedule variation applied, that no policy variation existed. As Council’s had had no input into this process, it was simply not possible to insert variations. Thus, a distinction between ‘no content’ and ‘content yet to be developed’ should be applied.

As stated previously, MCC would urge the State Government to fund the translation of existing LPPF content into the new format, without relying solely on Local Government to fund this extensive and resource intensive change.

Proposal 2.5 Set new rules and guidelines for writing policy

MCC supports this proposal. Additional work will be required to ensure policy is not ‘lost in translation’ when moving from the LPPF to the PPF. In addition, it is unclear how changes that are not strictly policy-neutral will be treated.

Further, while the intention between consistently worded policy is supported, in practice, policies are written and reviewed by different people, at Council, Planning Panels Victoria and DELWP. It is unclear how this will be managed, and how resources will be allocated for what is a substantial program of work.

Renaming of policy documents from reference to background is supported, and better reflects how these documents are used in the decision making process.

Proposal 3: Assessment pathways for simple proposals

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

The current location of the VicSmart provisions at the end of the planning scheme, isolated from the relevant permit trigger(s) is nonsensical. MCC supports the location of the VicSmart
provisions to a more appropriate location, embedded into the relevant zones and overlays where possible.

The current provisions do not make it clear to users of the system if their proposal is able to be considered under VicSmart or not, with the onus often falling on Council Planning Officers to determine eligibility. Recent VCAT cases have highlighted the complexities of the assessment pathway, and the potential for a VicSmart application to be assessed under the standard merit assessment pathway if the applicant does not specify that they want their application assessed under the VicSmart provisions. This confusion needs to be eliminated, through clearer controls and explanation of what can and cannot be assessed pursuant to VicSmart. Alternatively, a separate application form should be developed.

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

MCC supports the principle of a simpler planning system, but does not support any form of code assessment. In a rate capped environment, all Councils have a responsibility to use limited resources in a fair and equitable way. There must be value in a transaction for it to represent value for money to the community.

A code assessment pathway, whereby a permit must be issued if it meets a pre-determined set of criteria, would not represent value for money. Council would add little, if any, value to code assessment. Instead, MCC suggests that the current ‘Home Occupation Clause’ (52.11 of the relevant planning scheme) be used as a basis for further exemptions. The Home Occupation Clause is best described as a ‘self assessment’ (as opposed to ‘code assessment’), where a use does not require a planning permit if it meets a pre-determined set of criteria. This allows an operator to commence a use almost immediately, provided they meet the criteria. A more intensive use may still operate, but would require an application to be made and a merits based assessment to take place. This would enable Council Planning Officers to focus on applications where real value can be added. MCC agrees that the set of criteria in any self assessment pathway should be commensurate to the risk to the community. To ensure that the self assessment pathway does not result in increased enforcement action for councils, the criteria should be prescriptive and clearly defined (i.e. exemptions should not state that the use does not require a permit provided it does not have an adverse amenity impact on the neighbourhood, as this is subjective and open to challenge).

Small Restaurants and Cafes, shops in commercial zones, granny flats in residential zones on lots over 300 square metres and some pop-up uses in existing buildings could be considered acceptable for self assessment.

MCC is concerned that the introduction of code assessment sets the framework for outsourcing or privatising of the planning system, with ‘Complying Development Certificates’ in New South Wales able to be issued by a private certifier. This type of activity in the building sector has had disastrous consequences for the quality of development and the engagement of the local community.

Given the extent of change proposed in this instance, MCC would strongly suggest further consultation is required regarding this change, preferably broadly but at a minimum through working groups with local government and the development industry.

Proposal 4: Smarter planning scheme drafting
Proposal 4.1: Create a new VPP user manual

MCC supports the creation of a new VPP user manual. While it is acknowledged that policies and documents vary in length and content, this often reflects the local area and the complexities of managing land use and built form across a state as diverse as Victoria. MCC believes that a revised VPP user manual should list the basics, but should not be so prescriptive that it does not allow Councils to adequately convey objectives in a clear and concise manner.
Proposal 4.2 Establish a business unit dedicated to VPP and planning scheme amendment drafting
While MCC sees value in a centralised team preparing amendment documentation, MCC harbours serious concerns that Planning Authorities will lose the ability to create and maintain content specific to local areas. A centralised team of (what would presumably be) drafting experts would limit local content and stifle innovation. MCC suggests that this team would be better utilised in the ‘review’ rather than the ‘preparation’ phase of planning scheme amendments, forming a critical editing role. It is considered that State Strategic Planners lack the detailed local knowledge and understanding of Council’s policies and strategies required to effectively and efficiently prepare corresponding planning controls.

If DELWP is concerned with the lack of consistency across planning schemes, then it must accept that this inconsistency is, at least in part, due to its own officers not properly reviewing content. Most Planning Scheme Amendments would be seen by DELWP officers at the Authorisation, Exhibition and Approvals stages – three instances in which issues with form and content could be raised. Similarly, many Planning Scheme Amendments are examined by experts at Planning Panels Victoria, who often recommend changes to policies and schedules.

MCC believes that a further layer of review will largely result in the erosion of local content.

