

A Practitioner's Guide to Victorian Planning Schemes

Version 1.0

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Environment,
Land, Water
and Planning

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2 - THE VPP AND
PLANNING SCHEMES

3 - HOW PROVISIONS
WORK

4 - WRITING A PLANNING
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APPENDICES

Legend

-  Cross reference in this guide
-  VPP and planning scheme provision
-  *The Planning & Environment Act 1987*
-  Planning Practice Note
-  Ministerial direction
-  Good example
-  Bad example

Glossary

The Act	<i>The Planning and Environment Act 1987</i>
MPS	Municipal Planning Strategy
PPF	Planning Policy Framework
PPN	Planning Practice Note
provision	Any provision in a planning scheme, whether a policy or a requirement
VPP	Victoria Planning Provisions

NOTE TO VERSION 1

There are a range of initiatives in progress that are changing how aspects of Victoria's planning system work. These initiatives are ongoing and it is possible that some of the advice in this guide will change to reflect their introduction. The guide will be further updated as relevant new initiatives come into effect.

Some of the advice in the guide is longstanding and reflects existing advice, such as current Planning Practice Notes. Some of the guidance is new, such as the rules in section 4.

This guide is made available now as version 1 to assist practitioners who need to prepare or consider new planning scheme provisions and to provide an opportunity for feedback from users that will improve its usefulness.

Please use the guide and let us know what you think. If you have suggestions, corrections or other comments you are encouraged to send them to smart.planning@delwp.vic.gov.au.



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Preface

Planning schemes are the primary tool to enable state and local government land use planning policies to be implemented and effect positive change to the built environment.

The efficiency and effectiveness of planning schemes is important to Victoria's economy and liveability. Each year the planning system processes around 55,000 planning permit applications, which represents around \$30 billion of future investment in Victoria.

The Victoria Planning Provisions (VPP) is the template on which all Victorian planning schemes are based. The VPP sets standardised planning scheme provisions that are designed to implement the six principles for planning schemes in Victoria set out in **section 2.3**:

- Digital first
- User focused
- Consistent
- Proportional
- Land use focused
- Policy and outcome focused

This guide will help practitioners implement these principles in the day to day formulation and drafting of planning scheme provisions.

Importantly, the guide sets out key rules for practitioners when preparing a planning scheme provision. These rules complement existing directions and guidance and seek to ensure that:

- The intended outcome is within the scope of the objectives and power of the Act and has a sound basis in strategic planning and policy.
- A provision is necessary and proportional to the intended outcome and applies the VPP in a proper manner.
- A provision is clear, unambiguous and effective in achieving the intended outcome.





1 Using this guide

1.1 Who this guide is for

1.2 Other useful documents

1.1 Who this guide is for

The guide applies to the preparation and application of a planning scheme provision in Victoria. It is primarily intended for use by practitioners considering or preparing a new or revised provision for a planning scheme.

The guide sets out and explains:

- The principles that should underpin the creation, selection and application of a planning scheme provision.
- How a planning scheme relates to the VPP.
- Rules and advice about how the various components of a planning scheme operate.
- How to select, write and apply various elements of a planning scheme.

1.2 Other useful documents

The guide should be read in conjunction with the other documents that give instruction or advice about preparing and using planning scheme provisions. Diagram 1 shows how the various documents that give instruction or information about the VPP, planning schemes and planning scheme amendments relate to each other.



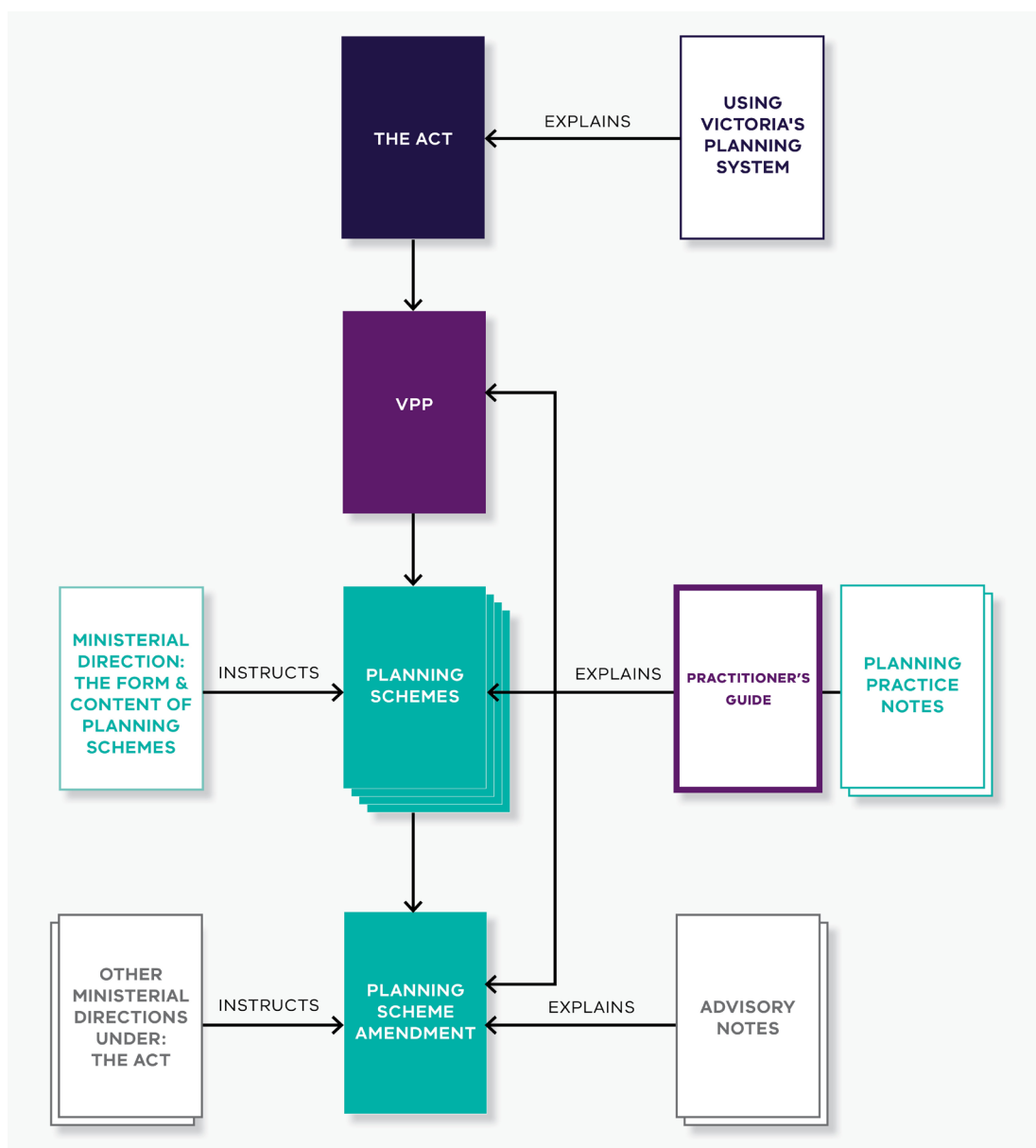


Diagram 1: Planning System Documents

Using Victoria's Planning System gives information about how the planning system and various planning processes work. It includes an explanation of the planning scheme amendment process – the process by which any provision prepared using this guide will be introduced.

MD The **Ministerial Direction *The Form and Content of Planning Schemes*** sets out instructions about how the VPP and planning schemes are created and constructed.

PPN **Planning Practice Notes** give advice about how to prepare, apply and use some planning provisions and about other matters.

Advisory Notes give information about a particular amendment or matter.





2 The VPP and planning schemes

2.1 *Planning schemes and legislation*

2.2 *What is the VPP?*

2.3 *The VPP principles*

2.4 *How a planning scheme is created from the VPP*

2.5 *The elements of a planning scheme*

2.1 Planning schemes and legislation

The Act establishes the statutory framework for the Victorian planning system, including objectives for planning and the planning framework established by the Act. It provides the machinery that gives effect to state planning strategies and policies.

The planning system and planning schemes in particular, are important tools that enable land use strategies to be implemented and effect positive change to the built environment. However, the planning system alone cannot provide for all desired outcomes.

The drive to implement an increasing range of outcomes through planning schemes (such as local policies that address social issues) is challenging the traditional scope of planning and its relationship to other regulatory systems. This is particularly so given that not all controls about the use and development of land are controlled by planning schemes. Legislation other than the Act can have a significant regulatory impact on use and development, such as the *Building Act 1993*, the *Heritage Act 2017*, the *Liquor Control Reform Act 1998* and the *Prostitution Control Act 1994*.

The introduction of any new planning provision must therefore be considered in the context of the wider landscape of available legislation, so that conflict and duplication is not created.

2.2 What is the VPP?

The VPP is established under Part 1A of the Act as a statewide reference document or template from which a planning scheme or planning scheme provision must be sourced or constructed.

The VPP is not a planning scheme and does not apply to any land. It is a statutory device to ensure that consistent provisions for various matters are maintained across Victoria and the construction and layout of planning schemes is always the same.



The VPP contains a complete set of standard planning provisions for Victoria and provides the standard format (including clause numbering) for a planning scheme.

The structure of a planning scheme is shown in Diagram 2.

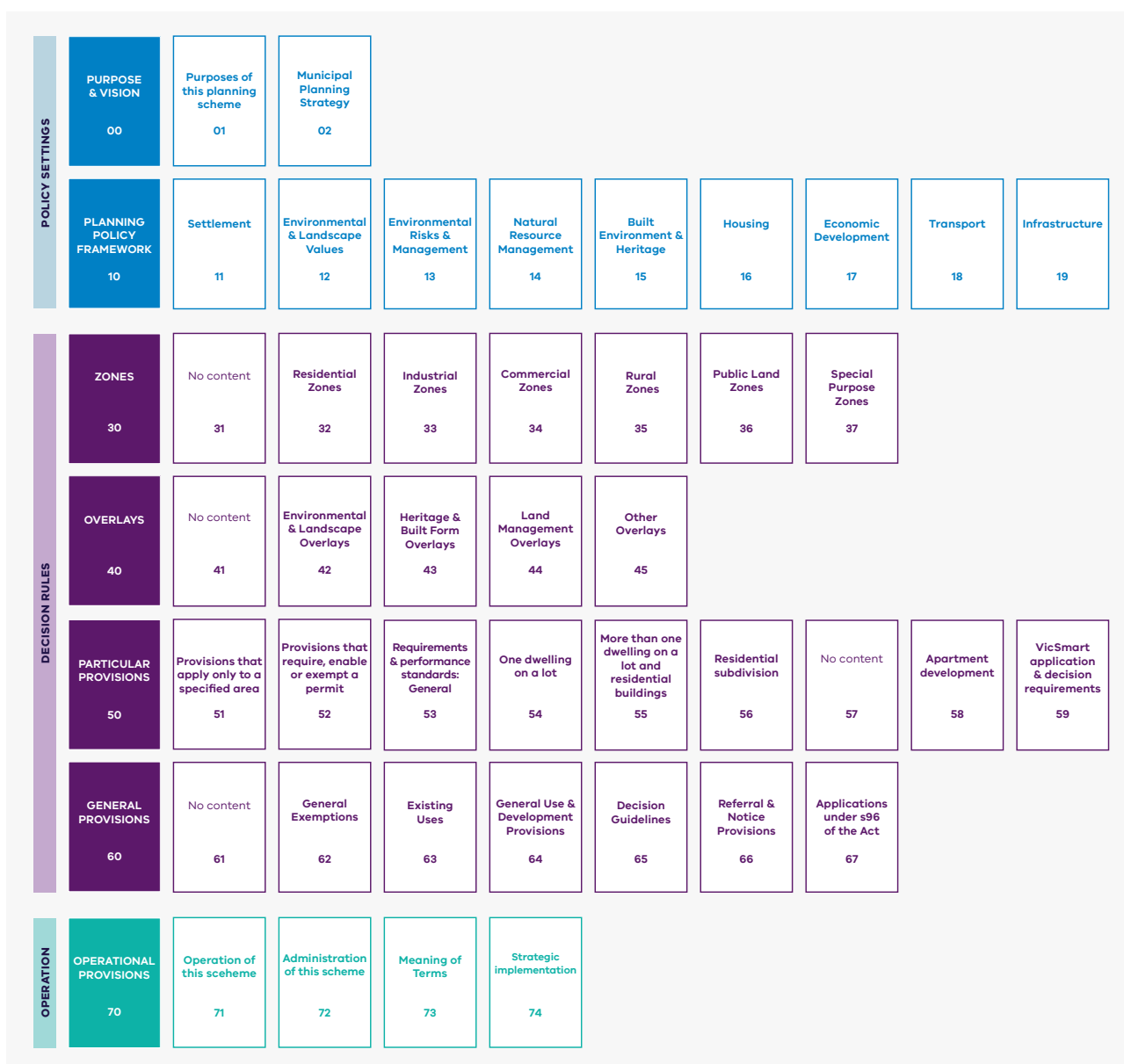


Diagram 2: The structure of a planning scheme

2.3 The VPP principles

The six principles for the VPP are set out below. They describe the ideals against which the benefits and implications of any proposed change to the VPP and planning schemes should be measured.



Digital first

Provisions are optimised for efficient access and processing of planning information, including through better technology, digital interfaces and the user experience, to move from document driven to database driven planning schemes.



User focused

Provisions are user focused and provide transparent and understandable pathways to navigate the planning approval process. Planning schemes are structured so users can easily and intuitively access relevant information, using spatial means wherever possible.



