This version of **Planning Advisory Note 74: Amendment VC152** has been prepared for use with screen reader software. The printed publication contains various design features that have been necessarily omitted from this version. In other respects, this document contains identical text to that in the PDF version of the document which is available at [www.planning.vic.gov.au](http://www.planning.vic.gov.au)

**Planning Advisory Note 74**

**Amendment VC152 Major hazard facilities, Residential aged care facilities, Public and shared housing.**

**October 2018**

This advisory note provides information about the changes made to the *Victoria Planning Provisions* (VPP) and all planning schemes by Amendment VC152, relating to:

* Major hazard facilities;
* Residential aged care facilities; and
* Public and shared housing.

**Major hazard facilities**

The safety and amenity of residents living in areas near major hazard facilities is a priority for the Victorian Government, along with ensuring the continued viability and growth of these industries.

In January 2018, the Government released its response to the Major Hazard Facilities Advisory Committee Report on how to better manage land surrounding major hazard facilities.

[Major Hazard Facilities - Government Response to Final Report (PDF, 1.5 MB)](https://www.planning.vic.gov.au/__data/assets/pdf_file/0018/110457/Major-hazard-facilities_Government-response-to-Final-Report.pdf) or [(DOC, 153.0 KB)](https://www.planning.vic.gov.au/__data/assets/word_doc/0019/110458/Major-Hazard-Facilities_Government-Response.doc)

**New state planning policy for major hazard facilities**

The Minister for Planning has approved a new statewide planning policy for major hazard facilities.

The new state planning policy is located at Clause 13.07-2S of the Planning Policy Framework of the Victoria Planning Provisions and is contained in all planning schemes.

The new policy:

* recognises the state significance and overall importance of major hazard facilities to the Victorian economy;
* outlines the need to manage land surrounding major hazard facilities to avoid sensitive uses, and/or uses that could increase the density of people who live and work close to a major hazard facility; and
* identifies how threshold distance requirements should be managed for existing and new major hazard facilities.

**New requirements for planning scheme amendments**

The Minister for Planning has issued Ministerial Direction No.20 requiring planning authorities to seek, and have regard to, the views of WorkSafe Victoria and the Minister for Industry and Employment, when preparing a planning scheme amendment for, or within, the threshold distance of a major hazard facility.

Engaging both WorkSafe Victoria and the Minister for Industry and Employment early in the planning process ensures appropriate advice regarding the use and development of land within threshold distances can be considered and incorporated into an amendment. This approach provides an early opportunity to address potential issues and can assist a planning authority by reducing delays later in the planning scheme amendment process.

The direction is issued under section 12(2)(a) of the *Planning and Environment Act 1987* (the Act). When applying for authorisation to prepare an amendment under sections 8A or 8B of the Act, or preparing an amendment under section 9 of the Act a planning authority must:

* Seek the views of WorkSafe Victoria and the Minister for Industry and Employment about the amendment
* Include in the explanatory report a statement about how the amendment addresses the views of WorkSafe Victoria and the Minister for Industry and Employment.

The direction uses existing threshold distances specified opposite the type of production, use or storage, defined by a Note 2, listed in the table to Clause 53.10-1 found in all planning schemes. The direction uses the outer property boundary of an existing or approved but not yet built major hazard facility to determine distance.

The direction applies to the preparation of a planning scheme amendment that provides for a new major hazard facility, the expansion of an existing facility, or any change to planning controls within a threshold distance of an existing or approved facility.

More information about how to contact WorkSafe Victoria can be found at **www.worksafe.vic.gov.au/major-hazard-facilities** or by contacting WorkSafe’s Advisory Services on 1800 136 089.

More information about how to contact the Department of Economic Development, Jobs, Resources and Transport (on behalf of the Minister for Industry and Employment) can be found at [**www.economic**](http://www.economic)**development.vic.gov.au** or by contacting (03) 9651 8100.

Further information about the previous *Major Hazard Facilities Ministerial Advisory Committee*, the Victorian Government’s response and delivery of the actions can be found at **www.planning.vic.gov.au/major-hazard-facilities**

The new direction is available online at: **planning.vic.gov.au/guide-home/the-role-of-the-minister**

**Residential aged care facilities**

Amendment VC152 amends the VPP and all planning schemes by:

* Introducing a new Particular Provision ‘Residential aged care facilities’ at Clause 53.17
* Amending Clause 32.04 ‘Mixed Use Zone’ (MUZ), Clause 32.05 ‘Township Zone’ (TZ), Clause 32.07 ‘Residential Growth Zone’ (RGZ), 32.08 ‘General Residential Zone’ (GRZ), and Clause 32.09 ‘Neighbourhood Residential Zone’ (NRZ) to include a new ‘Residential aged care facility’ permit requirement sub-clause
* Amending Clause 73.03 and 73.04-1 to remove ‘Residential aged care facility’ from being nested under ‘Accommodation’
* Deleting various references to ‘Nursing home’.

**Why has a new provision been introduced?**

By 2051 it is estimated that 27 per cent of all Victorians will be older than 60. It is important that all older Victorians are provided with opportunities to access all forms of housing including residential aged care facilities within the communities in which they live.