MCC also does not accept that the centralised process for the preparation of planning scheme maps sets adequate precedence or justification for this proposal. The drafting of planning controls that translate local planning policy is far more complex than preparing planning scheme maps. These two processes are simply not comparable.

Should DELWP proceed with this proposal, then it is suggested that participation is entirely voluntary, used by Councils who are less resourced or experienced in the preparation of local content.

MCC is also concerned that a centralised team may result in bottlenecks in the process, and may delay the preparation of amendment documentation, particularly for complex amendments. Planning Authorities often have to respond quickly, particularly when attempting to resolve submissions, or when presenting at Planning Panels Victoria. Given DELWP and the Minister routinely fail to meet the timeframes listed in Ministerial Direction 15, MCC has little faith in DELWP being able to deliver on such a time critical and complex task. Making participation voluntary would assist with reducing workload of this team and the inevitable bottlenecks.

Finally, MCC questions whether this proposal is in fact consistent with Section 12(1) of the Planning and Environment Act 1987 which states that “a planning authority must prepare amendments to a planning scheme for which it is planning authority”. Arguably, the drafting of planning provisions is part of an amendment with the Act transferring that responsibility to the planning authority. Creating a central drafting unit that would assume that responsibility therefore is legally questionable.

Proposal 4.3 Create an online Victorian planning library
MCC supports this proposal, and has no objection to the creation of accessible digital content.

Proposal 5: Improve specific provisions
Proposal 5.1 Improvements to specific provisions
MCC supports, either in principle or in part, 40 of 42 specific changes proposed, with a further eight specific changes not relevant to Moreland. See the attached table for detailed comments on each proposed change (appendix 1 of this submission).

In addition to the specific changes proposed, MCC suggests that the following additional changes are considered by DELWP, as they would align with the principles of a modern planning system.
Drainage
The SPPF contains a number of policies, objectives and strategies regarding the drainage network, including managing flooding impacts from both man-made and natural drainage systems. However, the SPPF does not compel the owner of the data (i.e. Melbourne Water in the greater metropolitan region) to update mapping on a regular basis. This results in disparity between flood mapping held by Melbourne Water, and the boundaries of the Special Building Overlay (or equivalent) in the relevant planning scheme. This results in confusion at the planning permit application phase, causing angst for land owners, developers, Town Planners and Building Surveyors.

MCC suggests that a regular review framework is established as part of a revised PPF, which includes responsibilities for maintaining accurate data. It is noted that section 9(1) of the Planning and Environment Act 1987 allows any public authority to prepare an amendment to a planning scheme, with authorisation from the Minister for Planning. There is no reason for Councils to be leading this process, given it does not own the data.

Further, MCC is concerned with the lack of content in the SPPF regarding managing flood risks at a local, regional and state wide level. Existing controls focus on individual sites, without regard to the overall impact increased development has on the entire drainage network. Further, a lack of state and regional policy results in local controls which do not reflect the geographic extent of waterways, which often traverse multiple municipalities.

Contaminated Land
Despite many previous attempts to make the consideration of Potentially Contaminated Land in the VPP clearer, the current system is still open to interpretation. This is resulting in delays and costs to Council and the private sector, not to mention unintentional mistakes in the process. The management of contaminated land is unique. Unlike other areas of the planning system, it brings with it critical issues of potential harm to the environment and human health.

The Ministerial Direction on Potentially Contaminated Land is wide in its application, calling up an assessment even where the EAO does not apply. Where an applicant for a planning permit application or a proponent for a planning scheme amendment does agree to provide a preliminary site assessment, which is not always the case (see Calodoukas v Moreland CC (Red Dot) [2010] VCAT 498 (22 April 2010)), non-expert staff, notably Council planners and VCAT members, are left to exercise too much discretion on what are technical matters that should be left to experts.

MCC support a system regulated by the Environment Protection Authority as the primary administrator of the Environment Protection Act 1970. Where discretion and/or flexibility is required for the system to run more successfully, that discretion should be available only to experts in the field of environmental science (or similar), not Council.

Existing Use Rights
The Existing Use Rights Clause at 63 is clumsily worded, and creates confusion. For example, Clause 63.05 states that “no building or works are constructed or carried out without a permit”, but does not actually trigger the need for a permit either in that clause or the relevant zone. As Section 3 uses are prohibited in the relevant zone, there is no permit trigger listed. Thus, it has been argued in the past that once existing use rights have been established, that there is no permit trigger for buildings and works. This clause should be reviewed in its entirety, ensuring consistency with the buildings and works requirements of zones and overlays.

Virtual 3D Models
In line with the digital first principle of a modern planning scheme, MCC believes that it is timely to embrace technological advanced in the development and architectural sector, requiring the provision of 3D Models for major planning permit applications and proponent led planning scheme amendments. Some Councils, including Melbourne, Yarra, Moreland and Geelong, as well as the Development Approvals section of DELWP, require 3D digital models as part of major applications.
It is timely to expand this requirement across Victoria, with a consistent approach to provide certainty to the development community. 3D digital models should be provided at two stages in the process, once when the application is lodged and again when plans are endorsed. This will enable council’s to build a digital model of Melbourne and its surrounds, which would provide valuable information when assessing planning permit applications and planning scheme amendments. 3D models provide the ability for the community to be more involved in the planning process, with lay persons often misinterpreting or having difficulty reading plans.

