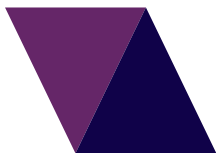


Amendment VC148: Frequently Asked Questions

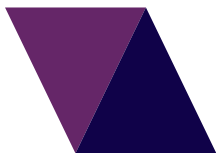
The content below is provided to assist with addressing common questions that may arise as part of gazettal of Planning Scheme Amendment VC148. The content is to be read in conjunction with VC148 Explanatory Report and VC148 Planning Advisory Notes 71 and 72.

To view Amendment VC148 go to [Planning Schemes Online](#).

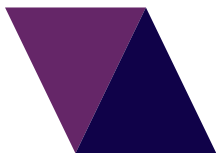
QUESTION	RESPONSE
VC148	
<p>What is Amendment VC148 about?</p>	<p>Amendment VC148 implements changes to the Victoria Planning Provisions (VPP) and planning schemes to clarify, simplify and improve their structure, function and operation, and to remove unnecessary regulation. The Amendment:</p> <ul style="list-style-type: none"> • introduces a new Planning Policy Framework (PPF) • enables the future introduction of a Municipal Planning Strategy (MPS) • simplifies the VPP structure by: <ul style="list-style-type: none"> • restructuring particular provisions • integrating VicSmart into applicable zones, overlays and particular provisions • consolidating operational and administrative provisions • amends specific zones, overlays and particular provisions to improve their structure and operation, and to support the future translation of Local Planning Policy Frameworks (LPPFs) to the MPS and PPF • introduces a new Specific Controls Overlay to replace Clause 52.03 Specific Sites and Exclusions • deletes outdated particular provisions • deletes permit requirements for low-impact uses in industrial zones • reduces car parking requirements for uses in commercial areas and for land within walking distance of high-quality public transport.
NEW INTEGRATED PLANNING POLICY FRAMEWORK (PPF)	
<p>What is the Planning Policy Framework (PPF)?</p>	<p>The PPF is the new location for policy content in planning schemes. It replaces the State Planning Policy Framework (SPPF) and includes all state and regional planning policies.</p> <p>The PPF will, in conjunction with the new Municipal Planning Strategy (MPS) (see below), include all policy content from the LPPF in each planning scheme. The PPF enables all policy content, including local policy in planning schemes, to be merged into a single policy source.</p>



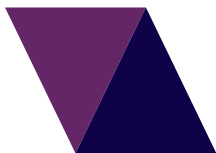
QUESTION	RESPONSE
<p>What do the letters 'S' and 'R' that appear after the policy clause numbers in the PPF mean?</p>	<p>The letter 'S' for example '11.01-1S' indicates that the policy is a statewide policy. Statewide policies are included in all planning schemes.</p> <p>The letter 'R' indicates that the policy is a regional policy. Regional policies are only included in the planning schemes that apply to the applicable region.</p>
<p>What letter is to be assigned to future local policy clause numbers in the PPF?</p>	<p>The letter 'L' will indicate that the policy is a local policy. Local policies are only included in the applicable planning scheme.</p>
<p>Where do the regional policies come from?</p>	<p>Most regional policies forming part of VC148 come from Regional Growth Plans and Plan Melbourne. The regional policies are expected to be expanded over time to accommodate content related to Statement of Planning Policies for specific regions and Land-use Framework Plans for the six metropolitan sub regions.</p>
<p>Why do only some regions have a regional policy for some policy themes?</p>	<p>Not all Regional Growth Plans or Plan Melbourne include a policy related to every policy theme in the PPF.</p>
<p>Why have some State Planning Policy Framework (SPPF) clauses not been updated?</p>	<p>SPPF content has been updated where possible. Certain policies, references and policy documents are known to be in need of review, but have not been updated as part of Amendment VC148 as they are being addressed as part of other subject specific reviews. These reviews include projects relating to major hazard facilities, airports and environmentally sustainable development.</p>
<p>What is the Municipal Planning Strategy (MPS)?</p>	<p>The MPS is a succinct expression of the overarching strategic policy directions of a municipality. It highlights the planning issues that are important to the municipality and provides context for the local policies in the PPF. The PPF and MPS work together to form the strategic basis of a planning scheme.</p> <p>In future, the MPS together with local policies in the PPF will replace the Local Planning Policy Framework (LPPF), which includes the Municipal Strategic Statement (MSS) and Local Planning Policies.</p>
<p>Can a planning scheme have a Municipal Strategic Statement (MSS) and a Municipal Planning Strategy (MPS) at the same time?</p>	<p>No. The MPS together with local policy in the PPF will replace the current LPPF, including the MSS and Local Planning Policies in planning schemes.</p> <p>Transitional provisions in Clause 23 of the planning scheme ensure that LPPFs continue to operate as they do currently, until they are translated into the MPS and PPF.</p>



