

# AMENDMENT VC142

## A SUMMARY OF CHANGES

### What the Amendment does

The amendment includes a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.

The amendment:

- Removes outdated policy guidelines from Clauses 12.02-5 (Bays), 14.02-1 (Catchment planning and management), 17.03-3 (Maritime precincts) and 19.03-2 (Water supply, sewerage and drainage).
- Amends Clause 12.01-1 of the State Planning Policy Framework to relocate a biodiversity strategy reference and remove the words 'high value' from that reference consistent with recent amendments introduced by Amendment VC138.
- Updates policy guidelines at Clauses 13.02-1 (Floodplain management) and 17.02-2 (Design of industrial development).
- Makes minor revisions to the land use and transport planning strategies at Clause 18.01-1 (Land use and transport planning) due to deletion of Clause 52.36 (Integrated public transport planning).
- Revises Clauses 17.02 (Industry), 32.04 (Mixed Use Zone), 32.05 (Township Zone), 33.01 (Industrial 1 Zone), 33.02 (Industrial 2 Zone), 33.03 (Industrial 3 Zone), 34.01 (Commercial 1 Zone), 34.02 (Commercial 2 Zone), 37.08 (Activity Centre Zone) and 37.09 (Port Zone) to update references to the Occupational Health and Safety Regulations 2017.
- Creates a buildings and works permit exemption for structural changes to a dwelling (with conditions) in Clauses 32.03 (Low Density Residential Zone), 32.04 (Mixed Use Zone), 32.05 (Township Zone), 32.07 (Residential Growth Zone), 32.08 (General Residential Zone), 32.09 (Neighbourhood Residential Zone) and 92 (State VicSmart Applications).
- Makes 'Art gallery' and 'Museum' Section 1 (permit not required) land uses in Clauses 32.04 (Mixed Use Zone) and 34.02 (Commercial 2 Zone).
- Makes 'Art and craft centre' a Section 1 (permit not required) land use in Clauses 34.01 (Commercial 1 Zone) and 34.02 (Commercial 2 Zone).
- Makes 'Warehouse' (other than Mail centre, Fuel depot or Shipping container storage) a Section 1 (permit not required) land use in Clause 33.03 (Industrial 3 Zone) with conditions.

- Removes the requirement for the responsible authority to inform the applicant in writing that the neighbourhood and site description is satisfactory prior to notice being given or the application is determined in Clauses 34.01 (Commercial 1 Zone), 54.01 (Neighbourhood and site description and design response), 55.01 (Neighbourhood and site description and design response), 56.01 (Subdivision site and context description and design response) and 58.01 (Urban context report and design response).
- Creates an exemption for buildings and works undertaken by or on behalf of a public land manager under the *Road Management Act 2004* in Clause 36.03 (Public Conservation and Resource Zone).
- Creates an exemption (or modifies the existing exemption) for roadworks where the water flow path is not redirected or obstructed in Clauses 37.03 (Urban Floodway Zone), 44.03 (Floodway Overlay), 44.04 (Land Subject to Inundation Overlay) and 44.05 (Special Building Overlay).
- Introduces a permit requirement for a 'Dependent person's unit' in Clauses 44.03 (Floodway Overlay), 44.04 (Land Subject to Inundation Overlay) and 44.05 (Special Building Overlay).
- Introduces a permit requirement for a rainwater tank of any size in Clause 44.05 (Special Building Overlay) making it consistent with Clauses 44.03 (Floodway Overlay) and 44.04 (Land Subject to Inundation Overlay).
- Revises Clause 43.01 (Heritage Overlay) to:
  - Exempt the following from a planning permit:
    - fences, swimming pools and spas (and associated equipment), decks, non-domestic disabled access ramps, and electric vehicle charging stations if they are not visible from a street (other than a lane) or public park
    - services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar if not visible from a street (other than a lane) or public park
    - bicycle pathways and trails.
  - Clarify a planning permit is not required for roadworks which do not change the appearance of a heritage place or which are generally undertaken to the same details, specifications and materials.
  - Introduce an exemption from notice and review for roadworks, electric vehicle charging stations and services normal to a building other than a dwelling.
  - Reflect within Clause 92 (State VicSmart Applications) that applications under a Heritage Overlay include the following:
    - construct or install an electric vehicle charging station