MCC was recently successful in obtaining a $396,900 grant from the Commonwealth Government’s Smart Cities and Suburbs program, to enable the development of the Virtual Moreland program. This grant, along with $407,300 invested by MCC, will create a publicly accessible interactive framework of Moreland and improve the efficiency and accuracy of strategic decisions. Once this program is completed, data will need to be updated regularly, to ensure its accuracy and relevance in the decision making process.

Noting that it is impractical for all development applications to provide a 3D model, MCC would be willing to work with DELWP and other councils on developing specific criteria for submission of 3D models.

Proposal 5.2 Update the definitions section of the VPP
MCC supports an update of the definitions section of the VPP. Given the extent of change proposed in this instance, MCC would suggest further consultation regarding this change, either broadly or through working groups with local government and the development industry.

Proposal 5.3 Regularly review and monitor the VPP
MCC supports this proposal. It is positive that DELWP recognises the need for constant review and updating of the VPP, similar to how Planning Authorities are required to update their planning schemes on a regular basis. MCC supports an online register, which is easily accessible and searchable, to be able to determine whether an issue has been identified, and an approximate timeframe for resolution.

MCC suggests that the review of the VPP is linked to the 5-year Plan Melbourne Implementation Plan, to ensure that the objectives and strategies listed in the PPF are clearly linked to State Government policy.

Conclusion and further consultation
The proposed changes to the Victorian Planning System, as discussed in the discussion paper, are far reaching, and represent one of the biggest changes to the planning system in 20 years. The Smart Planning Program and the VPP reform project are opportunities which have sadly resulted in nothing more than minor structural changes and proposed new assessment pathways. Given the funding available, MCC would have thought that a far more researched and detailed discussion paper would have been resulted.

MCC would recommend that further consultation is undertaken with the local government and development sector, before any major structural changes are rolled out. Further, a comprehensive consultation plan should be developed, targeting the wider community and smaller developers and designers, who are often not aware of changes until after they have been gazetted. Further, MCC would suggest that the Smart Planning Working Group, of which MCC is a member, is given the opportunity to comment on detailed changes as they are developed, to ensure feedback is accurately taken into account.

MCC thanks DELWP and the Smart Planning Program Group for this opportunity to comment on the proposed reforms to the Victoria Planning Provisions. MCC would welcome further discussions, including testing of any new or amended provisions.
## Appendix 1 - Moreland City Council Submission to VPP Reform – Smart Planning Proposed Changes.

<table>
<thead>
<tr>
<th>ID No.</th>
<th>Clause Name</th>
<th>Proposed Modification</th>
<th>Justification</th>
<th>Officer Comment</th>
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<tbody>
<tr>
<td>1</td>
<td>30</td>
<td>Review all zone schedules having regard to the following:</td>
<td>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. Digitisation of planning scheme content and the amendment process (PSIMS) would assist in ensuring a consistent structure for schedules.</td>
<td>Supported in Principle</td>
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<td>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.</td>
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<td>b) Ensure the distinction between the state and local clauses remains clear.</td>
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<td>Review zones having regard to the following:</td>
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<td>Supported in Part</td>
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<td>a) Rename zones from being numerical (for example, ‘Industrial 1 Zone’) to being descriptive and adopting everyday words, such as used for the residential zones</td>
<td>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.</td>
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<td>b) Examine the role and function of the following zones to establish whether they can be replaced with other VPP tools (such as the Mixed Use Zone or the Commercial 1 Zone and an Incorporated Plan Overlay or Development Plan Overlay), or amalgamate the following zones into a single zone that can be tailored to reflect local circumstances: i. Priority Development Zone ii. Activity Centre Zone</td>
<td></td>
<td>a) The introduction of the new residential zones, with names replacing the numerical format, has not necessarily simplified the scheme. The terms ‘General Residential’ and ‘Neighbourhood Residential’ do not easily identify their purpose. Further, similar abbreviations (RGZ/GRZ) can be cause for confusion, and should be avoided where possible. The proposed names should be available for public comment before introduced into the VPP.</td>
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<td>c) Create consistency in use of phrasing where a common meaning applies (such as the phrases</td>
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<td>b) Council supports the amalgamation of zones where they serve a similar purpose, i.e. the CDZ and PDZ. The use of the ACZ allows Councils to tailor a schedule to the local environment. Council would not</td>
</tr>
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</table>
| 3 | 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. | 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. | Support in Part  
 a) Support. Moreland’s planning schemes does not trigger a permit on a 300-500sqm lot currently.  
 b) Support, subject to a maximum floor space (i.e. same as Medical Centre) or maximum number of children. It is also suggested that other triggers for Child Care Centres are also reviewed (car parking, signage, etc...) so that a permit may not be required at all.  
 c) Support, provided minor buildings and works do not require a permit. Exemptions will need updating in order to not trigger permits for minor matters (i.e. replacement of a window). |
| 4 | Mixed Use Zone | Review the Mixed Use Zone having regard to the following:  
  a) Make more commercial uses in the Mixed Use Zone Section 1 (as of right) land uses where they are low impact, subject to conditions  
  b) Make ‘Manufacturing Sales’ a Section 1 (as of right) land use with a condition relating to floor area size to support the establishment of small ‘makers’ and creative industries | 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. 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. | Support in Part  
 a) Support.  
 b) Support in Principle. However, Manufacturing Sales would require a component of the use to be Manufacturing, which is a Section 2 use. It would seem redundant to exempt the sales component if the primary use requires a permit. Manufacturing uses are prohibited (in both the MUZ and C1Z) if
c) Make ‘Childcare Centre’ a Section 1 (as of right) land use, subject to conditions, such as relating to size.