Consistent

Provisions are written and applied in a logical and consistent way, regardless of the content, so that a provision is easily understood and applied. Drafting rules and technology ensure that new and amended provisions are created in a way that maintains the integrity of the system and delivers the desired policy outcomes.



Proportional

Provisions and approval processes only impose a level of regulatory burden proportional to the planning and environmental risk of the proposal. Simple and low risk applications are assessed against objective criteria through a code assessment process.



Land use focused

Provisions focus on land use and development and do not conflict with or duplicate other legislation and regulatory instruments.



Policy and outcome focused

Provisions ensure requirements have a clear policy basis and are planning outcome driven. Technology and information data is applied to achieve strategy clarity and to create and apply requirements in a precise way.



2.4 How a planning scheme is created from the VPP

The Ministerial Direction *The Form and Content of Planning Schemes* applies to the form and content of all planning schemes and any amendment to a planning scheme.

A planning scheme or planning scheme amendment must be prepared and presented in accordance with the style guide set out in Annexure 1 of the Ministerial Direction and be written in plain English.

A planning scheme is constructed by taking the VPP as a basic template and:

- including a Municipal Planning Strategy (MPS)
- including any relevant regional policies and appropriate local planning policies into the Planning Policy Framework (PPF)
- selecting and including the zones and overlays needed to both reflect local circumstances and implement planning policy objectives
- including appropriate content in schedules to the zones, overlays and some particular provisions to achieve local planning policy objectives
- including appropriate content in the schedules to the General Provisions and the Operational Provisions (including listing any incorporated documents in the schedule to **clause 72.04**).

VPP

A planning scheme must not include a provision other than a provision selected from or enabled by the VPP.

An amendment to a provision of the VPP will also amend any planning scheme that includes the provision. When a VPP amendment is approved, all affected schemes are amended at the same time.



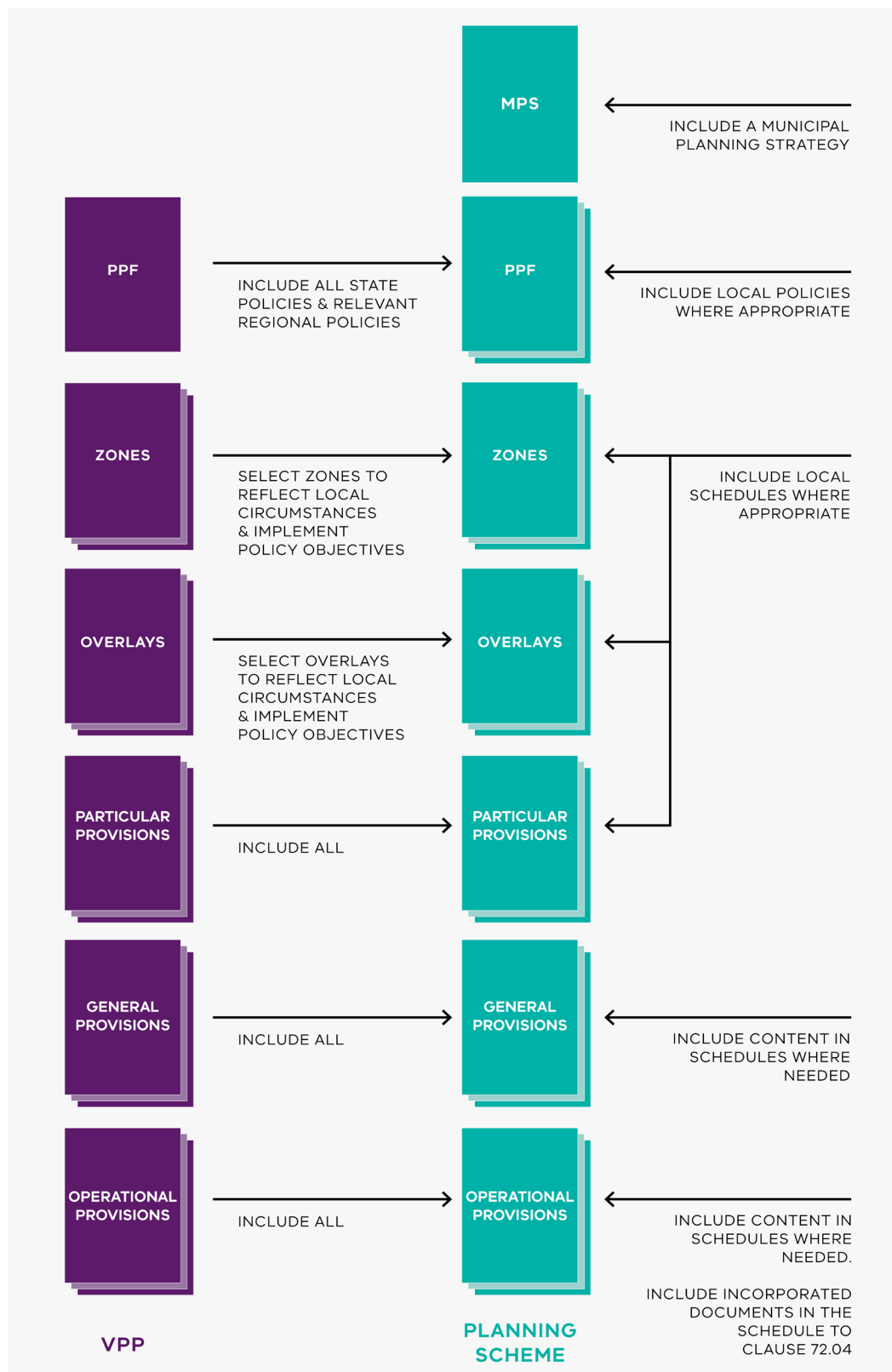


Diagram 3: Creating a planning scheme



2.5 The elements of a planning scheme

The main elements of a planning scheme and their function are described in Table 1 below. The headings in a planning scheme provision will reflect the elements relevant to the purpose of the provision.




PLANNING SCHEME ELEMENT	FUNCTION
Policy	Sets out the strategic basis for the application of a provision and, where appropriate, guide the exercise of discretion under other provisions.
Purpose	States the purpose of a provision and the planning outcomes it seeks to achieve. This guides a user to the correct application of a provision.
Application	Specifies the area or classes of use or development a provision applies to.
Objective	Specifies the outcomes a decision under a provision should seek to achieve. Objectives can be general or specific to a particular class of use or development regulated by a provision.
Permit requirement	Specifies classes of use and development that must obtain a planning permit.
Requirement	<p>Specifies the limits of a discretion or right under a provision or the conditions under which it must be exercised. Requirements can include:</p> <ul style="list-style-type: none"> • built form requirements (such as height or garden area) • requirements to include a condition on a particular type of permit • procedural requirements such as for: <ul style="list-style-type: none"> • VicSmart applications • Exemption from notice and review • Specific notice requirement settings • Referral requirement
<p><i>Section 62 (1)(a) of the Act</i> </p> <p><i>Section 6 (2)(hb) of the Act</i> </p> <p><i>Sections 52 (1)(c), 52(4) and 52(5) of the Act</i> </p>	
Standard	Specifies an outcome or level of performance that is considered acceptable having regard to the objectives of a provision. A standard can be quantitative or qualitative. In some cases, a standard can be linked to an objective, so that if the standard is met the objective is deemed to be met.
Application requirement	Specifies the information that must accompany a class of application for a planning permit or a request for approval. These requirements should be proportionate to the planning risks associated with an activity and derive from the objectives, standards or decision guidelines relevant to the discretion being exercised.
Decision guideline	Sets out, in policy neutral terms, matters that, if relevant, should be considered by the decision maker when exercising a discretion.
Land use term	Specifies a category of land use that may be subject to a provision.

Table 1: Elements of a planning scheme





3 How provisions work

[3.1 How policy works](#)

[3.2 How a zone works](#)

[3.3 How an overlay works](#)

[3.4 How a particular provision works](#)

[3.5 How the general provisions work](#)

[3.6 How the operational provisions work](#)

[3.7 How the land use terms work](#)

3.1 How policy works

The PPF is the policy content of a planning scheme and provides a context for spatial planning and decision making by planning and responsible authorities.

The PPF comprises **clauses 10 to 19** of the planning scheme and is a single integrated policy source that includes state content in the form of state and regional planning policy and local content in the form of local planning policy.

The policy content in the PPF is complemented by the MPS. The MPS outlines the planning outcomes the municipality seeks to achieve that will be implemented by the policies and requirements of the planning scheme.

VPP

The MPS sits outside the PPF at **clause 02** of the planning scheme. The PPF is at **clauses 10 to 19** of the planning scheme. The PPF and the MPS together form the strategic foundation of the scheme.

A planning authority must take into account the MPS and the PPF when preparing an amendment to a planning scheme. A responsible authority must also take into account and give effect to the MPS and the PPF when it makes a decision.

A planning policy applies to all land in the planning scheme unless the policy specifies otherwise.

A planning policy may include policy guidelines. Policy guidelines indicate how an objective can be met and how a strategy can be implemented. A responsible authority must take a relevant policy guideline into account when it makes a decision, but is not required give effect to it. If the responsible authority is satisfied that an alternative approach meets the policy objective, the alternative may be considered.

A planning policy may include reference to a policy document. A policy document may be an incorporated, background or other document such as an Act or a State Environment Protection Policy.



3.2 How a zone works

Zones are the primary tool for guiding the fair and orderly use and development of land. A zone sets expectations about what land use and development activity is or may be acceptable. Each zone broadly deals with a particular predominant land use theme, such as residential, commercial, industrial or public land uses.

Zones are applied spatially and all land must be included in a zone, except Commonwealth land. The zone selected for any land is determined by the historic land use and the planning strategies set out in the planning scheme.

Each zone contains purposes that describe the planning outcome sought by the zone. These purposes are achieved through the application of the controls on use and development in the zone.

The use of land is controlled by the 'Table of uses' in the zone. This table places particular land uses in one of three categories:

Section 1 – Permit not required

Section 2 – Permit required

Section 3 – Prohibited

The table may include a condition next to a land use that must be met. If the condition is not met, a more restrictive land use category will apply to the use.

The zone also controls development by requiring a planning permit for specified types of development. Some zones seek to promote a specific outcome by exempting a preferred form of development from the need for a permit. Some zones may include mandatory requirements, such as a maximum building height.

A zone may require certain information to be provided with a particular type of planning permit application.

Where a permit is required, the zone may exempt certain types of application from the notice and review requirements of the Act.



The zone includes decision guidelines that apply generally or to a specific type of application. These decision guidelines must be taken into account by the responsible authority when it makes a decision about the application.

The zone also specifies the sign category that applies to the land.

Some zones allow the planning authority to set specific objectives for the zone through a statement in a schedule to the zone. These objectives may be general or may relate to a specific matter, such as building design.

A schedule to the zone may also enable a planning authority to vary certain use and development controls or standards to achieve local planning objectives.

Placing a zone boundary

A zone boundary should align with title boundaries or other clearly defined feature such as a road centreline or watercourse unless there is a deliberate reason not to. The planning scheme does not contain special provisions for land in more than one zone. If land is in more than one zone, the provisions of each zone apply to that part of the land included in the zone.

3.3 How an overlay works

An overlay is a complementary planning control to the zone. Unlike zones, that deal primarily with the broader aspects of the use and development of land, an overlay generally seeks to control a specific aspect of the development of land.

Overlays control a broad range of development matters such as the protection of vegetation or heritage values, the design of built form or mitigating flood risk. The application of an overlay may reflect a policy objective in the scheme or a condition of the land.

While a parcel of land will always be included in a zone, it will only be affected by an overlay where a specific development outcome is sought for that land. Land can be subject to more than one overlay if multiple issues apply to the land.



Each overlay contains purposes that specify the planning outcome sought by the overlay. These purposes are achieved through the application of the controls in the overlay.

An overlay may also contain application requirements, notice and review exemptions and decision guidelines.

An overlay may include a schedule that enables more specific objectives or purposes to be applied to specified land. The schedule may also specify development that requires planning permission, is exempt from the permit requirements or is prohibited.

An overlay may require permission for or prohibit development that is allowed by the zone. Neither control takes precedence over the other and both must be satisfied before a development can be carried out.

3.4 How a particular provision works

Particular provisions are planning controls that apply only to certain uses and development or to particular aspects of certain uses and development.

Particular provisions operate differently to zones and overlays in that they are issue-based, rather than land-based controls. They apply to a use or development irrespective of the zone or overlay that applies to the land.

The particular provisions apply consistently across the state, however some particular provisions allow a planning authority to include local content through a schedule.

The particular provisions may include permit requirements, permit exemptions, prohibitions or development standards.

A particular provision also sets out the information requirements and decision guidelines for all classes of VicSmart applications.

Unless specified otherwise, the particular provisions apply in addition to the requirements of a zone or overlay. None of these controls takes precedence over the others and all must be satisfied before a use or development can be carried out.



3.5 How the general provisions work

The general provisions set out standard provisions about matters that benefit from a consistent treatment across all land. The general provisions include:

- General exemptions from planning control for a specified range of classes of use and development.
- Provisions about dealing with existing uses.
- Decision guidelines that apply to all applications.
- Requirements about referral and notice of applications and applications under **section 96** of the Act.

PEA

Some general provisions have schedules for local requirements.

3.6 How the operational provisions work

The operational provisions set out provisions for the operation, administration and enforcement of the planning scheme. They include matters such as:

- The operation of the MPS, the PPF, zones, overlays, particular provisions and VicSmart applications.
- The commencement and application of the scheme, the effect of the scheme, who is the responsible authority for the scheme and what the scheme consists of.
- The meaning of words, including general terms, sign terms and land use terms.
- The strategic implementation of zones, overlays and particular provisions in relation to the PPF.
- The incorporated documents and background documents related to the scheme.