QUESTION	RESPONSE								
<p>Will the LPPF be translated into the PPF as part of Amendment VC148?</p>	<p>No. The LPPF will remain in place, but Amendment VC148 (together with concurrent changes to the <i>Ministerial Direction - The Form and Content of Planning Schemes</i>) establishes the framework for LPPFs to be translated into the PPF.</p> <p>LPPFs will be translated in separate amendments after Amendment VC148. Further information about the LPPF translation process for planning schemes across Victoria will be made available shortly.</p> <p>The following table describes where LPPF content will be positioned in a planning scheme in the various stages of the PPFs implementation:</p> <table border="1" data-bbox="576 864 1469 1872"> <thead> <tr> <th data-bbox="576 864 874 1178">Before VC148</th> <th data-bbox="874 864 1171 1178">After VC148 - transitional</th> <th data-bbox="1171 864 1469 1178">After VC148 - integrated</th> </tr> </thead> <tbody> <tr> <td data-bbox="576 1178 874 1872"> <p><i>A planning scheme before Amendment VC148 includes:</i></p> <p>Clauses 9-19 - SPPF</p> <p>Clauses 20-22 - LPPF</p> <p>Clause 21 - MSS <i>(including information required under Section 12A(3) (c) of the Planning and Environment Act 1987)</i></p> <p>Clause 22 - LPP <i>(included as relevant)</i></p> </td> <td data-bbox="874 1178 1171 1872"> <p><i>A planning scheme after VC148, but before the local content is translated into the PPF includes:</i></p> <p>Clauses 10-19 - PPF</p> <p>Clauses 20-23 - LPPF</p> <p>Clause 21 - MSS</p> <p>Clause 22 - LPP <i>(included as relevant)</i></p> <p>Clause 23 - LPPF Operation <i>(transitional)</i></p> </td> <td data-bbox="1171 1178 1469 1872"> <p><i>A fully integrated PPF, with local content translated into the PPF includes:</i></p> <p>Clause 02 - MPS</p> <p>Clauses 10-19 - PPF</p> <p>Clause 74.01 - Application of Zones, Overlays and Provisions <i>(including content in the associated schedule)</i></p> <p>Clause 74.02 - Further Strategic Work <i>(including content in the associated schedule, as relevant)</i></p> </td> </tr> </tbody> </table>			Before VC148	After VC148 - transitional	After VC148 - integrated	<p><i>A planning scheme before Amendment VC148 includes:</i></p> <p>Clauses 9-19 - SPPF</p> <p>Clauses 20-22 - LPPF</p> <p>Clause 21 - MSS <i>(including information required under Section 12A(3) (c) of the Planning and Environment Act 1987)</i></p> <p>Clause 22 - LPP <i>(included as relevant)</i></p>	<p><i>A planning scheme after VC148, but before the local content is translated into the PPF includes:</i></p> <p>Clauses 10-19 - PPF</p> <p>Clauses 20-23 - LPPF</p> <p>Clause 21 - MSS</p> <p>Clause 22 - LPP <i>(included as relevant)</i></p> <p>Clause 23 - LPPF Operation <i>(transitional)</i></p>	<p><i>A fully integrated PPF, with local content translated into the PPF includes:</i></p> <p>Clause 02 - MPS</p> <p>Clauses 10-19 - PPF</p> <p>Clause 74.01 - Application of Zones, Overlays and Provisions <i>(including content in the associated schedule)</i></p> <p>Clause 74.02 - Further Strategic Work <i>(including content in the associated schedule, as relevant)</i></p>
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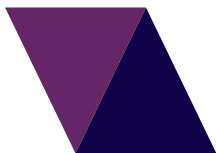
QUESTION	RESPONSE
<p>Why is the MPS ‘elevated’ to Clause 02, ahead of the PPF at Clauses 10 to 19?</p>	<p>While the MPS is positioned ‘numerically’ ahead of the PPF, it is not positioned ‘functionally’ ahead of the PPF. The PPF prevails over any local provision, including the MPS, in keeping with Section 7(4) of the <i>Planning and Environment Act 1987</i>.</p> <p>The MPS has been positioned at Clause 02, before the PPF, because it provides a useful introduction to a planning scheme by setting the context, vision and overarching strategic directions for the municipality.</p>
<p>How will DELWP support councils to translate their LPPFs into the MPS and PPF?</p>	<p>The Department of Environment, Land, Water and Planning (DELWP) is committed to supporting councils with their LPPF translations. It will take some time for all councils to move across to the new PPF. Further information on the process for LPPF translations will be made available soon.</p>
<p>VICSMART INTEGRATION</p>	
<p>Has the VicSmart process changed?</p>	<p>No. The process for lodging and assessing a VicSmart application remains unchanged.</p>
<p>Have any new VicSmart classes of application been added?</p>	<p>No. The number and type of existing VicSmart classes have not been changed.</p>
<p>Where are the State VicSmart classes now located in the VPP?</p>	<p>The State VicSmart classes are now located below the applicable permit requirements in the zones, overlays and particular provisions.</p>
<p>Where are the information requirements and decision guidelines for State VicSmart classes now located?</p>	<p>The information requirements and decision guidelines for State VicSmart classes are now located in Clause 59.</p>
<p>Where are local VicSmart classes now located?</p>	<p>Where a planning scheme contains local VicSmart classes, they are specified in a schedule to Clause 59.15.</p> <p>Information requirements and decision guidelines for a local VicSmart class can be specified in a schedule to Clause 59.16.</p>
<p>Where are the VicSmart operational provisions now located?</p>	<p>The VicSmart operational provisions are now located in Clause 71.06.</p>