they do not meet the threshold distances at Clause 52.10 (i.e. bakery). This should be reviewed.

Further, Council does not believe that the Mixed Use Zone is achieving its intended purpose. The MUZ often results in a small commercial premises at ground floor, with apartments above. The Schedule should be able to be better tailored to control land use (i.e. minimum commercial floor area or maximum portion of the site to be residential), to enable a range of land uses to be realised on the site without the need for a complicated DDO/DPO/IPO.

The MUZ should not be nested under the residential zones, as this is then the default land use proposed. Should be nested separately.

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.

Supported in Principle

a) Support.

b) Support in Principle. However, it is unclear why ‘Convenience Shop’ has been selected as a possible Section 1 Use, when other similar land uses (‘Take away food premises’ for example) would equally serve employees of an industrial area. A full review should be undertaken to ensure similar land uses are treated equally in similar zones. It is suggested that where uses are moved to Section 1, that a review is undertaken to determine if other permit triggers (i.e. car parking

5 33.01 Industrial 1 Zone
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.

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.

Supported in Principle

a) Support.

b) Support in Principle. However, it is unclear why ‘Convenience Shop’ has been selected as a possible Section 1 Use, when other similar land uses (‘Take away food premises’ for example) would equally serve employees of an industrial area. A full review should be undertaken to ensure similar land uses are treated equally in similar zones. It is suggested that where uses are moved to Section 1, that a review is undertaken to determine if other permit triggers (i.e. car parking
|   | 33.03 | Industrial 3 Zone | 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. | 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. | Supported in Principle  
|   | a) Support.  
| b) Support.  
| c) Support in Principle (see comments made above regarding similar changes in the Industrial 1 Zone). |
| 7 | 34.02 | Commercial 2 Zone | 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. | ‘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. | Supported in Principle  
| a) Support in Principle. However, it is unclear why a Convenience Restaurant would be Section 1 with an unlimited floor area, but the parent ‘Food and Drink Premise’ would be limited to 100sqm.  
| b) Support in Principle. See comments above regarding making Manufacturing Sales a section 1 use. |
| 8 | 35 | All rural zones | 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. | 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. | Not Applicable  
|   |   |   | Does not apply to Moreland. |
| 9 | 35.07 | Farming Zone | Review the Farming Zone having regard to the following:  
|   | This change would support a use that is compatible with agricultural land uses, | Not Applicable |
| 10 | 37.03 Urban Floodway Zone | 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). | 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. | Support  
   See ID 17 for further comments. |
| 11 | 37.07 Urban Growth Zone | 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. | 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, | Not Applicable  
   Does not apply to Moreland. |
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.

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<tr>
<th>12</th>
<th>40</th>
<th>All Overlays</th>
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<td>Review all overlays having regard to the following:</td>
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<td>a) Review whether the distinction of overlays controlling development, as opposed to use, remains valid, and provide updated guidance, acknowledging that some overlays already control use (AEO, SRO, DPO)</td>
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<td>b) Review the approach of using overlays to identify buffers, such as the Environmental Significance Overlay, and examine how the VPP can transparently and consistently identify and protect significant sites requiring buffers (for example: landfills, treatment plants, water supply catchments and quarries)</td>
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<td>c) Create consistency in use of terms where a common meaning applies (such as the phrases ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’) and in the use of common assessment techniques (e.g. Determining tree protection zones)</td>
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<td>d) Clarify that if a permit is not required within the head provision, then the provisions of the</td>
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<td>These reforms aim to holistically increase consistency across the VPP, and to guide municipalities to the correct application of controls. 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. 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.</td>
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Support in Part

a) Support in Part. Council supports the use of Overlays in controlling use, provided it does not conflict with the zone (i.e. does not make a prohibited use permissible, but may allow a condition to be put on certain section 1/2 uses). Council would not support removing all use based controls from Overlays, as these controls play a valuable role (DPO, for example).

b) Support. Council would support buffer distances to be mapped as an Overlay.

c) Support.

d) Support in Principle. Further, as many Overlays control built form (i.e. DDO) the parent clause should be reviewed to remove duplicate content (i.e. Decision Guidelines that are repetitive).

Could would recommend that only minor revisions are made as part of this project,
schedule to that control do not apply. This may require holistic review of how the VPP reacts with local provisions. and that a separate project be established to review Overlays, as the changes proposed are quite complex, and require additional work.