Existing state planning policy at Clause 16.01-7S seeks to facilitate the development of well-designed and appropriately located residential aged care facilities and recognises that residential aged care facilities contribute to housing diversity and choice and are an appropriate use in a residential area. Further, that residential aged care facilities are different to dwellings in their purpose and function and will have a different built form (including height, scale and mass).

The *Managing Residential Development Advisory Committee – Residential Zones Review* report identified the need for residential zones to provide greater support and flexibility for the development of residential aged care facilities within existing residential areas consistent with state planning policy.

The Committee recommended that residential aged care facilities be from the maximum building height requirements in the residential zones. The Government accepted this recommendation and established a working group with councils, aged care providers and other stakeholders to identify the best ways to integrate these facilities into local neighbourhoods.

The working group was guided by Action 31 *Streamline the approvals process for specific housing types* outlined in the *Plan Melbourne 2017 – 2050* five-year implementation plan. Action 31 committed the Government to the development and implementation of streamlined approvals processes for specific housing types that address local housing gaps such as aged-care accommodation, secondary dwellings and student housing in the short term.

**How does the new particular provision operate?**

The new particular provision applies to the development of land for a residential aged care facility in the NRZ, GRZ, RGZ, MUZ, and TZ. The requirements of the provision override other requirements found in a planning scheme to provide statewide consistency and certainty about the development of residential aged care facilities in residential areas.

A residential aged care facility is no longer assessed as a residential building under Clause 55 of the VPP. Relevant Clause 55 standards have been adapted or modified to be ‘fit for purpose’ for application in the new particular provision.

Under the new particular provision, a planning permit is required to construct a building, construct or carry out works associated with a residential aged care facility. A permit application continues to be subject to the regular permit process including the requirement to form a view as to whether the proposed development is likely to cause material detriment and require giving notice.

The maximum building height of a residential aged care facility must not exceed 16 metres in the NRZ, GRZ and TZ and should not exceed 16 metres in the MUZ and RGZ.

All other development requirements should be met. Where they are not met, the particular provision provides decision guidelines to assist a responsible authority when making a decision.

**Where can I get more information?**

Further information about the provision and its development can be found at **www.planning.vic.gov.au/residential-aged-care-facilities**

**Shared and Public Housing**

Amendment VC152 amends the VPP and all planning schemes by:

* Amending Clause 16.01-6S (Crisis accommodation and community care units) to reflect the new land use terminology and policy support for community care accommodation and rooming houses
* Deleting Clause 52.22 (Crisis accommodation), Clause 52.23 (Shared housing) and Clause 52.24 (Community care unit) and replacing them with a new Clause 52.22 (Community care accommodation) and Clause 52.23 (Rooming house)
* Amending relevant zones to specify Rooming house and Community care accommodation in the Table of uses and delete redundant nested accommodation land use terms
* Amending Clause 52.06 (Car parking) to specify a car parking rate for a ‘Rooming house’
* Amending Clause 53.06 (Live music and entertainment noise)to include ‘Community care accommodation’ and ‘Rooming house’ in the definition of noise sensitive residential uses
* Amending Clause 73.03 (Land use terms) and Clause 73.04 (Nesting diagrams) to introduce ‘Community care accommodation’ and ‘Rooming house’ land use terms and delete redundant nested accommodation land use terms.

**What are the new provisions?**

Clause 52.22 - Community Care Accommodation:

* Combines and replaces existing provisions for ‘crisis accommodation’ and ‘community care units’.
* Exempts the use and development of land for community care accommodation by, or on behalf of, a government department or public authority where it accommodates no more than 20 clients and provides services to no more than 5 non-residents.
* Exempts public authorities from the notice and review requirements of the Act.
* Specifies no car parking requirement for Community care accommodation.

Clause 52.23 - Rooming House:

* Replaces the existing ‘shared housing’ provision.
* Exempts the use and development of land for a rooming house where no more than 12 persons are accommodated, no more than 9 bedrooms are provided, and the total floor area of all buildings on the land is not more 300 square metres.
* Includes a car parking rate in Clause 52.06 – Car parking of 1 car space to each 4 bedrooms.

**Why have the new provisions been introduced?**

There is strong policy support for the planning system to facilitate social housing. The PPF supports the provision of diverse, affordable and social housing. Strategies under Clause 16.01-1S Integrated Housing seek to ensure an appropriate quantity, quality and type of housing is provided including supported accommodation, and 16.01-3S Housing diversity seeks to provide diverse housing that offers choice through a greater mix of housing types.

*Plan Melbourne 2017-2050* (Direction 2.5) aims to achieve greater choice and diversity of housing, including by providing a greater range of housing sizes and types and alternate forms of housing. These reforms are key deliverables under Action 32 – Planning for shared housing, community care units and crisis accommodation, in the Plan Melbourne Implementation Plan.

*Homes for Victorians* 2017 contains initiatives complementary to Plan Melbourne which demonstrate the Government’s statewide commitment to increasing and renewing social housing stock.

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