



Advisory
Note

September 2008

Amendment VC49

This advisory note provides information about changes to the *Victoria Planning Provisions* (VPP) and planning schemes made by [Amendment VC49](#).

The advisory note covers the following matters that are included in VC49:

- ▶ removal of permit requirements for minor matters
- ▶ changes to the Heritage Overlay
- ▶ changes to the advertising sign provisions in Clause 52.05
- ▶ new exemptions for native vegetation removal in Clause 52.17 and a number of environmental and land management overlays
- ▶ revised provisions for native vegetation precinct plans
- ▶ changes to referral and notice requirements for certain matters
- ▶ introduction of public transport considerations for new development.

Amendment VC49 was gazetted on 15 September 2008.

Minor matters

The [Cutting red tape in planning](#) project resulted in the introduction of a range of planning permit exemptions for minor matters in 2006. VC49 builds on this initiative by introducing further exemptions for minor matters. The following types of buildings and works now do not require a planning permit:

- ▶ All rain water tanks in rural areas.
- ▶ Rain water tanks in industrial areas (subject to meeting siting and height requirements).
- ▶ Domestic out-buildings under 50 square metres in area in all rural zones, except for the Green Wedge and Green Wedge A Zones.
- ▶ Minor buildings and works associated with dwellings, such as pergolas, decks, swimming pools and spas, provided the land is not flood prone or within a Heritage Overlay.
- ▶ Temporary land sales offices.
- ▶ Minor buildings and works such as art work undertaken by a public land manager, flag poles, bicycle pathways and trails, public toilets and disabled access ramps.

These additional exemptions will save applicants time and money, and will free up council resources to focus on more complex applications.



Heritage Overlay

The heritage provisions in planning schemes were reviewed by an Advisory Committee in 2007. The [Advisory Committee report](#) recommended a range of improvements and VC49 implements the first stage of these recommendations. The changes to the Heritage Overlay also include some streamlining improvements.

The Heritage Overlay has been changed so that:

- ▶ the consolidation of land no longer needs a planning permit
- ▶ all rainwater tanks (not just domestic ones) no longer need a planning permit provided they are not visible from a street
- ▶ the construction of speed humps, pedestrian refuges and splitter islands no longer needs a planning permit provided existing footpaths and kerb and channel are not altered
- ▶ tree pruning no longer needs a planning permit
- ▶ internal alterations to a church do not need a planning permit if they are for liturgical purposes
- ▶ more minor matters are now exempt from notice and review requirements
- ▶ it is clear that works that change the appearance of a heritage place require a planning permit
- ▶ it is clear that heritage places listed on the Victorian Heritage Register do not require a planning permit under the overlay
- ▶ the decision guidelines include the consideration of any applicable statement of significance.

The Department of Planning and Community Development (DPCD) is continuing to work through the remaining Advisory Committee recommendations.

Advertising signs

The advertising signs provisions in Clause 52.05 of planning schemes were also reviewed by an Advisory Committee in 2007. The [Advisory Committee report](#) recommended a range of improvements and VC49 implements the first stage of these recommendations.

Clause 52.05 has been changed to include:

- ▶ a new clause purpose
- ▶ new requirements for planning permit applications for advertising signs
- ▶ new decision guidelines for the assessment of planning permit applications.

These changes provide clarity and consistency to applicants and decision-makers about the information that should be provided with an application, and the planning issues that are relevant to advertising signs.

Other changes to the advertising sign provisions include:

Major promotion signs

Amendment VC49 changes Clause 52.05 to provide an extension of time for major promotion signs displayed in accordance with a planning permit granted between 19 September 1995 and 18 September 1997. The lawful display of these signs was due to expire on 18 September 2008, but can now continue until 31 December 2008 or, in cases where a planning permit application for the sign is lodged before this date, until the application is determined by Council or VCAT (on review).

New decision guidelines and standard permit conditions for major promotion signs have also been included in Clause 52.05.