Council also recommends that a similar review of the DCPO and EAO id undertaken, to ensure consistency.

| 13 | 42 Environmental & Landscape Overlays | Review all environmental and landscape overlays 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 (such as associated with a single dwelling) by ensuring permit triggers are linked to the purpose of the control
| | | c) Ensure consistency across all schedules.
| | | 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, 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.
| | | Support in Principle.
| | | a) Support in Principle. However, it may be confusing when removal of Native Vegetation is a permit trigger in its own right. It is unclear how this will be managed. It may be worth investigating if Native Vegetation removal sits in the planning system at all, given other State and Federal Legislation often controls this.
| | | b) Support in Principle. It is unclear why a permit would not be required for removal of vegetation for a single dwelling, but it would be for removal of vegetation on industrial land. Should be treated the same.
| | | c) Support in Principle, provided content does not change significantly.

| 14 | 43.01 Heritage Overlay | Review the Heritage Overlay having regard to the following:
| | | 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
| | | 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.
| | | Support
| | | a) Support.
| | | b) Support.
| | | c & d) Support. Council suggests that the following works are also considered for
b) Create consistency in use of words where a common meaning applies, such as ‘cultural significance’, ‘heritage value’, ‘heritage interest’ and so on

c) Create a new permit exemption for minor buildings and works, which do not affect heritage values, such as small verandas and pergolas and maintenance and the minor upgrade of railway infrastructure. Consider limiting exemptions to non-contributory buildings

d) Review the use of exemptions for certain minor buildings and works, such as those cited in Yarra and Moreland Council incorporated documents, to determine if these exemptions can be introduced more broadly across Victoria and made more transparent and accessible.

In the context of the widespread application of the Heritage Overlay, these changes could result in far fewer permits for minor matters.

- Front Fence (subject to standard height and materials);
- Side and Rear Fence (provided not forward of the front dwelling line and not on a corner block);
- Garage Doors (replacement of existing);
- Construction of a vergola/pergola/verandah (if not visible from the street);
- Construct or extend outbuildings, garages, carports, shade sails, skylights, pools, spas and associated equipment (if not visible from the street and under 3m in height);
- Construct or extend a dwelling (if not forward of the existing dwelling line and not closer to the side boundaries than the existing dwelling);
- Demolition of carports, vergolas, pergolas, verandahs and outbuildings (provided they are not listed in the Statement of Significance);
- Roofing repairs (provided they do not alter the appearance of the building from the street);
- Domestic Services normal to a dwelling (provided they are not within the front setback and setback at least 4m from the front façade);
- Signage (replacement of existing sign only); and

exemption, subject to conditions where relevant;
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<th>Routine repairs and maintenance that do not change the appearance of the building.</th>
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| 15 | 43.04 Development Plan Overlay | 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. | 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 Planning and Environment Act 1987.  
  Clarifying this clause would remove a source of confusion.  
  Support |
| 16 | 43.05 Neighbourhood Character Overlay | 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. | 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.  
  Support  
  Given the NRZ and GRZ both allow Neighbourhood Character objectives to be inserted into Schedules, the role of this Overlay is seen as redundant. |
| 17 | 44 Land management overlays | 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 Floodway Zone) to understand if amalgamations are possible and the distinctions between the overlays and their objectives, are made clearer. | 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 Building Act 1993 should be considered in this review with a view to avoiding duplication.  
  Support  
  Simplifying the number of overlays is supported. The ‘Special Building Overlay’ particularly does not represent in its name the intentions of the overlay. A single overlay (with schedules where relevant) would be more appropriate.  
  In addition, Council considers that a defined process should be implemented for updating flood data. Melbourne Water |
update its data quite regularly, but does not initiate planning scheme amendments to ensure consistency. Updating an external authority’s data should not fall on Council.

Further, there are inconsistencies between the building regulations and the planning system, where building regulations don’t seem to take into account the shape of the SBO, merely that it touches the site.

Finally, Council adds no value to permit applications where the SBO is the only trigger. Consideration should be given to exempting buildings and works altogether, should the building comply with Melbourne Water’s requirements (controlled at the building permit stage).

| 18 | 44.01 Erosion Management Overlay | 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.

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.

Support in Principle

a) Support in Principle. While Council supports this item, it does not support the removal of permit triggers for matters that it has previously deemed require a permit. A full planning scheme amendment was undertaken, reviewed by an independent planning panel, which supported the permit requirements suggested by Council.

b) Support.