Some operational provisions have schedules that require information specific to the scheme to be included, such as when the scheme commenced.



3.7 How the land use terms work

VPP

Clause 73 sets out a list of terms that may be used to characterise a land use.

A land use term has the meaning set out next to it in the table.

Where a land use term does not have a defined meaning, it has its ordinary meaning. The ordinary meaning should be determined from the Macquarie Dictionary.

Terms may be included (or 'nested') within other terms, or may themselves include other terms. The relationship of how terms are nested is described visually in the nesting diagrams at

VPP

clause 73.04.

A term describing a use of land must not be characterised as a separate use of land where the term is commonly or obviously included in one or more of the terms in the table.





4 Rules for writing a planning scheme provision

4.1 The planning scheme rules

4.2 Entry rules

4.3 Application rules

4.4 Drafting rules

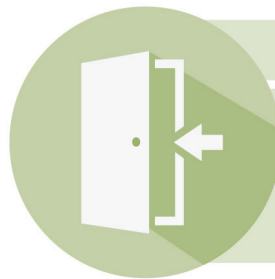
4.1 The planning scheme rules

This section sets out the rules that should be applied to the preparation of all new VPP and planning scheme provisions.

These rules should be applied to all new provisions, both policy and controls, and to changes to the VPP.

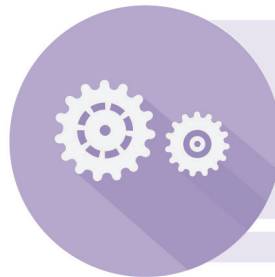
The rules are structured in three parts.

Entry Rules



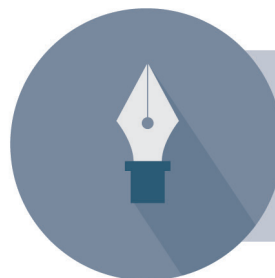
1. A provision must be within the scope of the objectives and power of the Act.
2. A provision must implement the objectives of planning and be supported by a sound strategic planning and policy basis.
3. A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

Application Rules



4. The application of a provision must be necessary and proportional to the intended planning outcome.
5. A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction.
6. The application of a provision must be clear.

Drafting Rules



7. The requirements of a provision must be clear and unambiguous.
8. A provision must be structured to be clear and unambiguous.
9. A provision must be written to be clear and unambiguous.

Diagram 4: The planning scheme rules



CR

The VPP principles set out in **section 2.3** describe a set of ideals for a modern planning scheme against which the benefits and implications of any proposed change should be measured. The rules seek to ensure that the VPP and planning scheme provisions are prepared in a manner that is consistent with their statutory framework and the VPP principles.

PEA

The **entry rules** seek to ensure the intended outcome sought by the provision is within the power of the Act and has a sound basis in strategic planning and policy. **Part 2** of the Act provides the legislative framework for the preparation of planning schemes, which must be within scope of its objectives and powers it confers on a planning authority. Local provisions in planning schemes must also be within the scope of the objectives and power provided by the relevant parent provision.

MD

Ministerial Direction No. 11 *Strategic Assessment of Amendments* requires a planning authority to consider how an amendment will implement the objectives of planning in Victoria and make proper use of the VPP. An evidence based planning policy development process and an evaluation of strategic considerations should precede any decision to change the planning scheme and the drafting of provisions. Planning Practice Note (PPN) **PPN 46 Strategic Assessment Guidelines** provides the framework for preparing and evaluating a proposed planning scheme amendment and its outcomes.

PPN

The **application rules** seek to ensure that an amendment to a planning scheme is necessary and proportional to the intended outcomes and applies the VPP in a proper manner.

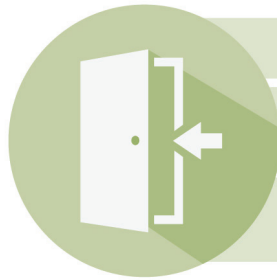
Achieving greater consistency in the application and performance of planning scheme provisions is particularly important in aligning the VPP and planning schemes with the VPP principle of 'digital first'. To successfully transition planning schemes from paper-based to data base driven information, it is essential the provisions are drafted to reinforce user expectations about their operation and effect.

The **drafting rules** seek to ensure that a provision is drafted clearly and unambiguously and will be effective in achieving the intended outcome. For a planning scheme to be effective, both legally and in meeting policy objectives, the intent and operation of all provisions must be clear. It is also important that anyone affected by a planning scheme can easily understand a provision and the obligations it imposes.



4.2 Entry rules

The intended outcome must be within the scope of the objectives and power of the Act and have a sound basis in strategic planning and policy.



1. A provision must be within the scope of the objectives and power of the Act.
2. A provision must implement the objectives of planning and be supported by a sound strategic planning and policy basis.
3. A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

4.2.1 RULE 1: A provision must be within the scope of the objectives and power of the Act

A provision must:

- Be consistent with the Act and the VPP.
- Be relevant to the exercise of a discretion in the planning scheme.
- Relate to a land use or development matter.
- Be capable of being applied to a parcel of land

PEA

The Act sets out the objectives of planning and the planning framework that define the scope of outcomes a planning scheme can seek to achieve. **Part 2** of the Act sets out requirements for planning schemes, including matters that a planning scheme may or may not regulate, such as ensuring that the function of a provision is authorised by the matters set out in **section 6** *What can a planning scheme provide for?*

PEA

To ensure that provisions are legally effective and land use focused, take care to ensure that the subject matter of a provision is within the scope of the objectives and power conferred on a planning scheme by the Act.



4.2.2 **RULE 2:** A provision must implement the objectives of planning and be supported by a sound strategic planning and policy basis

A provision must:

- Clearly set out its purpose and the intended planning outcome.
- Seek to implement the objectives of planning.
- Show an evidence based justification for the planning intervention.
- Be consistent with the MPS and PPF.
- Be relevant to an exercise of a discretion in the planning scheme.



Both Ministerial Direction No. 11 *Strategic Assessment of Amendments* and **PPN 46** *Strategic Assessment Guidelines* seek to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The strategic considerations set out in these documents require an examination of the outcomes that a provision seeks to achieve, including whether it implements the objectives of planning and implements state and local planning policy.

These considerations highlight the importance of clearly identifying at the start of the amendment process the intended planning outcomes and confirming that they can be properly achieved within the planning framework.

4.2.3 **RULE 3: A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions**

A provision must:

- Not conflict with or duplicate any other relevant legislation or planning scheme provision.

A principle of the VPP is that they are 'land use focused'. Planning provisions must avoid conflict and duplication with other related regulatory regimes, in particular where better technical expertise and resources reside elsewhere. Focusing provisions on land use and development issues not only provides for legally certain provisions that are within power, but also serves to better use the finite resources of the planning system.

The planning system performs an important role integrating a range of policy considerations through land use and development regulation. It also plays a role in the coordination of permit approvals with related approvals and instruments issued under other statutory regimes. The subject matter and sequencing of permits and related approvals can sometimes overlap.

Provisions should be drafted so that they maintain the focus of the planning scheme on matters that need to be 'planned for' or 'designed in' to a land use or development proposal, so that any impacts can be properly mitigated into the future. Where another statutory regime regulates the same activity, or imposes specific requirements, it is not appropriate for a planning scheme to impose different requirements or to seek to enforce the requirements of the other regime through the planning system.

In some circumstances, it may be necessary to regulate an aspect or a particular class of development for different purposes under separate controls (such as buildings and works under both a zone and a Land Subject to Inundation Overlay). These requirements will each seek to achieve different objectives (such as neighbourhood character and flood risk mitigation). In some cases, these objectives may have the potential to conflict and the decision will need to be balanced by the responsible authority to achieve an overall outcome that is acceptable.



However, in many instances it will result in a similar planning outcome being achieved. For example, where a zone regulates or prohibits an aspect of development such as building height for neighbourhood character purposes, it may be unnecessary to impose an additional layer of control on building height through an overlay.

A provision should not repeat or contradict another provision within the planning scheme. However, some policies may have objectives that are in tension and deciding between them is a normal function of the planning system. Repetitive or contradictory policy for the same theme or area will confuse and weaken the ability to achieve an appropriate outcome.

4.3 Application rules

A provision must be necessary and proportional to the intended outcome and apply the VPP in a proper manner.



4. The application of a provision must be necessary and proportional to the intended planning outcome.
5. A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction.
6. The application of a provision must be clear.

4.3.1 RULE 4: The application of a provision must be necessary and proportional to the intended planning outcome.

A provision must:

- Be necessary to achieve the intended planning outcomes, having regard to other possible means of implementation, including non-statutory initiatives.
- Impose a level of regulatory burden that is the minimum necessary to satisfactorily address the planning and environmental risks.
- Where appropriate, implement a streamlined pathway of assessment.

The VPP principle of being 'proportional' means that a provision should be designed to only impose a level of regulatory burden that is proportional to the planning and environmental risk.

Where a change to the planning scheme is necessary, the VPP and its elements provide opportunities for planning authorities to apply alternative assessment pathways for simpler, lower risk proposals where a normal permit application process is not warranted. These alternative pathways can be more effective in achieving the intended planning outcomes and can reduce the administrative and economic burden on both responsible authorities and the community.

4.3.2 **RULE 5: A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction**

A provision must:

VPP

- Be expressed in a manner that is consistent with the operational rules at **clause 71**.

MD

- Be prepared in accordance with the Ministerial Direction *The Form and Content of Planning Schemes* and any other relevant Ministerial Direction.
- Not include a matter outside the purpose or scope of a state standard provision.
- Not include a function that is not enabled by the relevant state standard provision.

VPP

Clause 71 sets out operational requirements that apply to different provisions. These requirements are important in defining the effect of a provision and its relationship with other provisions in the planning scheme.

A provision should not be drafted in a manner that is contrary to its operational limits or in conflict with other provisions, such as a policy that seeks to prohibit a class of land use or development that is discretionary in a zone. This causes confusion about the intended effect of a provision.

Local provisions derive their power and scope from parent state standard provisions. A state provision may limit the functions a local provision can perform. To maintain the benefits of statewide consistency and ensure that local provisions are legally effective, they must be drafted so that their scope and functions do not exceed those of their parent provision.

For example, a schedule to an overlay should not include a requirement to give notice to third parties where the parent provision excludes third party notice and review. A provision that exceeds its lawful scope creates uncertainty for the



decision-maker and stakeholders in planning processes and will result in unnecessary cost and delay.

4.3.3 RULE 6: The application of a provision must be clear

A provision must:

- Clearly identify the scope of its application to an area or specified classes of use or development.
- Define its application by reference to land use or development terms defined in the Act or the VPP.
- Where a provision is applied to an area, clearly define the area.

Planning schemes contain a range of provisions that apply to a broad range of activities and land. In most cases, only a few provisions will be relevant to a given piece of land or a class of land use or development. It is important that provisions allow users to quickly identify the obligations and requirements that affect them, without having to interrogate many provisions that are not relevant to their proposal.

A provision should therefore clearly identify the scope of its application to an area or activity.

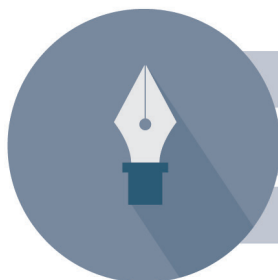
Where a provision applies to a particular class of use or development, care should be taken to ensure its application is expressed by reference land use or development terms which are defined or have a clear meaning.

Where a provision is applied to an area that has not already been mapped in the planning scheme (such as by an overlay) a map should be used to define the area. A written description of the area should not be used.



4.4 Drafting rules

A provision must be clear, unambiguous and effective in achieving the intended outcome.



7. The requirements of a provision must be clear and unambiguous.
8. A provision must be structured to be clear and unambiguous.
9. A provision must be written to be clear and unambiguous.

4.4.1 RULE 7: The requirements of a provision must be clear and unambiguous

A provision must:

- Not set or define the scope of a requirement by reference to terms that are undefined or that are capable of more than one meaning.
- When relying on a list of conditions to trigger or exempt a requirement, clearly identify the intended meaning of each condition (particularly whether they are alternative or cumulative conditions).
- Not make a permit requirement contingent on the opinion or satisfaction of a decision-maker or other body (including the responsible authority).
- Avoid expressions where a requirement is contingent upon the existence of a set of facts or circumstances that are not objective or readily ascertainable (such as by requiring resort to expert opinion or an external document).

The planning scheme specifies when a permit or other approval needs to be obtained before an activity on land can commence. Failing to understand and comply with these obligations can have serious consequences for a landowner or proponent. It is important that a provision clearly and objectively sets out the scope of its application so that a user is in no doubt about the extent of their obligation to obtain a permit or to meet a requirement.



Planning schemes also include requirements that impose limitations on how land may be used or developed and on how a discretion may be exercised. Applying these requirements to a particular piece of land can impose a significant burden on an owner or land user. Where the scope of a requirement is unclear unnecessary disputes can result, causing delay and cost to all system users.

Similarly, the ability of a provision to set procedural requirements (such as referral) relies on identifying the subject classes of application in clear and unambiguous terms. Procedural requirements ensure that important issues are considered by decision makers and can affect the rights of third parties. There can be serious consequences for the validity of decisions and permits if procedural requirements are not complied with.

4.4.2 **RULE 8: A provision must be structured to be clear and unambiguous**

A provision must:

- Set requirements in a logical and consistent manner.
- Be self-contained when setting requirements and not rely upon documents, standards or conditions that are not contained in the planning scheme.