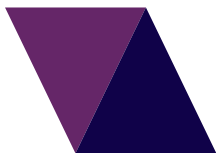
QUESTION	RESPONSE
SPECIFIC CONTROLS OVERLAY TO REPLACE CLAUSE 52.03 SPECIFIC SITES AND EXCLUSIONS	
<p>What does the new Specific Controls Overlay (SCO) do?</p>	<p>The SCO has the same function as Clause 51.01 Specific Sites and Exclusions, which enables specific controls (contained in an incorporated document) to override other requirements of the planning scheme. The SCO is more transparent than Clause 51.01 because it is included in planning scheme maps and planning certificates.</p>
<p>Have existing controls in Clause 51.01 Specific Sites and Exclusions been moved to the new SCO?</p>	<p>No. All Clause 52.03 content remains in the newly numbered Clause 51.01 until the planning authority translates it to the new SCO. The <i>Ministerial Direction - The Form and Content of Planning Schemes</i> prevents the use of Clause 51.01 after three months from gazettal of VC148. It is expected that all Clause 51.01 content will be required to be translated to the SCO in the future at an appropriate time.</p>
HERITAGE OVERLAY	
<p>Why does Clause 43.01 Heritage Overlay (HO) require a statement of significance to be specified for each heritage place included in the overlay?</p>	<p>The statement of significance for a heritage place justifies the significance of the place as a basis for its inclusion in the HO and is required to be considered when deciding an application. The amended <i>Ministerial Direction - The Form and Content of Planning Schemes</i> requires the statement to also be incorporated in the planning scheme. The new requirement will provide greater transparency and assist decision making.</p>
<p>Does a statement of significance for an existing heritage place have to be incorporated?</p>	<p>No. If a heritage place has been gazetted prior to the introduction of Amendment VC148 then a statement of significance is not required to be incorporated.</p>
<p>Will the new requirement for a statement of significance to be specified apply to 'live' planning scheme amendments?</p>	<p>In the HO, Clause 43.01-5 provides a three-month transition period for planning scheme amendments already in progress.</p>
DEVELOPMENT PLAN OVERLAY	
<p>What does the amendment to Clause 43.04 Development Plan Overlay (DPO) do?</p>	<p>The amendment to the DPO does not change the practical operation of the overlay. It clarifies when an application is exempt from the notice and review requirements of the <i>Planning and Environment Act 1987</i>.</p>