Animated and electronic signs adjacent to roads

The existing requirement to refer applications for electronic billboard signs within 60 metres of a declared road or freeway to VicRoads has been changed to also require the referral of animated signs. This new requirement has been introduced to ensure that signs which have the potential to impact on road safety are properly assessed.

DPCD is continuing to work through the remaining Advisory Committee recommendations.



New exemptions for native vegetation removal

New planning permit exemptions for native vegetation removal have been introduced into planning schemes. The affected clauses are [52.17 \(Native Vegetation\)](#), [52.18 \(Timber Production\)](#) and the [Environmental Significance, Vegetation Protection, Significant Landscape, Erosion Management](#) and [Salinity Management Overlays](#).

The introduction of new exemptions follows a review by an Advisory Committee of the operation and effectiveness of the previous exemptions.

Detailed information about the review and the new exemptions can be found in the Advisory Note [New exemptions for native vegetation removal in planning schemes](#) and the [Advisory Committee report](#).

Native vegetation precinct plans

The planning scheme provisions applying to Native Vegetation Precinct Plans (NVPPs) have been changed. In particular:

- ▶ A new provision, [Clause 52.16](#), sets out the requirements for native vegetation in areas where an NVPP applies. The provision sets out plan content requirements, planning permit requirements and exemptions, application requirements and decision guidelines. The native vegetation removal exemptions are fewer in number than those available under [Clause 52.17](#) and through the NVPP can be tailored to suit the purpose of the plan and the nature of development expected in the precinct.
- ▶ [Clause 52.17](#) has been amended so that this clause does not apply to land where an NVPP applies.

These changes will make the NVPP a more flexible tool, strengthen the weight given to NVPPs when councils are deciding on permit applications for native vegetation removal, and reduce the need for complex overlay controls.

The VPP Practice Note [Preparing a native vegetation precinct plan](#) has been updated to reflect the new provisions.

Referral and notice requirements

The referral requirements for permit applications for subdivision in [Clause 66.01](#) have been changed so that referral to the Country Fire Authority is no longer required if the proposal meets certain fire hydrant standards.

The referral requirements in [Clause 52.36](#) for integrated public transport planning have also been updated to ensure that only relevant applications are referred to the Director of Public Transport.

The notification requirement at [Clause 45.08-6](#) of the [Melbourne Airport Environs Overlay](#) (MAEO) has been changed to clarify that the airport lessee company of Melbourne Airport is only required to be given notice of planning permit applications required under the MAEO.

These changes support the [Cutting red tape in planning](#) project by removing unnecessary referral and notice requirements.

Public transport guidelines

The Department of Transport has prepared guidelines to assist decision making on statutory and strategic planning proposals that affect public transport planning and delivery. The new [Public Transport Guidelines for Land Use and Development](#) (Department of Transport 2008) are now referenced in [Clause 12](#) (Metropolitan Development), [Clause 18.02](#) (Car parking and public transport access) and [Clause 56.06](#) (Access and mobility management).

Table C1 to [Clause 56.06-8](#) (Lot access objective) has also been changed to increase the carriageway width for connector streets to accommodate buses.

Reference Documents

Amendment VC49 updates Environment Protection Authority (EPA) documents referenced in the VPP. Documents published by the EPA are available on the EPA website:

www.epa.vic.gov.au/publications



Ministerial Directions

The [Ministerial Direction on the Form and Content of Planning Schemes](#) under Section 7(5) of the Act has been amended to be consistent with changes introduced by VC49. The amendments include:

- ▶ changes to the [schedule templates](#) for the Rural Living, Rural Conservation, Farming and Rural Activity Zones
- ▶ a new [schedule template for Clause 52.16](#) (Native Vegetation Precinct Plans)
- ▶ changes to the [schedule template for Clause 52.17](#) (Native Vegetation)
- ▶ requiring 'Telecommunications facility' to be listed in all schedules that contain a Table of uses

Other matters

Amendment VC49 made a range of other changes to clarify or improve the operation of the VPP and planning schemes. More details can be found in the [explanatory report](#) for the amendment.

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