The clarity of a provision is affected by how it is organised. In particular, by the way information and requirements are structured, such as through the use of headings and tables and the sequencing of lists.

The usability of provisions is enhanced if provisions are presented in a clear and consistent manner across all planning schemes.



The form and content of provisions are largely determined by the Ministerial Direction *The Form and Content of Planning Schemes*. The detailed requirements and templates in this direction seek to achieve a number of the VPP principles, with an overarching objective of strengthening the clarity of planning schemes.

Where there is discretion to determine structure and presentation, provisions should be logically organised so that a user can easily understand the requirements that affect their land.

4.4.3 **RULE 9:** A provision must be written to be clear and unambiguous

A provision must:

- Be written in language that is clear and unambiguous.
- Be written so that there is no inconsistency between provisions or the scope or effect of a requirement.
- Be expressed in language that gives effect to its purpose.
- Use terms and language that are consistent with the Act, the VPP and the relevant parent provision.
- Clearly indicate whether the items in a list are alternative or cumulative in their effect or application.
- CR
 • Be drafted in accordance with the plain English drafting advice at **section 6.1**.
- Avoid using terms that need definition in a local provision for their operation to be clear.
- Not modify the meaning of a term that is defined in the Act or the VPP.
- CR
 • Include maps and diagrams that are consistent with the advice at **section 6.2**.

For a planning scheme provision to be legally effective it must be sufficiently clear in its meaning and intended effect. Use plain English and clear sentence structures when drafting provisions to achieve clarity and avoid ambiguity.





5 Choosing and applying provisions

5.1 Applying a zone

5.2 Applying an overlay

5.3 Using VicSmart

5.4 Managing referral and notice requirements

5.5 Creating a schedule to a general or administrative provision

5.6 Considering a site specific provision

5.1 Applying a zone

The zone is the primary tool for guiding the use and development of land. All land (except Commonwealth land) must be included in a zone. The application of a zone to land needs to carefully consider the outcomes sought for the land expressed in the MPS and local planning policies.

Before deciding which zone should be applied to land, consider:

- **the land**, including any particular physical characteristics, previous uses and the use and development of adjoining land, its ownership and management and the requirements of any other legislation that may apply to the land
- **the intended planning outcomes** for the land set out in the MPS and the PPF, as a consequence of a previous or current land use, or a particular physical characteristic of the land
- **the purposes and provisions** of the zone and the extent of local variation available in a schedule to the zone.

5.1.1 Public land



The Ministerial Direction *The Form and Content of Planning Schemes* specifies that a planning scheme may only include land in a public land zone if the land is Crown land or is owned, vested in or controlled by a Minister, government department, public authority or a municipal council.

Public land zones are not intended to identify the legal status of the land or indicate the existing land use. They are intended to set out appropriate statutory requirements that apply to the use and development of the land in addition to the relevant land management legislation.

Land should not be automatically included in a public land zone just because it is public land. There will be situations where a public land zone is not the most appropriate zone, such as a road or remnant parcel of public land in a rural area. In such cases the use of other zones and overlays can appropriately recognise the purpose for which the land is reserved.



A public land zone can be applied to public land where the surrounding zoning is inappropriate or where there is a special reason to separately identify the public land for planning purposes. This will commonly be where land management arrangements apply under legislation other than the Act.

A useful test in considering if a public land zone is appropriate is to determine if a public land manager needs some level of flexibility, protection or exemption that is different from the surrounding zone provisions because of the special nature of the public land or asset and its control (in a land use or management sense) under another Act. For this reason, public land zones should be applied in consultation with the relevant public land manager.

A public land manager should be able to use and develop public land for any purpose under the relevant land management legislation without the need for a permit. This is achieved by allowing many uses to be Section 1 within a public land zone, subject to the use being conducted *by or on behalf of* the public land manager or a specified public authority. These words should not be interpreted to allow a public land manager to have a blanket exemption within the zone to the extent that it could consent to any use or development by another party and have that use or development also automatically exempt from planning control.

The words *by or on behalf of* should be interpreted with regard to the particular statutory charter of the public land manager under its governing legislation and indicate that the use or development must be undertaken by the public land manager itself or by some other person or entity having a direct representative interest or relationship with the public land manager.

Land that is not public land must not be included in a public land zone. Many public authorities established under Victorian legislation are government business enterprises that are commercial in nature. Where the public land use is essentially of a commercial or business nature (such as an office or the provision of services) or comprises a community facility, the surrounding zoning will usually be appropriate.

For example:

- Although the public land zone makes provision for its potential application to public land used for the purpose



of 'education', most schools can be included in the surrounding zone, particularly residential zones.

- Many works depots or offices for government or local government bodies can be included in a commercial or industrial zone.
- To preserve competitive neutrality, similar private and public land use should be treated in the same manner for zoning purposes where possible.

PPN

See **PPN 02** *Public Land Zones* for more information.

5.1.2 Special purpose zones

Where the strategic intent of a site is unknown or the application of a combination of zones, overlays and local polices is not able to achieve the desired planning outcomes, a special purpose zone may be used. These zones include the Special Use Zone, the Comprehensive Development Zone, the Urban Growth Zone and the Activity Centre Zone.

Maintaining consistency of planning controls across Victoria is a VPP principle. Using a special purpose zone is therefore discouraged unless there is clearly no suitable alternative.

PPN

See **PPN 03** *Applying the Special Use Zone* for more information on the Special Use Zone.

CR

See **section 5.6** for information about dealing with site specific matters.

5.1.3 Utility service providers

Land that is owned by or vested in a utility service provider is usually not public land and should not be included in a public land zone. A utility service provider is defined in the planning scheme.

The public land zones are not intended to provide for privatised or semi-privatised bodies that carry out a function of a broadly public nature. Examples include telecommunications carriers such as Telstra and electricity distribution companies. The land used by such bodies should not be included in a public land zone.

PPN

See **PPN 02** *Public Land Zones* for more information.



5.1.4 Commonwealth land

Commonwealth land is exempt from the operation of planning schemes where the land is owned by the Commonwealth or the use is carried on by a Commonwealth government agency *within the shield of the Crown*. This immunity applies to Commonwealth government departments, defence facilities and several public authorities established under Commonwealth legislation, but does not apply to government business enterprises such as Telstra.

Commonwealth land is not included in any zone or overlay in a planning scheme. It is recognised by the designation "CA" on the planning scheme map.

5.1.5 Flood protection

The planning authority can choose from a range of tools to identify flood affected land in the planning scheme. There are four types of flood provisions available; the Urban Floodway Zone, the Floodway Overlay, the Land Subject to Inundation Overlay and the Special Building Overlay. These reflect the type of flooding and the potential level of risk to life and property. The level of planning control in each provision reflects the potential flood risk.

The Urban Floodway Zone is a restrictive zone that prohibits most uses and development. It is designed to be applied to urban environments where there is a high potential flood risk and only low intensity uses and development (such as recreation) are suitable.

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See **section 5.2.4** for information on overlays for flood protection.

A yellow arrow pointing right with the letters "PPN" inside.

See **PPN 12** *Applying the Flood Provisions in Planning Schemes* for more information.



5.1.6 Rural land

The Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone should be used where the planning outcomes sought for the land are primarily farming activities. The Rural Conservation Zone and Rural Living Zone should be used where farming is subordinate to other land uses or the environmental values of the land.

In determining the most appropriate zone to apply to rural land, the planning authority must consider the degree to which it is acceptable for the land to be used for non-farming activities.

PPN

See **PPN 42** *Applying the Rural Zones* for more information.

5.2 Applying an overlay

An overlay can be used to complement the zoning of land in managing development. Certain overlays also control the use of land in special circumstances. Applying an overlay to land requires careful consideration of the development outcomes sought for the land. These outcomes should be determined by the policies of the MPS and the PPF and any particular characteristic of the land.

In determining whether to apply an overlay, consider:

- **the land**, including, natural features, previous uses, future uses, adjoining uses, ownership, management and the requirements of any other legislation that may apply to the land
- **the intended development outcomes** set out in the MPS and the PPF, as a consequence of a previous or current land use, or a particular physical characteristic of the land
- **the purposes and provisions** of the overlay and the extent of local variation available in any schedule to the overlay.



5.2.1 Overlays on public land

The decision about whether to apply an overlay to public land will depend on the nature of the overlay and the land management legislation of the public land manager. For example, a Vegetation Protection Overlay over a state forest duplicates the function of the public land manager. However, a Vegetation Protection Overlay may sometimes be appropriate over significant vegetation on road or railway land (where the core business is not the management of the vegetation). Like the application of any overlay, there must be specific justification for the additional requirement. Appropriate provision should be made for the routine operations of the public use, such as exemption for regular maintenance.

5.2.2 Heritage

A heritage place should be included in the schedule to the Heritage Overlay. A heritage place may include a single object or an area and includes a place:

- listed on the Australian Heritage Council's (now closed) *Register of the National Estate*
- referred by the Heritage Council for consideration for an amendment to the planning scheme
- listed on the *National Trust Heritage Register* of the National Trust of Australia (Victoria), provided the significance of the place can be shown to justify the application of the overlay
- identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

Places listed on the former *Register of the National Estate* or on the *National Trust Heritage Register* of the National Trust of Australia (Victoria) do not have statutory protection unless they are protected in the planning scheme.

The heritage process leading to the identification of a place must clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place must therefore include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. See **section 6.5.8** for information on statements of significance in the Heritage Overlay. This statement must be included as an incorporated document in the planning scheme.

CR



5.2.3 Vegetation protection

Overlays are the principal tools in the VPP to protect vegetation in urban environments.

VPP

The native vegetation provisions of **clause 52.17** may assist in protecting remnant native vegetation, however this provision is primarily designed to prevent broad-scale clearing of native vegetation, so will have limited applicability in urban areas with small lot sizes.

The VPP includes four overlays that can be used to protect and manage vegetation in urban areas; the Vegetation Protection Overlay, the Environmental Significance Overlay, the Significant Landscape Overlay and the Heritage Overlay. Each overlay includes a schedule that is used to specify how the overlay applies to land within a particular municipality.

Choosing the correct overlay is important and the principles used should be applied consistently through the planning scheme. The following matters should be considered when choosing an overlay to protect vegetation:

- What is to be protected (an individual tree or group of trees, an area of habitat)?
- Why is it being protected (heritage, scientific, cultural, landscape or habitat value)?
- How should it be protected (protection of the root zone, requirements about buildings and works, subdivision)?
- What other requirements apply to the land and are there any gaps (zone provisions, other overlays, native vegetation provisions)?

The overlay selected should accurately reflect the identified objectives so that there is transparency in the application of planning policy and requirements. This may involve weighing up various reasons for protecting the vegetation. For example, the principal reason for a tree's significance may be its cultural value rather than its habitat value.

If a tree is of Aboriginal significance or contributes to the setting of an historic building, the Heritage Overlay may be more appropriate than the Vegetation Protection Overlay.



The overlay should also include appropriate requirements to achieve the planning objective. In urban situations, buildings and works can have a significant impact on vegetation, including intruding on the root zone. In these cases, an overlay that provides requirements for buildings and works may be chosen. If the root zone is to be protected, the schedule may only require a permit for buildings and works within a certain distance from the vegetation.

The Design and Development Overlay is not a tool to protect vegetation. The schedule to this overlay may, however, contain specific landscaping requirements to ensure that a new development is respectful of the landscape character of the neighbourhood.

5.2.4 Flood protection

There are four flood provisions available; the Urban Floodway Zone, the Floodway Overlay, the Land Subject to Inundation Overlay and the Special Building Overlay. These four provisions are designed to respond to differences in the type of flooding and the potential level of risk to life and property.

The flood provisions do not address the cause of flooding, but the way future land use and development will impact on the flooding problem or be impacted themselves by flooding. The cause needs to be dealt with by separate means. This may include other actions by council and the floodplain management authority, such as flood mitigation measures, that may be linked to a corporate plan or a floodplain management strategy.

5.2.5 Potentially contaminated land

MD

The Environmental Audit Overlay (EAO) is intended to ensure the requirement for an environmental audit under Ministerial Direction No. 1 *Potentially Contaminated Land* (Direction No.1) is met before the commencement of the sensitive use or any buildings and works associated with that use. The application of the overlay ensures the requirement will be met in the future, but does not prevent the assessment and approval of a planning scheme amendment.

By applying the overlay, the planning authority has made an assessment that the land is potentially contaminated land and is unlikely to be suitable for a sensitive use without more detailed assessment, remediation works or management. The steps set out in PPN30 *Potentially Contaminated Land* should be used to make this assessment.



Applying the overlay also means that the planning authority has decided the requirements of Direction No. 1 may be deferred. The EAO is a statutory mechanism to provide for that deferment. The EAO is not simply a means of identifying land that is or might be contaminated and should not be used for that purpose. Previous zoning is not sufficient reason in itself to apply the EAO.

The Explanatory Statement to Direction No. 1 suggests that it may only be appropriate to defer the audit requirement if testing of the land before a notice of amendment is given is difficult or inappropriate. An example might be where the rezoning relates to a large strategic exercise or involves multiple sites in separate ownership.

Planning authorities should be careful in applying the EAO. All buildings and works associated with a sensitive use (irrespective of how minor) will trigger the need to undertake an environmental audit.

Where sensitive uses already exist on a site the planning authority, before applying an EAO, should satisfy itself that these sites are potentially contaminated (through site history records). If there is no evidence of potentially contaminated land it may not be appropriate to apply the EAO to these sites.