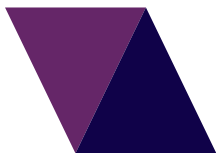
QUESTION	RESPONSE
PHASING OUT CLAUSE 37.06 PRIORITY DEVELOPMENT ZONE	
<p>Why can't new schedules be created to Clause 37.06 Priority Development Zone (PDZ)?</p>	<p>The PDZ has not been applied to land since 2013. There are other more appropriate zones that have been used for areas of regional or state significance and continue to be used in its place. Removing the future use of the PDZ will simplify the planning system.</p>
<p>Will the PDZ and its schedules be deleted?</p>	<p>The amendment does not remove any existing PDZs and it is not proposed to require PDZs to be deleted subsequent to VC148.</p>
<p>Will there be an ability to amend existing schedules to the PDZ?</p>	<p>Yes, existing schedules to the PDZ can continue to be amended where necessary. However, the intent is to phase out the PDZ in favour of other zones and overlays over time.</p>
RESTRUCTURE OF PARTICULAR PROVISIONS AND OPERATIONAL PROVISIONS	
<p>Why have particular provisions been renumbered?</p>	<p>The particular provisions have been regrouped under three headings:</p> <ul style="list-style-type: none"> • 'Specified areas' • 'Permit requirements and exemptions', and • 'Requirements and performance standards'. <p>The regrouping makes the particular provisions easier to navigate by locating them under the heading that best describes its function. This restructure has resulted in renumbering some of the particular provisions.</p>
<p>Have any new particular provisions been added?</p>	<p>No new particular provisions have been created as a result of this restructure.</p>
<p>Have any clauses in the particular provisions been consolidated as a result of this reform?</p>	<p>Clauses 57 Metropolitan green wedge land and 57.01 Core planning provisions have been consolidated and relocated to Clause 51.02 under the heading 'Provisions that apply only to a specified area'.</p>



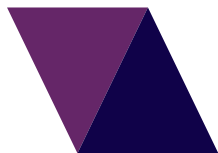
QUESTION	RESPONSE
<p>Have any particular provisions been deleted as a result of this reform? Where has the content from any deleted particular provision been relocated?</p>	<p>Amendment VC148 deleted three particular provisions that specify mandatory design and other requirements for the use of land:</p> <ul style="list-style-type: none"> • Clause 52.12 Service Station • Clause 52.13 Car wash, and • Clause 52.14 Motor Vehicle, Boat or Caravan Sales <p>These requirements are outdated and impose unnecessary regulatory burden on business. The existing use conditions and decision guidelines in zones already cover matters that should be considered in decision making. Amendment VC148 did not change the permit requirements for these uses in zones. However, the amenity conditions and decision guidelines that apply to industrial uses in the Mixed Use Zone are now applied to the use of land for a service station in that zone.</p> <p>Other particular provisions have now been assigned to these clause numbers.</p>
<p>Where are the operational provisions for the PPF, zones, overlays, particular provisions and VicSmart located?</p>	<p>These are now consolidated at Clause 71.</p>
<p>Where have the administrative provisions at Clause 61 been relocated?</p>	<p>These provisions are now contained in the operational provisions at Clause 72. Clause 72 also includes the list of documents incorporated in the planning scheme and a new provision called 'Background documents' at Clause 72.08.</p>
<p>Where have the 'Application of zones and overlays' and 'Further Strategic Work' clauses from the local MSS been relocated?</p>	<p>These provisions are now contained in the operational provisions at Clause 74.</p>
<p>What is a 'Background Document'?</p>	<p>This is the new name for what was previously called 'Reference Documents'.</p>
<p>Where is the new location for the terms and definitions clauses?</p>	<p>These are now contained in the operational provisions at Clause 73.</p>