c) Support.
| 19 | 44.02 | Salinity Management Overlay | 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  
   c) Review referral authority requirements. | Additional permit and referral exemptions are required within the Salinity Management Overlay to ensure that the burden of controls and therefore application timeframes remains proportional to the scale of development proposed. Vegetation removal exemptions should be relocated to Clause 62 of the VPP to improve useability and reduce duplicating clauses. | Not Applicable to Moreland |
| 20 | 44.03 | Floodway Overlay | Review the Floodway Overlay having regard to the following:  
   a) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay  
   b) Improve access to flood levels required to ensure drawings are compliant prior to submitting a planning permit application. | 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 Applicable to Moreland |
| 21 | 44.04 | Land Subject to Inundation Overlay | Review the Land Subject to Inundation Overlay having regard to the following:  
   a) Update the purpose of the overlay from referring to a 1-in-100-year flood, to “flooding from a waterway in a 1% Annual Exceedance Probability (AEP) flood event”  
   b) Update the purpose of the overlay to include the words “to provide for the protection of drainage assets”. | 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. | Support in Principle  
   a) Support.  
   b) Support in Principle. Need to address that LSIO is applied to natural watercourses, which while providing drainage, is not their primary purpose.  
   c) Support. |
| 22 | Special Building Overlay | Review the Special Building Overlay having regard to the following:

a) Revise the name of the overlay to better reflect its purpose

b) Update the purpose of the overlay to include “to provide for the protection of drainage assets”, and remove reference to Clauses 33 and 35 of the SEPP (Waters of Victoria) from the purpose of the overlay

c) Make buildings and works (including dwelling extensions and new dwellings) permit exempt where minimum flood levels are met and the Building Act applies

d) Increase opportunities for permit exemptions and ensure permit triggers are linked to the purpose of the overlay

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. 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.

| 22 | Special Building Overlay | Support in Part

a) Support.

b) Support.

c) Support.

d) Support.

e) Support in Part. Moreland does not currently use the SBO for its own drainage network, so it is assumed that this change would not affect Moreland. Council would not support a change that requires it to assess overland flows from Melbourne Water assets.

f) Support in Part. See comments at ID17.

g) Support.

d) Support in Principle. As stated at ID17, if the LSIO is the only permit trigger, then Council should not need to be involved in the process.

e) Support.

f) Support in Principle. Council would not support a code assessment where the outcome is a planning permit, as Council adds no value to this process (see comments above).
| 23 | 45.02  
Airport Environ Overlay | Review the Airport Environ 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 Environ 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 Environ 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. | Support in Principle  
a) Support.  
b) Council supports the amalgamation of the Airport Environ Overlay and Melbourne Airport Environ Overlay. In addition, the Airport Environ Overlay should be expanded to cover all airports which are in close proximity to residential zones, such as Essendon Airport. It is unclear why Essendon Airport is not covered by the AEO, when Moorabbin Airport is. |
| 24 | 45.07  
City Link Project Overlay | 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 –” | 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. | Support in Principle  
a) Support in Principle. A project specific overlay creates complexities in the planning scheme. Instead, having a single overlay (i.e. Major Infrastructure Protection Overlay) with schedules may better reflect the intention and purpose of the overlay. This would allow similar types of major infrastructure to be mapped (Westgate Tunnels, Melbourne Metro) |
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<td><strong>25</strong></td>
<td><strong>52.03 Specific Sites and Exclusions</strong></td>
<td><strong>Review Specific Sites and Exclusions having regard to the following:</strong></td>
<td><strong>Support in Principle</strong></td>
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<td></td>
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<td>a) Remove outdated provisions</td>
<td>a) Support.</td>
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<td>b) Establish clear rules around when it can be used to avoid overuse</td>
<td>b) Support.</td>
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<td>c) Establish the practicality of mapping all items within a new Specific Provisions Overlay to improve transparency and public awareness.</td>
<td>c) Introducing a Major Infrastructure Protection Overlay (see ID24) would remove the need for many of the site specific exclusions. In addition, increasing the use of the Special Use Zone for ‘one-off’ projects would be more transparent than utilising this clause.</td>
</tr>
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| **26** | **52.06 Car Parking** | **Review Car Parking having regard to the following:** | **Support in Principle** |
|   |   | 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 | a) Support in Principle. A draft list of additional land uses to be added, and their respective parking rate, should be made available for comment before a final version is incorporated into the planning scheme. |
|   |   | 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) | b) Support. |
|   |   |   | c) Support. |
| 27 | 52.08 Earth and Energy Resources Industry | Review Earth and Energy Resources Industry having regard to the following:  

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 Mineral Resources (Sustainable Development) Act 1990  

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  
c) Combine the provision with Clause 52.09 Stone Extraction and Extractive Industry Interest Areas | 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. 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. | Council would suggest that a review of Clause 52.07 (Loading and Unloading) is undertaken in conjunction with a review of Clause 52.06. As there are no third party notice and review exemptions at Clause 52.07.  