5.3 Using VicSmart

5.3.1 How VicSmart works

VicSmart is a streamlined permit application process. VicSmart only affects the assessment procedure and has no effect on any permit requirement. Where a proposed development is assessable against only a VicSmart permit requirement, it must be assessed under the VicSmart process, which is set out at **clause 71.06**.

VPP

Where the VicSmart process is available for a class of application, it will be identified in a table (see Diagram 5) located directly below the permit requirement in the zone, overlay or particular provision. Local VicSmart classes are located in a table in a schedule to **clause 59.15**.

VPP

The VicSmart table describes the development that is a VicSmart application and identifies the provision under which the application must be assessed. For a local VicSmart application, this information is located in the schedule to **clause 59.15**.

VPP



VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change. 	Clause 59.01

Diagram 5: A VicSmart table



The information requirements and decision guidelines for all VicSmart application classes are located at **clause 59**.

5.3.2 Creating a local VicSmart provision

Any provision of a planning scheme can specify classes of application that can be assessed through the VicSmart process. A planning authority can include local VicSmart classes in a planning scheme in addition to the state VicSmart classes that apply to all planning schemes across Victoria.



Local VicSmart classes are set out in the schedule to **clause 59.15**. Information requirements and decision guidelines must be provided for each class of VicSmart application. These may use one of the existing state VicSmart provisions or be set out in the schedule to **clause 59.16**.



A local VicSmart class can include a permit requirement that contains a state VicSmart classes. While a local VicSmart class may apply to the same permit requirement as a state VicSmart class, it cannot operate to fetter a state VicSmart class.

In deciding whether to create a local VicSmart class, consider:

- That a change of use application is generally not suitable for the VicSmart process.



VPP

- The proposed class should be capable of being received, reviewed and determined in 10 business days in almost all cases.
- The proposed class should only require a small number of discrete issues, with little to no policy balancing, to be considered.
- Where an external referral authority is required to give comment under **clause 66**, this should be able to be obtained before lodgement without the assistance of the responsible authority.
- Where internal comment is required, it should involve no more than one or two basic matters.
- The information requirements for the proposed class should be simple to prepare.
- The proposed class should not involve matters that would typically require third party notice.
- Whether the proposed class would be more suitable for a permit exemption, where possible.

5.3.3 Drafting a local VicSmart table

VPP

The necessary information to determine the local VicSmart class should be included in the table to the schedule to **clause 59.15** sets out the necessary information to determine the local VicSmart class.

The zone, overlay or particular provision

A VicSmart class can include a permit requirement from a single zone, overlay or particular provision, or a class of zones or overlays.

Care should be taken when selecting a class of zones or overlays, as the planning controls within the class will differ in their purposes and may not all be suitable for the VicSmart process.

The class of application

The class of application must be clearly drafted so a user can easily determine if an application is subject to the VicSmart process.

The class of application should not rely on extensive conditions that need a detailed assessment of the application to decide the appropriate assessment pathway before the application is lodged.



The class of application must be based on an existing application type found in a zone, overlay or particular provision. For example, *“to construct a building or construct or carry out works”*.

The application type can be further refined to a particular development type under the application type. For example, *“to construct a building or construct or carry out works with an estimated cost of up to \$500,000”*.

Conditions can also be specified to narrow the class of application to only particular situations or if certain requirements are met.

Permit requirement

The permit requirement must specify the clause to which the class of application relates.

The clause the VicSmart class applies to must be set out followed by the abbreviation of the planning control. For example: *“clause 32.05-9 (TZ)”*.

Where a class applies to more than one provision, all provisions that apply to the class must be specified individually.

Information requirements and decision guidelines

Specify the provision of the scheme that contains the information requirements and decision guidelines for the class of application.

The information requirements and decision guidelines provision can be a local provision and located in a schedule to **clause 59.16**.

VPP

Where a local VicSmart class is created for a permit requirement that is already subject to a state VicSmart class, the planning authority may choose to use the existing information requirements and decision guidelines provision for that class at **clauses 59.01 to 59.14**.

VPP

5.3.4 Drafting a local VicSmart information requirement or decision guideline

Clause 71.06 specifies that a VicSmart application must only be assessed only against the information requirements and decision guidelines specified for that class of VicSmart application.

VPP



VPP

VPP

A local VicSmart class must have information requirements and decision guidelines specified in the table to **clause 59.16**. A new information requirements and decision guidelines provision may be drafted and located in a schedule to **clause 59.15**.

Heading

The heading is a short description of the VicSmart class to which the provision applies. It will generally consist of the application type and the planning control to which the class applies. For example, *“Licensed premises in commercial zones”*.

Information requirements

Any information requirements should be targetted to assist the decision maker decide the application. Any information must be specific to the nature of the application and not go beyond the scope of the application. Information that does not reasonably assist a referral body in commenting on the application, or a decision-maker in deciding the application, should not be required.

The information requirements should be determined concurrently with the decision guidelines and reflect the nature and complexity of the application.

The information requirements must always include: *“A copy of title for the subject land and a copy of any registered restrictive covenant”*.

Decision guidelines

Decision guidelines, objectives or other matters in a zone, overlay, particular provision, schedule or policy relevant to the class of application must be restated or referenced in the provision if they are to be considered as part of the application.

References to other provisions should be used with restraint to ensure the scope of assessment does not go beyond that appropriate for the VicSmart process.

Decision guidelines should be neutrally expressed and require a decision-maker to consider something. They should not be framed in terms that direct the decision-maker in to consider a matter in a particular way.

PEA

Decision guidelines must not include informal referral requirements. Only referral comments required under **section 55** of the Act may be included as a decision guideline.



References to local policies and unincorporated studies, statements of significance or strategies should generally be avoided as they may unintentionally broaden the scope of matters for consideration.

5.4 Managing referral and notice requirements

The Act provides that a planning scheme can require that persons or bodies be given copies or notice of an application:

PEA

- **Section 55** requires that a responsible authority give a copy of an application to every person or body that the planning scheme specifies as a referral authority for that kind of application.

PEA

- **Section 52(1)(c)** requires the responsible authority to give notice of an application to any person specified in the planning scheme.

VPP

Clause 66 identifies the type of referral authority for each kind of application that must be referred and the persons and bodies that must be given notice of particular kinds of applications under state standard provisions. This clause also enables a responsible authority to specify a referral authority and persons and bodies that must be given notice for a particular kind of application under a local provision.

5.4.1 Specify standard conditions and requirements in the planning scheme

To avoid unnecessary referrals and delays, responsible authorities and referral authorities should consider including standard conditions and requirements in the planning scheme. If a referral authority's standard permit conditions can be applied across all planning schemes then they should be included in a state standard provision. Otherwise, the relevant provision may enable permit conditions to be included in a local schedule. **Section 62(1)(a)** of the Act requires the responsible authority to include in a permit any condition that the planning scheme requires to be included.

PEA

Some planning scheme provisions also enable application requirements to be included in a local schedule. If a referral authority routinely requests specific information about particular kinds of applications, this information should be included as a standard application requirement in the



PEA

schedule. Under **section 47(1)(c)** of the Act, an application must be accompanied by information required by the scheme.

It may also be possible to incorporate a referral authority's requirements into the description of the kind of application that must be referred. For example, if the referral authority is only interested in development applications within 30 metres of a waterway, this requirement could be included in the referral provision so that applications outside this distance do not need to be referred.

5.4.2 Change from a determining referral authority to a recommending referral authority

Some existing determining referral authorities may provide specialist or technical advice to the responsible authority that:

- assists the responsible authority in making an informed decision on an application but does not need to direct the outcome of the application
- needs to be balanced against other scheme requirements to achieve a net community benefit or produce acceptable state and local policy outcomes.

In these circumstances, consider whether the status of the referral authority should be changed from a determining referral authority to a recommending referral authority. A planning scheme amendment will be required to make this change.

5.4.3 Give notice rather than require referral

PEA

Consider whether giving notice of the application under **section 52(1)(c)** of the Act would meet the referral authority's requirements instead of referring the application under **section 55**. If the referral authority needs to be made aware of an application but does not need to always receive a copy of the application or direct the outcome of the application, a **section 52(1)(c)** notice may be appropriate.

PEA

5.4.4 When should a section 55 referral requirement be included in a planning scheme?

PEA

A new **section 55** referral should only be introduced where either:

- the decision of the referral authority must direct the outcome of the application (a determining referral authority)



- the referral authority's specialist or technical advice is necessary for the responsible authority to properly assess and decide the application, but does not need to direct the outcome (a recommending referral authority).

A **section 55** referral may be appropriate where a particular type of use or development requires case by case consideration by the referral authority to ensure that:

- implementation of a State Government policy or program is not adversely impacted, for example, the protection and management of Victoria's biodiversity or natural resources
- relevant specialist and technical advice is made available to the responsible authority
- proposed use or development will satisfy criteria or standards in other applicable legislation or regulations
- public assets, for example infrastructure, public open space or waterways, are protected.

Before introducing a new referral requirement, planning authorities and potential referral authorities should consider the following questions:

- What are the reasons for the referral? How do they relate to the purpose of the planning scheme provision that triggers the application?
- Should the decision of the referral authority direct the outcome of the application or should it be advisory only?
- Does the referral authority have resources and processes in place to ensure timely and effective advice, and to comply with the duties and requirements of the Act and Regulations?
- Will a referral provide a simple and effective means of implementing the referral authority's objectives? Would other mechanisms, for example, a notice requirement under **section 52(1)(c)** of the Act, be more effective?
- Can standard conditions and requirements be specified in an agreement between the referral authority and the responsible authority or in the planning scheme to avoid unnecessary referrals and delays?
- Can the description in the planning scheme of the kind of application that must be referred be drafted to avoid unnecessary referrals?

PEA

A referral authority should not be specified in the planning scheme simply because they may be useful in assessing



certain types of applications or be used as a substitute for the responsible authority's own assessment of the application.

An amendment to a planning scheme to specify a person or body as a referral authority should only be prepared with the agreement of that person or body.

5.4.5 When should a section 52 notice requirement be included in a planning scheme?

PEA

A **section 52** notice requirement should be used when the comments or advice of the person or body may influence the outcome of the application, but the circumstances do not warrant:

- that person or body receiving a copy of the application and prescribed information
- their comments or advice directing the outcome of the application.

PEA

Unlike a section 55 referral, under **section 52(1)(c)** only notice of the application is required to be given, not a copy of the application. Before including a new notice requirement, the responsible authority and the person or body to whom notice will be given may agree on additional information from the application that will accompany the notice. Otherwise, it is the responsibility of the person or body given the notice to view the application at the offices of the responsible authority.

Before introducing a new notice requirement, responsible authorities and the person or body that will be given the notice should consider the following questions:

- What are the reasons for the giving of notice?
- Why would the person or body have a special interest in that kind of application?
- Should additional information about the application accompany the notice?
- Does the person or body have adequate resources and processes in place to respond to a notice?
- How can the description of the kind of application that the new notice requirement will apply to be drafted so as to avoid giving unnecessary notice?

PPN

See **PPN 54** *Managing Referrals and Notice Requirements* for more information.



5.5 Creating a schedule to a general or administrative provision

PEA

The schedules to the provisions of **clause 72** are primarily determined by the Ministerial Direction *The Form and Content of Planning Schemes*. However, they do contain some elements that must be modified by the planning authority.

5.5.1 Clause 72.01 – Responsible authority for this planning scheme

PEA

The schedule to **clause 72.01** determines who is the responsible authority for the various functions and duties of the planning scheme.

Responsible authority for administering and enforcing this planning scheme

The responsible authority will generally be the municipal council for the area covered by the planning scheme. The following wording should be used:

[Municipal council] is the responsible authority for administering and enforcing the scheme, except for matters specified in clause 72.01-1 and matters listed in this schedule.

Responsible authority for administering and enforcing a provision of this planning scheme

The planning scheme may specify a different responsible authority to the municipal council for a particular area of land or a provision in the scheme. Most commonly, the planning authority will specify that the Minister for Planning will be the responsible authority for a particular area or provision. The wording for determining an alternate responsible authority is:

The Minister for Planning is the responsible authority for administering and enforcing the scheme for:

It is not necessary to specify the various provisions of the Act or the powers the Minister for Planning may exercise as responsible authority unless those powers are not to be general in nature.

Person or responsible authority for issuing planning certificates

This will be the Minister for Planning or the responsible authority.



Responsible authority for VicSmart applications

This should usually be the Chief Executive Officer of the council, and expressed as follows:

The Chief Executive Officer of [municipal council] is the responsible authority for considering and determining VicSmart applications to which clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

5.5.2 Clause 72.02 – What area is covered by this planning scheme?**Area covered by this planning scheme:**

This provision should use the following words:

The municipal district of [municipal council].

Coastal municipal areas should also include the following where relevant:

The planning scheme also affects the area of [water body] between the municipal boundary of the [municipal council] and an imaginary parallel line 600 metres seaward from the municipal boundary.

5.5.3 Clause 72.03 – What does this planning scheme consist of?**Maps comprising part of this planning scheme:**

This provision lists the zone and overlay maps that comprise the scheme. Each map that comprises part of the scheme is listed in a bullet point in the schedule to this clause. The overlays contained within that map are specified in an abbreviated form with the corresponding map number, as shown in the following example:

1, 1HO, 1SBO, 1PAO, 1PO, 1EAO, 1NCO, 1VPO, 1DDO, 1SLO
2, 2DDO, 2SLO, 2LSIO, 2SBO, 2PAO, 2PO, 2EAO, 2HO, 2NCO,
3, 3HO, 3LSIO, 3SBO, 3PAO, 3EAO, 3SLO, 3DDO, 3VPO, 3DPO, 3BMO
4, 4HO, 4LSIO, 4SBO, 4DDO, 4DPO, 4VPO, 4EAO, 4SLO
5, 5SLO, 5DPO, 5HO, 5LSIO, 5SBO, 5PAO, 5EAO, 5VPO, 5DDO
6, 6DPO, 6HO, 6LSIO, 6SBO, 6PAO, 6SLO, 6VPO, 6DDO



5.5.4 Clause 72.04 – Documents incorporated in this planning scheme

VPP

Any documents incorporated in the scheme in addition to the documents specified in **clause 72.04** must be listed in the table in the schedule to this clause, in the format set out in the Ministerial Direction *The Form and Content of Planning Schemes*.