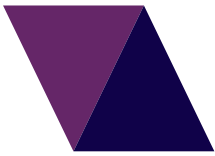
QUESTION	RESPONSE
ADVERTISING SIGNS	
<p>Why has the term 'advertising' been removed from Clause 52.05 and the VPP?</p>	<p>'Advertising' has been removed to acknowledge the broader application of the term 'signs'. Signs can include advertising but are often used for other purposes such as information and direction.</p>
<p>Does Clause 52.05 Signs apply to the use of land for the display of a sign?</p>	<p>Clause 52.05 now specifically states that it applies only to the development of signs and not the use of land for their display. Clause 62.01 now specifies that a permit is not required to use land to display a sign.</p>
<p>Do exempt signs require a planning permit under any other provisions?</p>	<p>No, Clause 52.05-7 provides permit exemptions for the construction and putting up for display of a number of signs. This provision overrides any other provision in any zone, overlay, or other particular provision of the scheme.</p>
<p>Why has 'construct or put up a sign for display' been included in the clause?</p>	<p>This wording has been used to ensure consistency with the definition of 'development' in the <i>Planning and Environment Act 1987</i>, which includes 'the construction or putting up for display of signs or hoardings'.</p>
<p>Why has the schedule to the clause been changed?</p>	<p>The schedule now allows a planning scheme amendment to enable a sign on land listed in the schedule to be exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the <i>Planning and Environment Act 1987</i>. This is to allow for some local variation for sign types, reduce regulatory burden and streamline planning processes. Previously, this exemption was limited to major promotion signs only.</p>
LAND ADJACENT TO A ROAD ZONE CATEGORY 1 OR PUBLIC ACQUISITION OVERLAY FOR A CATEGORY 1 ROAD	
<p>What changes have been made to Clause 52.29?</p>	<p>An application required under Clause 52.29 is now exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the <i>Planning and Environment Act 1987</i>.</p> <p>Clause 52.29 has also been amended to remove a permit exemption where the development was generally consistent with a previous agreement made in writing with the Roads Corporation.</p>



QUESTION	RESPONSE
REMOVAL OF PERMIT REQUIREMENTS FOR CERTAIN USES IN INDUSTRIAL ZONES	
<p>What are the new permit exemptions?</p>	<p>A 'Convenience shop' and 'Take away food premises' are now Section 1 (no permit required) uses in the Industrial 1 Zone.</p> <p>A 'Take away food premises' is now a Section 1 (no permit required) use in the Industrial 3 Zone.</p> <p>A 'Service industry', which includes 'Motor repairs', is now a Section 1 (no permit required) use, subject to conditions, in the Industrial 3 Zone.</p>
<p>Is there a cap on the internal floor area allowable for a 'Convenience shop' to operate without requiring a planning permit?</p>	<p>Internal floor area restriction conditions are not attached to the 'Convenience shop' use in the table of uses in Industrial 3 Zone. However, the maximum internal floor area stipulated in the land use definition of 'Convenience shop' (240 square metres) in Clause 73.03 continues to apply.</p>
<p>Is there a cap on the internal floor area of a 'Take away food premises'?</p>	<p>There is no cap on the internal floor area of 'Take away food premises'. A 'Take away food premises' is defined as land used to prepare and sell food and drink for immediate consumption off the premises. The floor areas associated with this land use is often small and therefore generally not an issue with this land use.</p>
REDUCTION IN CAR PARKING REQUIREMENTS IN COMMERCIAL AREAS	
<p>What is the new car parking exemption?</p>	<p>Clause 52.06-3 now exempts the need for a planning permit to reduce the required number of car parking spaces for a new use of an existing building if all of the following requirements are met:</p> <ul style="list-style-type: none"> • The building is in the Commercial 1 Zone, Commercial 2 Zone or Activity Centre Zone. • The gross floor area of the building is not increased. • The reduction does not exceed 10 car parking spaces. • The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.
<p>Does the new car parking exemption at Clause 52.06-3 apply to new developments?</p>	<p>No, this provision does not apply to new developments. It applies only to existing buildings, where the gross floor area of the building is not increased, amongst other conditions outlined in the clause (as stated above).</p>