Further, a comprehensive review of the car parking rates at Table 1 of Clause 52.06 should be undertaken. Clause 52.06 is a rather blunt tool that does not take into account context as-of-right. It may be beneficial to have a Clause 52.06, and then have Schedules for the CBD, Inner City, Middle Suburbs, Growth Areas, Regional Cities and Regional Areas (for example). | Not Applicable to Moreland |
<table>
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<th>Page</th>
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<th>Supporting Information</th>
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| 28   | 52.10  | 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. | 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. | Support in Principle  
a) Support in Principle. Land use terms should match the land definitions in the VPP, to avoid confusion.  
b) Support.  
Further, the ‘note 1’ and ‘note 2’ conditions cause confusion. A review of the purpose of these notes should be undertaken, with a view to reducing or eliminating their application. |
| 29   | 52.12  | a) Ensure the provision is updated to reflect current practices and modern service station designs, including reviewing the site area and crossover dimensions. | This update would improve the effectiveness of this provision and better align the provision’s purpose with the explicit numerical requirements. | Support in Principle  
a) Support in Principle. Council considers that this provision may be redundant, and could be integrated into the relevant zone. Further, having to refer to multiple locations for application requirements (zone, overlay and particular provision) creates confusion. |
| 30   | 52.13  | a) Ensure the provision is updated to reflect current practices and modern car wash design, including reviewing crossover dimensions. | 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. | Support in Principle  
a) Support in Principle. Council considers that this provision may be redundant, and could be integrated into the relevant zone. Further, having to refer to multiple locations for application requirements (zone, overlay and particular provision) creates confusion. |
| 31   | 52.14  | | The standards in this clause are outdated and are often inappropriate given the | Support in Principle |
| Motor Vehicle, Boat or Caravan Sales | Review the role and purpose of this provision, and the relevance of the dimensions, with a view to either removing or updating. | 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. | Support in Principle. Council considers that this provision may be redundant, and could be integrated into the relevant zone. Further, having to refer to multiple locations for application requirements (zone, overlay and particular provision) creates confusion. |
| 52.19 Telecommunications Facility | Review Telecommunications Facility having regard to the following: | These updates could make it easier for providers to deliver necessary infrastructure and would improve useability and effectiveness of the VPP. | Support |
| 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. |
| 52.27 Licensed Premises | Review Licensed Premises having regard to the following: | 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. | Support in Principle |
| 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. | a) Support in Principle. There is considerable duplication across the Planning Permit and Liquor Licence application processes. Reducing conflict and overlap is supported, provided the roles and responsibilities of each authority, including what can and cannot be considered, are clear (i.e. cumulative impact is assessed by Council, not VCGLR, but may sit better with VCGLR given they have a cross-municipal function). |
| b) Support in Principle, subject to conditions being imposed regarding | | | |
| 34 | 52.28 Gaming | 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.  
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.  
Support in Principle  
Council supports a review of gaming in the planning system, which explores opportunities to minimise conflict between gaming and planning legislation.  
Council notes that the existing framework has not achieved the desired outcomes, listed in both Councils local policy (Clause 22.10 of the Moreland Planning Scheme) and as listed in Councils Gambling in Moreland 2015-2020 strategy. | c) Support in Principle. Need to understand the application requirements of the VCGLR, and not duplicate processes. |
| 35 | 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road | 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’  
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  
Support  
All of the suggested changes are supported. Council would suggest that removal of a crossover is always exempt, subject to certain permit conditions.  
Further, there should be consistency between referrals at the planning and subdivision stage, to ensure there is no overlap. | c) Include and clarify common application requirements, such as ‘cumulative impact statements’.  
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, subject to conditions. Consolidation and review of application requirements would also improve useability.  
maximise floor areas, patron numbers and/or hours of operation (look at Darebin and Melbourne for conditions in their schedules). Further consultation should be undertaken regarding changes, given the impact this may have. |
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| c) Amend the provision to provide additional permit exemptions  
  d) Explore the possibility of using standard VicRoads conditions to avoid referral  
  e) Make access to a service road (other than an excluded service road) exempt from referral to VicRoads  
  f) Make applications under this clause exempt from normal notice and review provisions. | standard conditions to avoid referrals could streamline the permit process and produce time savings for applicants and reduce the administrative burden for councils. |
| 36 | 52.34 Bicycle Facilities  
  **Review Bicycle Facilities having regard to the following:**  
  a) Update bicycle rates to reflect environmental sustainability goals, the needs of modern businesses and increased popularity of cycling as a transport mode, particularly with respect to offices  
  b) Provide rates for more types of development. | 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.  
  **Support in Principle**  
  a) Support in Principle. A reduction in car parking should be linked to an increase in bicycle parking. Further, council would suggest that a contribution to public bicycle infrastructure for developments that do not provide the required statutory rate is considered.  
  b) Support.  
  Council would suggest that exemptions for Clause 52.34 are consistent with Clauses 52.06 & 52.07. |
| 37 | 52.37 Post Boxes and Dry Stone Walls  
  **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. | 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  
  **Not Applicable to Moreland** |
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| **38** | **54, 55, 56 and 58 Residential Development and Subdivision Provisions** | 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 common point of confusion among applicants, councils and the community, and address a variety of VCAT decisions on this issue. | **Support in Principle**  
   a) Support in Principle. Council would support a change that clearly states that when the standard is met, that the objective is automatically met. Further detail regarding specific changes is required before full support can be provided. |
| **39** | **57 Metropolitan Green Wedge Land** | 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. | 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. | **Not Applicable to Moreland** |
| **40** | **60 General Provisions** | 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. | 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 | **Not Supported**  
   a) Not Supported. Listing application requirements in the relevant zone or overlay seems a logical place, rather than having to refer to another part of the scheme. This change seems to complicate the scheme. |
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.