5.5.5 Clause 72.05 – When did this planning scheme begin?

Specify the date the scheme began in the following format:

1 January 2000

5.5.6 Clause 72.08 – Background documents

CR

See **section 6.7** for information about using a background document.

5.5.7 Clause 74.01 – Application of zones, overlays and provisions

PEA

Section 12A of the Act states that a Municipal Strategic Statement must include ‘a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme’.

VPP

The PPF does not contain a Municipal Strategic Statement however the schedule to **clause 74.01** allows this information to be provided, satisfying the requirements of the Act.

5.5.8 Clause 74.02 – Further strategic work

Further strategic work should be a concise list of work the council intends to undertake in the next review cycle (approximately 4-8 years) and be set out in the schedule to this clause. The work must have a land use and development focus and must relate to matters that can be implemented through a planning scheme.

A responsible authority is not required to take this clause into account when making a decision.



5.6 Considering a site specific provision

There are three methods of dealing with site specific proposals or requirements in a planning scheme.

Method 1: Apply a special use zone

One of the special use zones may be used with an appropriate schedule. Generally, this method should only be used where a proposal is not discretionary in the zone that would otherwise apply to the land.

Method 2: Use the combined amendment/permit process to rezone the land to a suitable zone and issue a permit at the same time

If the land can be rezoned to an appropriate zone in which the proposal would be discretionary, the combined amendment/permit process can be used to rezone the land and issue a permit at the same time. Using this process avoids the need for two rounds of public consultation, allows the proposal to be considered in one process and maintains the permit as the instrument of development approval. More detail about this process is included in *Using Victoria's Planning System*.

Method 3: Include the proposal in a Specific Controls Overlay

If none of the above methods is appropriate, a proposal can be included in the Specific Controls Overlay.

VPP

Some site specific controls are included in the Table of the Schedule to **clause 51.01** (Specific sites and exclusions), however this method is redundant and the Specific Controls Overlay must now be used.

VPP

The form of the consent will need to be translated into a Consent Notice or other form of document that then becomes an incorporated document to the scheme (and also listed in the Incorporated Documents list in **clause 72.04**). This method should only be used for exceptional cases or to achieve a particular land use and development outcome that is consistent with a major issue of policy and is necessary to achieve or develop the planning objectives of Victoria.





6 How to...

6.1 *How to write for a planning scheme*

6.2 *How to include a map or diagram*

6.3 *How to write a Municipal Planning Strategy*

6.4 *How to write a local policy*

6.5 *How to write a schedule*

6.6 *How to incorporate a document*

6.7 *How to refer to a background document*

6.1 How to write for a planning scheme

The Ministerial Direction *The Form and Content of Planning Schemes* requires that a planning scheme and planning scheme amendment must be written in plain English.

What does that mean? There are many guides to plain English writing. Chapter 9 *What is plain English?* in *Using Victoria's Planning System* is a useful place to start. It contains advice about plain English writing for planning generally, not just for planning schemes.

The advice in this section is specific to writing good quality planning provisions in plain English. It includes some quick tips and more specific advice about a range of matters that will be encountered when writing for a planning scheme.

6.1.1 Quick tips for writing for a planning scheme

- Write positively.
- Use verbs instead of nouns ('consider' not 'give consideration').
- Use 'must' or 'will' rather than 'shall' if the action is mandatory.
- Use 'may' or 'should' if the action is optional.
- Keep sentences short. Avoid including too many ideas in a sentence.
- Stick to simple or common words like 'show' not 'demonstrate'.
- Keep the use of words consistent, don't change terms for no reason or for variety. Keep the same words for the same idea.
- The terms responsible authority and planning authority are not capitalised.
- Don't use archaic words like 'hereto', 'whilst' or 'notwithstanding'.
- Don't use Latin or French words like 'ultra vires'.
- Don't use unnecessary synonyms like 'force and effect' or 'terms and conditions'.
- Avoid cross references to other sections of the scheme.



6.1.2 Make the requirements clear

Use 'must' or 'must not' if the requirement is mandatory.



A building must be set back at least 3 metres from the front of the property.



The building height must not exceed 21 metres.

Using 'must' is not always necessary to communicate clearly, but it has a directness that other forms of expression lack. For example:



Motor vehicles must not be serviced or repaired for gain.



No motor vehicle may be serviced or repaired for gain.

Use 'may' to confer a discretion for action. In the following example a permit may be issued but there is no obligation that it must be issued.



A permit may be granted to vary any dimension or requirement of this clause.

Do not use 'should' for a mandatory requirement. 'Should' can be used in criteria and in expressing non-mandatory requirements in schedules to some overlays, for example the Design and Development Overlay.

Do not use 'shall'. Use 'must' instead.

Using 'encourage' and 'discourage' are useful in objectives but should not be used in requirements:



A fence at the front of a lot should not exceed 1.2 metres.



A maximum fence height of 1.2 metres will be encouraged at the street frontage.

6.1.3 Make discretion (or lack of discretion) obvious

Make mandatory requirements explicit. Do not assume that a reader will understand what you mean:



The following requirements must be met.

- Building height must not exceed 21 metres.
- Filling is not permitted.



The following requirements should be met. A permit may be granted to vary these requirements if the responsible authority considers that the proposal will better meet the objectives of the overlay.

- Building height should not exceed 21 metres.
- Filling should not be undertaken.

6.1.4 Take care with definitions

Use words that have been defined in the planning scheme in strict accordance with their definition.

The following requirement has a number of problems:



The maximum building height in this precinct should not exceed 21 metres (6 storeys), including all roof structures, services, lift overruns and excluding architectural features only.

The planning scheme defines 'building height' as 'the vertical distance between the ground level and the finished roof height directly above'. This requirement is not consistent with that definition. It is also unclear whether a building less than 21 metres but with seven storeys is acceptable.

This requirement could be improved. For example:



Building height should not exceed 21 metres or six storeys (not including a basement). No structure except an architectural feature may be constructed above the finished roof.

Before a new definition is used, consider why a new definition is needed. The VPP provides a number of definitions and a provision should be drafted on the basis of these definitions.



A definition should not introduce controls. For example:



Live work development means a dwelling adapted for use as a home-based office provided the office component is less than 40 square metres and is not publicly accessible out of normal business hours.

Metrics or other conditions, such as the requirements over the size and hours of operation should not be included in a definition.



Live work development means a dwelling adapted for use as a home-based office.

Any desired metrics or conditions on the use should be introduced through separate requirements in the provision.

6.1.5 Writing a list

Bulleted or dot point lists are commonly used in the planning scheme to set out requirements, criteria or expectations. Consider the following when creating a list.

Make your meaning clear

Each list item should read as a separate instruction or statement.

Put the list items in a logical order and keep related matters together to aid comprehension.

When sub-dot points are used, also ensure they have a logical sequence, contain only a single matter and do not overlap or conflict with other points.

Where a list imposes or exempts a matter from a requirement, be clear about whether all or some of the list items must be met. Do not use 'and' or 'or' at the end of a point. If necessary, use standard phrases in the introduction to make the requirement clear.



...must meet one or more of:
 ...must meet all of the following requirements:
 ...provided all of the following requirements are met:
 ...provided any of the following apply:
 ...if any of the following apply:
 ...unless one or more of the following applies:
 ...this does not apply to any of the following:



Alternatively, it might be better to rewrite the provision. In the following example, it is not clear if the permit exemption requires compliance with one or both of the bulleted items.



A permit is not required for an outbuilding if:

- The building area is less than 50 square metres.
- The building is set back more than 25 metres from any boundary.

This can be avoided by rewriting the provision to remove the ambiguity.



A permit is not required for an outbuilding if any of the following apply:

- The building area is less than 50 square metres.
- The building is set back more than 25 metres from any boundary.

In this example, a bullet list could be avoided and the provision written as a single instruction.



A permit is not required for an outbuilding provided the building area is either less than 50 square metres or the building is set back more than 25 metres from any boundary.

Be consistent

Make the word type and tense consistent for the first word of each point. If you begin a list with a noun, continue using nouns; if you begin with a verb, continue with verbs.



A permit is required to:

- Construct (verb) two or more dwellings on a lot.
- Extend (verb) a dwelling if there are two or more dwellings on the lot.

Punctuation for lists

The convention in planning schemes is:

- Place a colon after the lead-in to clarify the link with the indented information that follows.



- Use a square bullet for the first level of dot point.
- A dash for a level of sub-dot point and a full stop for a sub-sub-point where necessary. Avoid three levels if you can.
- Start each point with a capital letter. A point can include more than one sentence.
- End the point with a full stop.
- Semicolons, 'or' and 'and' are not used at the end of a point.



Refer to the style sheet in the Ministerial Direction *The Form and Content of Planning Schemes* for the correct styles to use.

In-sentence lists

Do not use in-sentence lists in a control. They may sometimes be suitable in a policy statement.

Only use an in-sentence list if the number of items is small.

Only use a colon to introduce list items if a complete sentence precedes the list.



For this project you need tape, scissors and white-out.

For this project you need three items: tape, scissors and white-out.



For this project you need: tape, scissors and white-out.

6.1.6 An A to Z of writing for a planning scheme

Acronyms

Acronyms are useful to avoid repeating lengthy expressions. Do not use acronyms in a control. They may sometimes be suitable in a policy statement.

If you use one, always spell out the title in full at first use, followed by the acronym in brackets. A full stop is not required between the letters of an acronym. Plurals of acronyms do not carry apostrophes:

CEOs, not CEO's



Acts of Parliament

Capital 'A' when referring to legislation. State the full title of the Act (including the date it was passed) in the first instance and use italics. Subsequent references should use regular type and may omit the date:



Planning and Environment Act 1987 (first reference)



Planning and Environment Act (subsequent reference), or the Act.

Active or passive voice



Also refer to Sentence construction

The active voice is better in statutory writing than to the passive voice because it is more direct and less ambiguous. The active voice places the subject in front of the verb. The passive voice places the subject following the action or excludes the subject entirely.

Active: The Minister for Planning visited the region on Monday.

Passive: On Monday the region was visited by the Minister for Planning.

Active voice generally encourages the use of stronger verbs that bring the activity to life. The passive voice can be ambiguous because it submerges responsibility for an action when a more open approach would be clearer and fairer to readers.

And or &

Only use the ampersand symbol (&) in references and tables.

And/or

Do not use 'and/or' in statutory writing, it is often ambiguous. In most cases using one or the other conveys the meaning. Otherwise rewrite so that the meaning is clear.



Apostrophes (')

Apostrophes are used to:

- indicate missing letters
- show possession

When the apostrophe comes before the 's' it indicates singular possession:

The program's objectives (the objectives of the program)

When the apostrophe comes after the 's' it indicates plural possession.

The shires' rural areas

Apostrophes are not used in Australian place names:

Fishermans Bend, Wilsons Promontory, Halls Gap

Australian English

Make sure that the spell-check on your computer is set to Australian English rather than American English. To adjust the settings in MS Word, select Review > Language, then choose English (Australian).

Brackets (parentheses)

Use parentheses not other forms of bracket. Brackets are used to introduce asides, explanations or additional information and to create emphasis. They are also used to enclose an acronym after a full name:

The government funded nearly 70 per cent (\$7 billion) of welfare expenditure.

Most of the company's employees work part-time (see reference table 7).

The Department of Environment, Land, Water and Planning (DELWP).



Capitals and terms associated with government

Generally, terms associated with government should be capitalised when referring to full, official names and lower case when the name is reduced to the generic element or adjective.

The Minister for	the minister
The Victorian Government	the government
Department of...	the department
the Steering Committee	the committee

The terms responsible authority and planning authority are not capitalised.

Contractions

Shortened forms of words, or two words commonly pronounced as one:

it's, we're, aren't, don't, shouldn't.

An apostrophe is used in contractions. Commonly accepted contractions such as Ms, Rd or Pty Ltd do not require full stops. Contractions should be avoided in statutory writing.

Dates

Present dates from the smallest unit to the largest in the order of day, month and year.



12 April 2018



April 12 2018



12 April 2018



12th April 2018

Dictionaries

The dictionary for planning scheme use is The Macquarie Dictionary.

eg and ie

Do not use these terms in a planning scheme. If necessary in other documents, use 'for example' or 'such as' instead of eg. Use 'that is' instead of ie. Do not use full stops.



Fractions

Spell out fractions:

three-quarters not 3/4.

except when used in a table or where space is an issue. It will usually be better to use a decimal number.

Grammar terms

CR

Also refer to Sentence construction

There are eight major word classes used in modern English grammar. Many words do not belong solely to one class, but can be in others for the purpose of a particular sentence.

