

Amendment VC143

Planning Advisory Note 69

MAY 2018

This advisory note provides information about Amendment VC143, which makes changes to the *Victoria Planning Provisions* (VPP) and all planning schemes to improve the operation of the residential zones.

Following the introduction of the reformed residential zones by Amendment VC110 on 27 March 2017, local government and industry feedback was sought on the operation of the provisions as part of the Government's monitoring program to review the performance of the reformed residential zones. This feedback identified a number of refinements to improve the operation of the reformed residential zones.

What are the improvements to the operation of the reformed residential zones?

The improvements change the definition and operation of the minimum garden area, including clarifying exemptions from the garden area requirement in the Neighbourhood Residential Zone and the General Residential Zone and introducing permit requirements for certain commercial land uses in the Residential Growth Zone.

How does Amendment VC143 change the Victoria Planning Provisions (VPP) and all planning schemes?

Amendment VC143 amends the Victoria Planning Provisions and all planning schemes by:

- Amending Clause 32.07-2 (Residential Growth Zone) to remove Food and drink premises and Shop from Section 1 – Permit not required and make them Section 2 – Permit required uses subject to conditions.
- Amending Clause 32.08-4 (General Residential Zone) to enable an area to be exempt from the minimum garden area requirement through a schedule to the zone.
- Amending Clause 32.08-3 (General Residential Zone) and Clause 32.09-3 (Neighbourhood Residential Zone) to:
 - Exclude the creation of a vacant lot of 400 square metres or greater from the minimum garden area requirement.
 - Clarify that the minimum garden area requirement does not apply to:
 - The creation of a vacant lot less than 400 square metres where there is a precinct structure plan or equivalent strategic plan.
 - The creation of a vacant lot less than 400 square metres where there is an incorporated plan or approved development plan.
 - The creation of a vacant lot less than 400 square metres where there is an approved residential development.



- Amending Clause 32.08-4 (General Residential Zone) and Clause 32.09-4 (Neighbourhood Residential Zone) to:
 - Remove the minimum garden area requirement from applying to the construction or extension of a dwelling or residential building where a planning permit is not required.
 - Remove the reference to garden area being required to be provided at ground level.
 - Clarify that the minimum garden area requirement does not apply to:
 - A medium density housing site in an approved precinct structure plan or equivalent strategic plan.
 - A medium density housing site in an incorporated plan or approved development plan.
 - An existing building that did not meet the minimum garden area requirement prior to approval of Amendment VC110.
- Amending the Garden area definition at Clause 72 (General Terms) to provide greater clarity about garden area inclusions and exclusions.

Changes to Provisions

Changes made to the provisions of the Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone by Amendment VC143 are outlined in the table below:

Residential Growth Zone	
Existing provision	New provision
<p>Clause 32.07-2</p> <p>Section 1 – Permit not required</p> <p>Food and drink premises provided it meets the specified conditions.</p>	<p>Clause 32.07-2</p> <p>Section 2 – Permit required</p> <p>Food and drink premises.</p> <p>A planning permit is required for a Take away food premises provided it meets the specified conditions.</p> <p>A Take away food premises that does not meet the specified condition is prohibited.</p>
<p>Clause 32.07-2</p> <p>Section 1 – Permit not required</p> <p>Shop provided it meets the specified conditions</p> <p>A Shop that does not meet the specified conditions requires a planning permit.</p>	<p>Clause 32.07-2</p> <p>Section 2 – Permit required</p> <p>Shop provided it meets the specified conditions.</p> <p>A Shop that does not meet the specified conditions is prohibited.</p>



General Residential Zone	
Existing provision	New provision
<p>Clause 32.08-4</p> <p>Note: No capacity to specify land to be exempted from the minimum garden area requirement through the schedule to the General Residential Zone.</p>	<p>Clause 32.08-4</p> <p><i>The minimum garden area requirement does not apply to:</i></p> <ul style="list-style-type: none"> • <i>An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;</i>

General Residential Zone and Neighbourhood Residential Zone	
Existing provision	New provision
<p>Clause 32.08-3 and Clause 32.09-3</p> <p><i>An application to subdivide land that creates a vacant lot capable of development for a dwelling or residential building, must ensure that each lot created contains the minimum garden area set out in Clause 32.08-4/32.09-4.</i></p>	<p>Clause 32.08-3 and Clause 32.09-3</p> <p><i>An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area.</i></p>
<p>Clause 32.08-3 and Clause 32.09-3</p> <p><i>Where a vacant lot less than 400 square metres is created, that lot must contain at least 25 percent of the lot as garden area.</i></p> <p><i>This does not apply to land where an approved precinct structure plan or an equivalent strategic plan applies.</i></p>	<p>Clause 32.08-3 and Clause 32.09-3</p> <p><i>An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area.</i></p> <p><i>This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:</i></p> <ul style="list-style-type: none"> • <i>An approved precinct structure plan or an equivalent strategic plan;</i> • <i>An incorporated plan or approved development plan; or</i> • <i>A permit for development.</i>



Existing provision	New provision
<p>Clause 32.08-4 and Clause 32.09-4</p> <p><i>Whether or not a planning permit is required for the construction or extension of a dwelling or residential building on a lot, a lot must provide the minimum garden area at ground level as set out in the following table:</i></p>	<p>Clause 32.08-4 and Clause 32.09-4</p> <p><i>An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:</i></p> <p>Note: The Building Regulations will be amended to require minimum garden area for a dwelling that does not require a planning permit.</p>
<p>Clause 32.08-4 and Clause 32.09-4</p> <p>Note: No exemption from the minimum garden area requirement on a lot of 400 square metres in area or greater.</p>	<p>Clause 32.08-4 and Clause 32.09-4</p> <p>The minimum garden area requirement does not apply to:</p> <ul style="list-style-type: none"> • <i>An application to construct or extend a dwelling or residential building on a lot if:</i> <ul style="list-style-type: none"> • <i>The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;</i> • <i>The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or</i> • <i>An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4/32.09-4 on the approval date of Amendment VC110.</i>



General terms	
Existing provision	New provision
<p>Clause 72</p> <p>Garden area</p> <p><i>An uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any area that has a dimension of less than 1 metre.</i></p>	<p>Clause 72</p> <p>Garden area</p> <p><i>Any area on a lot with a minimum dimension of 1 metre that does not include:</i></p> <p>a) <i>a dwelling or residential building, except for:</i></p> <ul style="list-style-type: none"> • <i>an eave, fascia or gutter that does not exceed a total width of 600mm;</i> • <i>a pergola;</i> • <i>unroofed terraces, patios, decks, steps or landings less than 800mm in height;</i> • <i>a basement that does not project above ground level;</i> • <i>any outbuilding that does not exceed a gross floor area of 10 square metres in area; and</i> • <i>domestic services normal to a dwelling or residential building;</i> <p>b) <i>a driveway; or</i></p> <p>c) <i>an area set aside for car parking.</i></p>

More information

To view Amendment VC143 go to Planning Schemes Online.

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