- construct and install services normal to a building other than a dwelling including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
- Revises Clause 52.06 (Car parking) to remove the requirement to provide car parking to the satisfaction of the responsible authority for a temporary portable land sales office use.
- Removes permit requirements related to the loading and unloading of vehicles by deleting Clauses 52.07 (Loading and unloading of vehicles), 93.11 (Loading and unloading facilities) and 92.05 (Table 3 Classes of application under particular provisions – loading and unloading of vehicles).

The amendment also updates Clause 65 (Decision guidelines) and Clause 93.04 (Building and works in a zone [except a rural zone]) to ensure that loading and unloading facilities, amenity and traffic flow and safety issues are considered.

- Renames Clause 52.11 from 'Home Occupation' to 'Home Based Business' and revises the clause to:
  - increase the number of allowable people who do not live in the dwelling to work in the home based business
  - increase the floor area used to store goods or materials
  - change the measurement of floor area from gross floor area to net floor area
  - clarify that vehicles may not be adjusted or modified for commercial gain
  - clarify the ability to sell online goods
  - replace the land use term 'Home occupation' with 'Home based business'.
- Revises Clause 52.29 (Land adjacent to a road zone, Category 1, or a public acquisition overlay for a Category 1 road) to expand permit exemptions and remove redundant referral triggers.
- Deletes Clause 52.36 (Integrated public transport planning) and relocates referral requirements in Clause 66 (Referral and notice provisions).
- Revises Clause 66 (Referral and notice provisions) to update reference to the Dangerous Goods (HCDG) Regulations 2016 and the Occupational Health and Safety Regulations 2017.
- Expands the permit exemptions in Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit) for the following:
  - removal of the exemption requirement for road trading to be authorised by the Council under a local law
  - increasing the rainwater tank capacity from 4,500 litres to 10,000 litres and making consequential changes to Clauses 33.01 (Industrial 1 Zone), 33.02 (Industrial 2 Zone), 33.03 (Industrial 3 Zone) and 37.09 (Port Zone).

- Introduces new permit exemptions in Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit) for the following:
  - use of land for a minor utility installation, including consequential changes to relevant zones and overlays to remove this land use term from the table of uses
  - works associated with geotechnical testing or service proving
  - buildings and works associated with use of the land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device
  - services normal to a building other than a dwelling including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar
  - an electric vehicle charging station.
- Revises the following land use terms in Clauses 74 (Land use terms) and 75 (Nesting diagrams) and makes consequential changes to relevant zones and overlays:
  - 'Research and development centre' definition to include 'testing'
  - 'Adult sex bookshop' term to be replaced with 'Adult sex product shop'
  - 'Home occupation' term to be replaced with 'Home based business'
  - 'Pleasure boat facility' term to be replaced with 'Recreational boat facility'
  - 'Pleasure park' term to be replaced with 'Amusement park'
  - 'Warehouse' definition to be revised to clarify it can include the storage and distribution of goods for online retail, but excludes in-person collection and retail sales.
- Deletes 'Business college' and 'Cabaret' land use terms from Clause 74 (Land use terms) and Clause 75 (Nesting diagrams).
- Simplifies land use terminology and varies the regulation of markets by:
  - deleting 'Community market' and 'Trash and treasure market' land use terms from Clause 74 (Land use terms) and Clause 75 (Nesting diagrams)
  - making consequential changes by deleting 'Community market' and making 'Market' a Section 2 (permit required) use in Clause 32.03 (Low Density Residential Zone), Clause 32.07 (Residential Growth Zone), Clause 32.08 (General Residential Zone) and Clause 32.09 (Neighbourhood Residential Zone).