Verbs: show action or states of being:

go, talk, change, exist, be, drive, finish

Nouns: provide names for people, places or things as well as abstract notions. Nouns can be people, places or things:

zone, table, Victoria, generosity

Pronouns: stand in for a noun or noun phrase already mentioned in a text:

he, she, it, they

Adjectives: modify (describe, define or evaluate) a noun or pronoun:

large, cool, French

Adverbs: modify verbs, adjectives or other adverbs:

easily, obviously, very, most, quickly

Prepositions: indicate the relationship between various elements in a sentence:

to, with, from, after, under



Conjunctions: link (conjoin) parts of a sentence:

and, but, or, because, if, although

Determiner:

the, an; pronouns such as my, your, this, some; numerals such as three, four, third, fourth

Headings



Refer to the style sheet in the Ministerial Direction *The Form and Content of Planning Schemes* for the correct styles to use.

Jargon

Do not use jargon in statutory writing.

'No permit required' not 'as-of-right'

Latin and words from other languages

Do not use words from languages other than English:

Ultra vires, pro forma

Use a plain English term instead. If such a word must be used, use italics and ensure the meaning is clear.

Measurements

Always spell measurements in full in the body of your text. Only use abbreviations in tables and graphs:

hectare	ha
metre	m
kilogram	kg
millimetre	mm

Symbols for units of measurement do not use full stops and are never plural:

43.5 ha and 20 kg



Include a space between the number and the unit of measurement.

Use numerals for measurement when they are accompanied by a symbol. Also use numerals in mathematical contexts (such as equations and ratios) and in tables;

3 km, 9°C, \$3.50, four seconds, 2+2=4

Numbers

Write numbers less than 10 in full, except for:

- exact measurement:
5 inches, 3 per cent
- a series of quantities:
2,4,6 then 8 groups followed
- numbers of millions or billions:
\$12 million

Numbers from 10 and above should be expressed numerically.

Never start the beginning of a sentence with a number. If this is unavoidable, spell out the number, even if it is 10 or greater.

Use commas to mark 10,000 or above, but not 1000 to 9999:

4000 but 53,856

In spans of numbers use a dash with no space before or after. Drop the unnecessary digits in the last part unless it makes the meaning unclear:

2012–16, 23–9

Per cent

Always use 'per cent' rather than '%', except in tables or graphs where space is limited.

It is per cent (two words), but percentage.



Place names

For the spelling of Australian place names refer to the Geoscience Australia website:

<http://www.ga.gov.au/place-names>

Place names should be capitalised:

the Yarra Valley, the Grampians

Regions should be capitalised and may contain a hyphen:

South-West Victoria, Central Victoria

Use capitals for official or abbreviated titles that remain specific but not for generic references;

The Australian Capital Territory includes Jervis Bay. The territory's total area is more than 2000 square kilometres.

Apostrophes are not used in Australian place names:

Fishermans Bend, Wilsons Promontory, Halls Gap

Positive language

A reader is more likely to accept and remember a point if it is made in the positive.

When the action suggested is clear and the language is uncluttered it is easier to find the meaning:



Positive: If a project conflicts with policy, submit the contract to the committee before proceeding.



Negative: In the case of projects not adhering to the policy, do not proceed if the contract is not first put to the committee.



Sentence construction

Sentences are made up of three parts: subject, verb and object. A simple sentence structure normally places the subject first. This is the active voice.

Good writers apply several key techniques to sentence construction.

- Aim for an average of 15 to 25 words per sentence because shorter, simple sentences are easier to read. They are also more likely to be grammatically correct. Interspersing shorter sentences of up to 10 words will give writing punch.
- Place one idea in a sentence – avoid run-on sentences that link ideas with linking words and commas.
- Put the most important part of the sentence first – consider what is the most important, or the most interesting, part of the story.
- Avoid repetition – delete unnecessary words and information.
- Use dot point lists to break down units of information contained in a sentence.
- Use punctuation to organise a sentence into manageable units.
- Use simple, active sentences whenever possible (Refer to Active or passive voice).
- If necessary, rewrite the sentence.

CR

Slashes (/)

Do not use slashes in statutory writing. Use an en dash (–) instead of a slash to mark a span between two points in time or distance:

October–December

Spelling

Make sure that the spell-check on your computer is set to Australian English rather than American English. To adjust the settings in MS Word, select Review > Language, then choose English (Australian).



Your spell check should not be your sole means of proofreading. Always check copy yourself. While spell checkers will pick up spelling mistakes, they may not pick up words that have been misused or left out of sentences.

Use the Macquarie Dictionary as your reference.

State

Capital 'S' when referring to the 'State of Victoria' or 'the State Government', but lower case in all other instances, including when it is abbreviated to its generic term or used as an adjective, so:

The State Government will implement the initiative...

but

...if permit conditions can be applied across all planning schemes then they should be included in a state standard provision.

Tautology

A tautology refers to repetitive, unnecessary, redundant words or phrases that say the same thing twice. Removing them gives more precise writing:

-  new initiative
-  forward planning
-  close proximity
-  currently undergoing
-  integral part

That and which

Use 'that' to introduce restrictive information and to refer to groups of people, places, things and events:

The two companies that adopted the plan showed profit increases.



'That' tells you a necessary piece of information about its antecedent:

The book that is read most often is the bible.

Which is non-restrictive: it does not limit the word it refers to, but simply provides an extra piece of information about something being discussed.

The amendment, which came into effect yesterday, implements the new policy.

As a rule of thumb, if the phrase can be removed without changing the meaning of the sentence, it should be 'which'. If not, it should be 'that'.

Time

The abbreviations 'am' and 'pm' do not have full stops. A full stop should be used to separate the hours from the minutes:

9.15 am

Drop the extra zeros for hours.

10 am not 10.00 am

Web addresses

Italicise names of websites if they are not written in full. Bold URLs that are written in full. Underline them only if they are live links.

Web addresses do not require '*http://*' to be included at the start.



6.1.7 Some common planning terms

The correct use of some common terms is:

- amendment (but Amendment C31)
- clause
- council (lower case unless referring to Name... Council)
- development contribution plan
- environment effects, *Environment Effects Act 1978*
- green wedge
- growth area
- peri-urban
- planning authority
- planning panel, but Planning Panels Victoria
- planning provision
- planning scheme, planning scheme amendment
- precinct structure plan
- responsible authority
- section
- statutory
- Urban Growth Boundary
- VicSmart
- Victoria Planning Provisions (not Victorian)
- Victorian Heritage Register



6.2 How to include a map or diagram

The Ministerial Direction *The Form and Content of Planning Schemes* requires that any image in a planning scheme ordinance including a map must meet all of the following requirements:

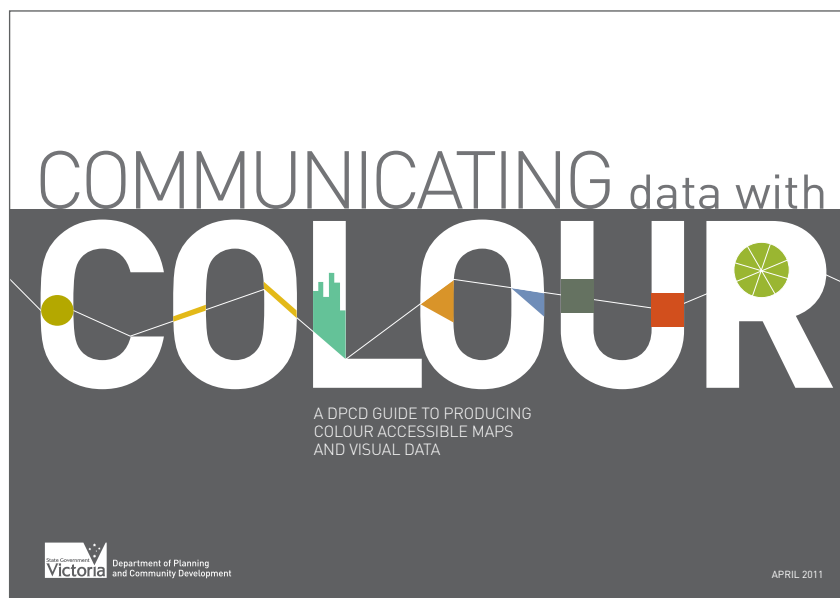
- The image cropped and sized to fit the available space on the page with a maximum file size of 3000 kilobytes and 300 pixels per inch (ppi).
- Be the only image on a horizontal line (that is, no images side by side or use of multiple images or layered images to make one single image).
- Have a title, reference number and border.
- The image title written as text outside of the image.
- Include a legend and source, where applicable.
- Include a north arrow and scale, where applicable.

When preparing a map or presenting visual data, always test that the map or diagram is readable in both:

- black and white
- by a person affected by colour blindness.

Communicating data with colour: A guide to producing colour accessible maps and visual data (DPCD 2011) is a useful guide.

The guide is available [here](#).



NOTE

While planning schemes are in transition to an integrated PPF, any change to an existing Municipal Strategic Statement or Local Planning Policy Framework should follow the advice in **PPN** **PPN 04** *Writing a Municipal Strategic Statement* and **PPN** **PPN 08** *Writing a Local Planning Policy*.

VPP

MD

6.3 How to write a Municipal Planning Strategy

The MPS is located at **clause 02** and sets the basis for the local content in the planning scheme. It does not form part of the VPP as it consists only of local content. The structure of the MPS is set out by the Ministerial Direction *The Form and Content of Planning Schemes* and includes:

- Context
- Vision
- Strategic directions
- Strategic framework plan.

The MPS must succinctly explain the context for a municipality and provide the overarching strategies for the major land use and development matters that affect it. Detailed policy belongs in **clauses 10 to 19** of the planning scheme.

VPP

The content of the MPS should be easily read, expressed in a logical sequence and grouped by related land use and development themes. The preferred approach is to follow the PPF themes. This reinforces the strategic linkages between the PPF and the MPS, helps navigation and improves the ease of use of the planning scheme. PPF policy topics are addressed in the MPS based on the priorities of the municipality.

MD

To ensure the MPS focuses on priorities and provides a clear and direct message about a council's planning aspirations, the Ministerial Direction *The Form and Content of Planning Schemes* specifies a word limit for the MPS. Plans are not included in the word limit.

CR

An example MPS is provided in **Appendix 1**.

6.3.1 Context

The context is a concise description of the municipality in its regional setting. It should provide a very brief description of the geographic, economic, environmental and demographic qualities of the municipality. These should represent both the opportunities and challenges that establish the key land use and development issues to be addressed in the municipal vision and strategic directions.



The context should set the scene for what issues are important to the municipality and need to be addressed by the planning scheme. There should be a clear link between the issues facing the municipality and the strategic directions of the MPS. There is no need to state how the issue will be addressed in the context statement as this is the role of the strategic directions. Use headings to identify different issues and where possible, ensure that they are consistent with those that will be used to convey the strategic directions. Information that is likely to become out of date before the next review cycle (about 4 years) should not be included.

The context can be accompanied by a plan, if needed. A context plan is a useful tool to portray municipal context information 'at a glance'. This can be a separate plan or the information can be integrated with a strategic framework plan, if appropriate. Annotations can be used as required.

A context plan can illustrate the key features of the municipality and provide a regional context. It can convey further detail on an aspect of the municipality. For instance, if the population of individual towns is important to subsequent strategies, then that information can be conveyed by a map.

6.3.2 Vision

The vision is an overarching statement of intent that describes the type of municipality a council seeks to create. It should be concise and can comprise one consolidated statement or a set of statements. The vision must focus on land use and development issues capable of being influenced by the planning scheme.

If the vision is derived from a vision statement sourced outside the planning scheme (such as from a council plan, that would address broader issues), that wider vision statement will need to be distilled into a vision for the MPS that focuses on land use and development.

The vision together with the strategic directions and strategic framework plan provide an opportunity to set out the local directions of the planning scheme, consistent with state policy in **clauses 10 to 19**.

VPP



6.3.3 Strategic directions

The strategic directions outline how a municipality will implement its vision and manage the key issues identified in the context. Strategic directions are the high-level policy intentions for the municipality that provide the basis for matters that are implemented through more detailed policy at **clauses 10 to 19** or a planning scheme control.

VPP

The strategic directions must be supported by background strategic work that has already been undertaken by a council. If the work to support the strategic directions has not been undertaken, then that matter may be identified as further strategic work in **clause 74.02** or elsewhere in a council work or business plan, not in the MPS. The strategic directions need to be evidence-based so that they can be reasonably implemented through the planning scheme.

VPP

The strategic directions should articulate what is most important to the municipality from a land use and development perspective and provide an understanding of why those issues are important. In particular, they may:

- set out how state and regional policy will be implemented at the municipal level
- articulate how the issues identified in the context will be addressed and how the vision will be implemented
- contain direction on matters such as opportunities for growth, a township or activity centre hierarchy, areas of environmental significance or any other topic that is relevant to land use and development within the municipality
- provide the policy basis for the application of controls and the local policies in **clauses 10 to 19**. A description of the relationship between a planning scheme's policy and controls should be set out at **clause 74.01** (see **section 5.5.6**)
- potentially provide direction on future change that is beyond the life of the planning scheme review period, provided that it is based on strategic work already undertaken.


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Strategic directions should be grouped by theme and identified by sub-headings. The themes should follow those of the PPF for consistency and navigability. The content can be in either narrative form or bullet point form, but extended narratives should be avoided.




These are examples of appropriate strategic directions:

- 


Tourism uses in the Port Shipwreck township are encouraged, particularly where they support the local farming and fishing industries.
[This is a high level strategic direction.]
- 


Support larger lots in Precinct 3 to ensure an appropriate interface with the Sun Moth Nature Reserve. Direct medium density housing to Precinct 1 which is within walking distance of the North Gumnut Railway Station.
[This provides specific direction that will assist decision making.]
- 


Facilitate a higher proportion of lower cost accommodation, social housing and housing for people of all abilities particularly around the Gumnut town centre and Neighbourhood centres.
[This expands on state policy but is still a high level direction.]
- 

Avoid non-residential uses along Station Street and to the north of the activity centre.
[This provides specific direction that is relevant to decision making.]