QUESTION	RESPONSE
<p>Does the new car parking exemption at Clause 52.06-3 apply to development (buildings and works) where the floor layout is altered?</p>	<p>The exemption applies if all conditions stipulated above have been met. Building and works that alter the internal layout of the existing building but do not increase its gross floor area will satisfy the exemption.</p>
<p>How is the new car parking exemption at Clause 52.06-3 different from VicSmart class for car parking?</p>	<p>Under the provisions at Clause 52.06-3 (as stipulated above), a permit is not required for a reduction of up to 10 car spaces in a Commercial 1 Zone, Commercial 2 Zone and Activity Centre Zone if the conditions set out above have been met.</p> <p>If a condition has not been met and a planning application is required, Clause 71.06 allows an application for a reduction of car parking spaces by no more than 10 car parking spaces to be assessed as a VicSmart application, against the requirements of Clause 59.10.</p>
<p>REDUCED CAR PARKING REQUIREMENTS FOR LAND IDENTIFIED ON THE PRINCIPAL PUBLIC TRANSPORT NETWORK AREA MAPS</p>	
<p>What is the Principal Public Transport Network (PPTN)?</p>	<p>The PPTN reflects the routes where high-quality public transport services are or will be provided. It supports integrated transport and land use planning, by encouraging more diverse and dense development near high-quality public transport to help support public transport usage.</p>
<p>What does this change to Clause 52.06 Car parking mean and where are the PPTN maps located?</p>	<p>Clause 52.06 now applies the reduced parking rates specified in Column B of Table 1 in Clause 52.06 to land that is (wholly or partly) within 400 metres of the PPTN. The land the Column B rates apply to is identified in the <i>Principal Public Transport Network Area Maps</i>.</p> <p>The PPTN maps are incorporated into the VPP at Clause 72.04 and consist of 33 maps covering 31 municipalities. The incorporated document that contains the maps can be viewed online at the Online Resource Library.</p>
<p>How do I find out if my property is affected?</p>	<p>It may sometimes be difficult to determine if your property is wholly or partly within 400 metres of the PPTN in the incorporated document. Therefore an interactive version of the PPTN Area can be viewed at VicPlan.</p>
<p>Do the Column B car parking rates apply to the whole land within 400 metres of the PPTN?</p>	<p>If any part of the land is identified as being within the Principal Public Transport Network Area as shown on the <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018), the Column B rates of Clause 52.06 apply to the entire site.</p>
<p>Where do I apply to have my property included in the PPTN Area?</p>	<p>You cannot apply to have your property included in the PPTN Area. Your property is only included if it is located within 400 metres of the PPTN.</p>



QUESTION	RESPONSE
THE USER GUIDE	
What has happened to the two page <i>User Guide</i> that was located at Clause 2.0 in all planning schemes?	<p>The User Guide has been removed from planning schemes as the general information is available here on the DELWP website.</p> <p>The information is now more detailed and is spread across a number of webpages rather than being included in one document called the User Guide.</p>