

# AMENDMENT VC148

## Reform to the Victoria Planning Provisions

### A SUMMARY OF CHANGES

#### What the Amendment does

The amendment introduces changes to the *Victoria Planning Provisions* (VPP) and all planning schemes arising from the Victorian Government's Smart Planning program. The program aims to simplify and modernise Victoria's planning policy and rules to make planning more efficient, accessible and transparent.

This amendment makes the following changes:

#### ***Integrated Planning Policy Framework***

- Deletes the State Planning Policy Framework (SPPF) and replaces it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19.

#### ***A simpler VPP structure with VicSmart built in***

- Deletes Clause 1.0 (Preliminary) and Clause 2.0 (User Guide). The User Guide will continue to be published on the Department of Environment, Land, Water and Planning website. The planning scheme purposes from Clause 1.0 are moved to new Clause 01.
- Inserts new Clause 00 (Purpose and Vision) and Clause 01 (Purposes of this planning scheme).
- Moves the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserts a new Clause 23.01 to explain the relationship between the LPPF and the PPF.
- Organises particular provisions (currently contained in Clauses 52, 53 and 57) into three new categories:
  - Provisions that apply only to a specified area (Clause 51).
  - Provisions that require, enable or exempt a permit (Clause 52).
  - General requirements and performance standards (Clause 53).
- Makes consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules.
- Deletes the VicSmart provisions in Clauses 90 to 95 and:
  - relocates the tables of classes of State VicSmart applications to the applicable zones, overlays and particular provisions
  - relocates local VicSmart applications and the State and local VicSmart information requirements and decision guidelines to a new Clause 59 (VicSmart applications and requirements)

- relocates the VicSmart operational provisions to new Clause 71.06.
- Inserts a new section, 'Operational provisions' (Clauses 70 to 74) that consolidates operational, administrative and other provisions as follows:
  - New Clause 71 contains operational provisions for the Municipal Planning Strategy (MPS) and PPF, zones, overlays, particular provisions and VicSmart.
  - New Clause 72 contains the administrative provisions, including the list of documents incorporated in the planning scheme and background documents (a new provision).
  - New Clause 73 includes the meaning of terms, including general, sign and land use terms, and nesting diagrams.
  - New Clause 74 includes provisions to be used in the future transition of LPPFs to the MPS and PPF.
- Makes miscellaneous amendments to provisions, including schedules, to:
  - update references to the SPPF and LPPF to the new MPS and PPF (for example in the purposes and decision guidelines of the zones, overlays and other provisions)
  - update provisions (for example, references to clause numbers) as a result of the restructure and reorganising of provisions
  - correct errors and improve drafting of provisions.

### **Improvements to the structure and operation of specific clauses**

- Amends the following clauses to enable their schedules to specify additional matters including purposes, objectives, application requirements or decision guidelines: Clause 37.03 (Urban Floodway Zone); Clause 42.01 (Environmental Significance Overlay); Clause 42.02 (Vegetation Protection Overlay); Clause 42.03 (Significant Landscape Overlay); Clause 43.01 (Heritage Overlay); Clause 43.02 (Design and Development Overlay); Clause 43.04 (Development Plan Overlay); Clause 44.01 (Erosion Management Overlay); Clause 44.02 (Salinity Management Overlay); Clause 44.03 (Floodway Overlay); Clause 44.04 (Land Subject to Inundation Overlay); Clause 44.05 (Special Building Overlay); Clause 52.28 (Gaming).
- Amends Clause 43.01 (Heritage Overlay) to require the schedule to the overlay to specify a statement of significance for each heritage place included in the schedule after Amendment VC148 commences (transitional provisions apply).
- Amends the Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements of the *Planning and Environment Act 1987* (the Act).
- Introduces the Specific Controls Overlay (Clause 45.12), which can be used to apply specific controls designed to achieve a particular purpose in extraordinary circumstances.
- Amends advertising signs provisions as follows:
  - Replaces the term 'advertising signs' with 'signs' throughout the VPP.
  - Amends Clause 62.01 to exempt the display of a sign from any requirement relating to the use of land.
  - Amends Clause 62.02 to clarify that the permit exemptions for signs in Clause 52.05 apply to all permit requirements in the planning scheme.

- Amends the structure of Clause 52.05 (Signs) so it is clearer and to enable the schedule to the clause to exempt applications for any type of signs from the notice and review requirements of the Act.
- Amends the Mixed Use Zone (Clause 32.04) to enable the schedule to the zone to specify a different sign category from Clause 52.05.
- New Clause 73.02 (Sign terms) includes new definitions for the sign terms 'display area' and 'sign'.
- New Clause 73.03 (Land use terms) lists 'sign' as a land use term in the table without a definition and new Clause 73.04 (Nesting diagrams) lists 'sign' as a land use term that is not nested.
- Amends Clause 52.29 (Land Adjacent to a Road Zone 1, Category 1, or a Public Acquisition Overlay for a Category 1 Road) to exempt an application from the notice and review requirements of the Act and to clarify permit exemptions.

### ***Changes that support business by removing unnecessary regulation***

- Amends Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit to use land for a 'convenience shop' and 'take away food premises'.
- Amends Clause 33.03 (Industrial 3 Zone) to remove the requirement to obtain a planning permit to use land for:
  - a 'service industry' if the use is setback a specified distance from sensitive zones and uses
  - a 'take away food premises'.
- Deletes Clause 52.12 (Service station) which sets out site layout and other requirements for a service station and makes the following consequential amendments to ensure potential amenity impacts continue to be considered and regulated:
  - Amends Clause 33.01 (Industrial 1 Zone) to specify a general amenity condition opposite this use in Section 1 of the tables of uses.
  - Amends Clause 32.04 (Mixed Use Zone) to apply the existing decision guidelines for industry and warehouses to this use.
- Deletes Clause 52.13 (Car wash) and Clause 52.14 (Motor vehicle, boat or caravan sales) which set out site layout and other requirements for these uses.
- Amends Clause 52.06 (Car parking) to:
  - provide that a planning permit is not required under Clause 52.06-3 to reduce the car parking requirement for a new use in an existing building in the Commercial 1, Commercial 2 and Activity Centre Zones for up to 10 car parking spaces (subject to meeting specified conditions)
  - apply the car parking rates in Column B of Table 1 if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, 2018).
- Incorporates the *Principal Public Transport Network Area Maps* (State Government of Victoria, 2018) in the VPP.