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<tr>
<th>41</th>
<th>65 Decision Guidelines</th>
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<td>Review Decision Guidelines having regard to the following:</td>
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<td>a) Review all decision guidelines across the VPP and consolidate under Clause 65, similar to Clause 66 Referral and Notice provisions.</td>
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<td>A review of the decision guidelines across the scheme, would remove obsolete requirements and add much needed requirements that better reflect policy and practise. This would 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.</td>
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<td>Not Supported</td>
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<td>a) Not Supported. Similar to the comment above, this would seem to complicate rather than simplify the scheme. Perhaps this will be addressed through a digital format planning scheme, but difficult to understand based on current scheme.</td>
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| Page | Provision | Description | Support
|------|-----------|-------------|---------|
| 42   | 66 Referral and Notice Provisions | 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. | 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. | Support in Principle  
  a) Support in Principle. Council would suggest reviewing all schedules, which sometimes contain statements regarding ‘seeking the views of’.  
  b) Support.  
  c) Support in Principle. Council has attempted to do this in the past, but with little success. It would be beneficial if DELWP could lead this.  
  d) Not relevant to Moreland. Further, Council would suggest that all referral provisions are contained in a single place, either Clause 66 or in the relevant Zone/Overlay. Having to refer to multiple locations creates confusion. |
| 43   | 72 General Terms | 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. | Support in Principle  
  A list of general terms should be released for public comment before a final version is incorporated into the VPP. |
| 44   | 74 Land Use Terms | 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 | 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 | Support in Principle  
  Council would suggest that a more detailed and comprehensive list of land uses is more beneficial than a small list of broader land uses.  
  A list of revised land use terms should be released for public comment before a final version is incorporated into the VPP. |
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

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):

Review Land Use Terms to investigate **revising** the following:

Council would suggest that Gym and Battery Storage Facility (ID45) also be added to the list of land use terms requiring definition.

Review Land Use Terms to investigate removing terms within the land use table that do not have definitions as is consistent with Clause 71.

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<th>Land Use Terms</th>
<th>Review Land Use Terms having regard to the following:</th>
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<td>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.</td>
<td>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.</td>
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<th>46</th>
<th>Nesting Diagrams</th>
<th>Review Nesting Diagrams having regard to the following:</th>
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<td>a) Shift ‘Cinema Based Entertainment Facility’ from un-nested to within the ‘Place of Assembly’ group.</td>
<td>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.</td>
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<th>47</th>
<th>Incorporated Documents</th>
<th>Review Incorporated Documents having regard to the following:</th>
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<td></td>
<td>a) Examine whether a standard template can be adopted to ensure consistency across documents</td>
<td>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</td>
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Support
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.

| 48 | Practice Notes | Review Planning Practice Notes having regard to the following:
| | | 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 focussed on implementing and writing provisions into the manual)
| | | b) Create a new Practice Note addressing advertising sign provisions, in particular outlining a mechanism by which councils can address concerns about the safety impact of signs on or near state-controlled roads where VicRoads is not a referral authority
| | | c) Update Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes - to reflect the circumstances when mandatory provisions should be applied.
| | | Repackaging the (now long) list of practice notes would improve readability and accessibility.
| | | In recent years, the practise 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.
| | | Support in Principle
| | | a) Support.
| | | b) Support.
| | | c) Further detail regarding specific changes is required before full support can be provided. The revised practice note should take into account recent decisions of the Minister to allow mandatory provisions. The use of the words ‘should’ and ‘must’ should also be defined and consistently used across planning schemes, as interpretation differs.

| 49 | Technology and the availability of document | Review planning systems having regard to the following:
| | | Visiting a council office to view a planning application file is an anachronism that
| | | Support
a) Review processes for accessing planning applications and update Planning Practice Note 74 - Availability of planning documents - to encourage councils to make documents relating to permit applications available freely online via their website

b) Provide a plain text version of planning schemes on ‘Planning Schemes Online’ to allow convenient ‘copy and paste’ into reports, or deliver through HTML using PSIMS.

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**50 Section 173 Agreements**

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<th>Review Section 173 agreements having regard to the following:</th>
<th>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.</th>
<th><strong>Support in Principle</strong></th>
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<td>a) Their role in the planning system and whether they are overused including in local schedules</td>
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<td>b) The benefits of creating a standard agreement template that would only require minimal amendments for most purposes.</td>
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<td>a) Support in Principle. Further detail regarding specific changes is required before support can be provided.</td>
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<td></td>
<td>b) Support in Principle. Further detail regarding specific changes is required before support can be provided. It is suggested that an external legal professional be engaged to prepare an agreement template, preferably a firm well versed in the preparation of such agreements.</td>
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<td>It is suggested that a review of s173’s be undertaken, with a view to why common agreements are being used, and if the</td>
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controls can be better implemented through zone or overlay controls. A recent review of section 173 agreements used at Moreland confirms that approximately 50% of s173s are used to tie a vacant lot subdivision to a planning permit, where the subdivision results in a lot more than 300sqm. Is there an ability to better control this in the scheme?

Further, agreements are sometimes used to secure financial contributions for community infrastructure. It would be preferable for site/precinct specific DCP’s to be used, but are cumbersome to apply for small precincts.