Some examples that are not appropriate as a strategic direction are:

- 

The town of Port Shipwreck is a district centre servicing surrounding settlements and a focus for tourism in the shire.
[This is a statement of context not a strategic direction. It should be in the context section.]
- 

A range of housing types should be provided in North Gumnut.
[This is too general and does not provide any further guidance or direction beyond state planning policy.]
- 

The consideration of neighbourhood character is required in the assessment of infill housing development proposals within existing residential areas. There can be a tension in planning policy between urban consolidation objectives and the desire to respect residential amenity and neighbourhood character.
[This requires that neighbourhood character be considered for infill housing and identifies that a conflict exists between development and neighbourhood character but gives no direction about how neighbourhood character is to be considered or the identified conflict might be resolved.]

This would be better written as:

Infill housing development in existing residential areas should respect existing neighbourhood character. In urban consolidation and greenfield development areas, facilitate a new character that complements important natural, cultural and historic built form and landscape values.

[The direction now sets out how neighbourhood character in existing areas is to be considered and identifies the areas where a new character can be considered. If necessary, this direction could be supported by the application of a Neighbourhood Character Overlay, a local variation to the Neighbourhood Residential Zone or a local policy on neighbourhood character.]

6.3.4 Strategic framework plan

The strategic framework plan is a spatial representation of the key strategic directions for the municipality. The vision, strategic directions and strategic framework plan together provide the 'big picture' response to the opportunities and challenges facing a municipality.

The strategic framework plan:

- should show spatially how the municipality is expected to change as a result of the implementation of the planning scheme
- should have a clear link with the strategic directions in the MPS and be annotated to express the strategic directions on the plan
- may show matters such as directions for growth and development, housing frameworks, industrial land supply, productive agricultural land, strategic redevelopment sites, significant infrastructure, areas of environmental significance or areas where environmental risk must be managed
- should do more than show existing conditions
- can be more than one plan if a single plan would not be legible.



6.3.5 Incorporated and background documents

Incorporated and background documents can be referenced in the text of the MPS where a document has directly informed the creation of a provision but will not be listed in the MPS. The schedules to **clauses 72.04 and 72.08** allow local incorporated and background documents to be listed in the planning scheme.

6.3.6 Obligations under the Act and other matters

The Municipal Planning Strategy and section 12A of the Act

PEA

Section 12A of the Act states that a Municipal Strategic Statement must include 'a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme'. The PPF does not contain a Municipal Strategic Statement. To satisfy the requirements of section 7 of the Act this information must be provided. **Clause 74.01** allows this information to be provided to satisfy the requirements of the Act.

VPP

This 'general explanation' should be a concise statement of how controls are used to implement the policy in the planning scheme. An example is provided below.

Heritage

The Gumnut Planning Scheme applies the:

- Heritage Overlay and the Environmental Significance Overlay to protect areas and features of aboriginal cultural heritage significance
- Design and Development Overlay to manage the scale and design of development on land within the setting and backdrop area of the War Memorial.

Further strategic work

The identification of further strategic work may be useful for a council to set strategic priorities and obtain funding for a project. However, as these strategic intentions are not fully formed and have not had the benefit of strategic work to underpin them, there is a risk that they can be used as speculative policy and lead to decisions being made that are not based on adopted policy. The identification of further strategic work is not a requirement of the Act and does not



VPP

form part of the MPS or PPF. Instead, this information may be listed in a separate schedule to **clause 74.02**. A responsible authority is not required to take this clause into account when making a decision.

Where a list of further strategic work is provided in a planning scheme, it should comprise a concise list of work the council intends to undertake in the next review cycle (about 4 years). The work must have a land use and development focus and must relate to matters that can be implemented through a planning scheme.

6.4 How to write a local policy

6.4.1 The role and content of local policy

Local policy provides the detailed policy directions for a municipality. The role of local policy in the PPF differs from the MPS, which provides higher level strategic policy direction. Local policy helps a council to implement state policy in a way that is relevant to their vision for the municipality.

Zones, overlays and particular and general provisions are the primary implementation mechanism of the strategic policy directions in a planning scheme. Where a zone, overlay, particular provision or general provision provides all the direction required to make a decision, a local policy is not needed. Similarly, where statewide or regional policy provides all relevant direction required for decision making, a local policy is not required.

Local policy has a role in providing direction at a municipal level where:

- locally specific policy guidance is needed on a particular matter
- directions intersect with a number of controls (for example, neighbourhood character considerations may apply to multiple zones)
- guidance is needed to support decision making associated with a zone, overlay or other controls (such as non-residential uses in a residential zone).

Local policy has an important role in expressing the local objectives of a municipality and helping shape the kind of place a council wishes to create. As a result, it is important that

NOTE

While planning schemes are in transition to an integrated PPF, any change to an existing Municipal Strategic Statement or Local Planning Policy Framework should follow the advice in **PPN** **PPN 04** *Writing a Municipal Strategic Statement* and **PPN** **PPN 08** *Writing a Local Planning Policy*.



policy be clear, concise, accurate and works towards achieving the intended outcome. Local policy complements the zones, overlays and provisions that are the primary implementation mechanism for the objectives of a municipality.

Ambiguity and repetition weaken good policy. Ambiguous statements are confusing and give rise to inconsistent interpretations that dilute the intent of policy.

Local policy should only be used to provide locally specific direction for a municipality. It must not assume the role of state policy or take on a broader mandate.

A policy objective may be common across precincts or themes. If precinct-based policies have common directions across all precincts, rather than repeating the direction for each precinct, create an 'all precincts' section to the policy to communicate the message more efficiently. This approach also highlights the distinctive elements to the different precincts, strengthening the policy.

Policy should be written in plain English and must clearly articulate the outcome it seeks to achieve. Avoid making statements that do not provide direction, such as contextual information or descriptions, high level strategies (that belong in the MPS) or portraying the challenges involved in resolving a particular issue.

Objectives and strategies are the key elements used to communicate the intent of a policy.

Objectives are a statement of what a policy seeks to achieve. Objectives must be clear, concise and be able to be implemented via the planning scheme.

Strategies are statements that outline how an objective is to be achieved. Strategies must be able to be implemented via a planning scheme.

At a local level, the MPS provides the 'why' of policy, an objective provides the 'what' and a strategy provides the 'how'. Policy guidelines are a more detailed form of 'how'.

In order to be included in the PPF, a local policy must meet the rules relating to the suitability of the policy, its content and drafting. These rules are set out in **section 4.2**.

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6.4.2 Policy composition

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This section explains how to populate content in **clauses 10 to 19**. This complements the structure provided in Annexure 3 of the Ministerial Direction *The Form and Content of Planning Schemes*. The table below sets out the policy elements that can be used for a policy theme by each tier of policy. While not all policy elements need to be used, it is not possible to add additional policy elements.

POLICY ELEMENT	FUNCTION	STATE	REGIONAL (IF INCLUDED)	LOCAL (IF INCLUDED)
Title	Identifies the policy	Must be included	Must be included	Must be included
Policy application	Sets out <i>where</i> a policy is applicable	May be included	May be included	May be included
Objective	Sets out <i>what</i> a aim of the policy is	Must be included	May be included	May be included
Strategies	Specifies <i>how</i> a policy is to be achieved	Must be included	Must be included	Must be included
Policy guidelines	Provides detailed guidance on <i>how</i> a policy may be achieved	May be included	May be included	May be included
Policy documents	Lists directly relevant incorporated, background documents	May be included	May be included	May be included
Maps	Provides a visual expression of policy or sets out where a policy applies	May be included	May be included	May be included

Table 2: Use of policy elements

Where needed:

- more than one regional or local policy may be included under a PPF theme
- more than one objective may be included for a local policy.



Policy title

All policies must have a title that identifies the policy. The title should be short but descriptive, such as 'East Myrtle neighbourhood character' or 'Shadow Bay gateway built form design'.

The word 'policy' must not be included and the title must accurately reflect the content of the policy.

Policy application

Policy application identifies where the policy applies.

As local policy is often more targeted in nature than a state policy, a local policy will more often identify where (or to what type of application) a policy applies.

Local policy should relate clearly to a specific discretion or group of discretions in the planning scheme and can relate to an area of both.

The land area or type of application a policy applies to must be clearly defined so that the policy can be appropriately applied.

VPP

A policy that applies to an entire municipality does not need its application stipulated. **Clause 71.02-2** states that a planning policy applies to all land subject to the planning scheme unless the policy specifies otherwise.

Where a policy applies can be identified using one of the following techniques:

- If a policy applies to a specific area already defined in the planning scheme, identification can be achieved by a brief statement such as: *This policy applies to all planning applications for rural industry in the Farming Zone and the Rural Conservation Zone.*
- If a policy applies to all applications in a specific area that has not been defined in the planning scheme, a map must be included with the local policy that defines the area of application. Use words such as:

This policy applies to the East Gumnut urban renewal precinct shown in Map 1 to this policy.



- If a policy applies to certain types of use or development, use a written description. For example:

This policy applies to all applications for residential development of five or more storeys.

- If a policy applies to a site that has a specific address, then it can be identified by that address. For example:

This policy applies to the land at 112-216 Lorikeet Way, Timothy Crossing.

Do not use long, written descriptions for a policy area boundary. Use a local policy map that clearly identifies the boundary of the policy area using precise markers such as property boundaries, waterways and railways.

Objective

An objective and its associated strategies convey the key policy directions of the planning scheme. An objective sets out the core purpose of a policy.

State policy: Each state policy will comprise an objective with supporting strategies. State policy must include an objective as it sets out the overarching direction for each policy.

Regional policy: A regional objective is only included if it expands on the state objective, with the region's particular policy emphasis or distinction. If a regional objective is absent, a regional strategy is read in the context of the state objective. If a regional objective repeats a state objective it must not be included.

Local policy: Local objectives must be relevant to the municipality and should only be included if they expand on a state or regional objective with a particular local emphasis or distinction.

Where a local objective is absent, a local strategy is interpreted to be implementing the state or regional objective. There can be more than one objective in a local policy, although the number of objectives should be minimised wherever possible.

If a local objective repeats a state or regional objective then it must not be included.



Objectives must be expressed to make clear what outcome is being sought, keeping in mind that a policy can only relate to the exercise of a discretion under the planning scheme.

Strategies

Strategies describe how an objective is to be achieved. Every statewide policy objective in the PPF is supported by a set of strategies. Further strategies may be provided at a regional level if needed and these can respond to the state objective or a regional objective if one has been identified. Additional strategies may also be provided at the local level that:

- expand on or refine a statewide objective or strategy
- expand on or refine a regional objective or strategy (where relevant)
- respond to a local objective (where relevant).

A regional or local strategy must not repeat a statewide strategy. Similarly, a local strategy must not repeat a regional strategy. The practical outcome of this is that if there are no specific strategies that expand on or refine either state or regional policy, then no policy is required at a local level. This also applies to regional strategies that do not expand on or refine state policy.

Where strategies directly support a state or regional objective then the objective does not need to be re-stated. It is essential that the strategies be focused on the implementation of a policy that can be achieved through the application of a planning scheme.

Policy guidelines

Planning policy must be sufficiently flexible to allow for alternative solutions to achieve the outcome sought. Sometimes greater direction through explicit measures, may more effectively direct an outcome. In most instances, specific (often numerical) requirements can be included in a schedule to a zone or overlay.

However there may be some measures that clarify an expectation of how a policy can be met that:

- are too prescriptive for policy
- may represent one way of achieving a desired outcome, where other suitable options may be available



- intersect with a number of zones and overlays
- are inconsistent with by another VPP tool.

Examples of such measures include specifying recommended hours of operation for non-residential uses in residential zones or the preferred number of vehicle crossings in a neighbourhood character precinct. These measures can be set out in the PPF as policy guidelines.

Decision guidelines and application requirements are not policy guidelines.

Policy guidelines are an optional part of policy and are not a substitute for a control. They are generally only required in exceptional circumstances. Proper use of zone and overlay schedules, together with robust strategies in policy, will usually avoid the need for policy guidelines.

CR

In addition to meeting the rules outlined in **section 4.2** a policy guideline must:

- directly derive from an objective or strategy in a policy and set out a clear expectation of how an objective can be met
- provide a standard that guides the exercise of discretion for a decision maker
- be based on appropriate data or research
- not repeat or contradict controls in a zone, overlay, particular or general provision. This would include not repeating application requirements or decision guidelines
- not attempt to prohibit an alternative outcome that meets the objective/s of the policy
- be the only appropriate implementation measure to convey the guideline, including because an appropriate alternative VPP instrument is not available or an inefficient or complicated implementation, using a number of zones and overlays, would be needed.

Operationally, policy guidelines must be taken into account, but are not required to be given effect to (unlike objectives and strategies). A permit applicant can propose an alternative method, but must still demonstrate that any proposed alternative satisfies the relevant objective or strategy.

State and regional policies can also include policy guidelines.



Policy documents

There are two types of documents that can support local policy in the PPF, incorporated and background documents. State planning policy also includes some legislative references and references to ministerial directions.

Policy (and other provisions) should generally be self-contained and include the information necessary to assess and decide an application. Where additional, more detailed guidance is absolutely necessary, it can be provided through an incorporated document.

If a policy relies on an incorporated document then it must be referenced in the policy as a policy document and a decision maker must consider it when making a decision.

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For more information about incorporated documents, see **section 6.6**.

Background documents provide information to explain the context in which a particular policy has been framed. A background document may explain why particular requirements are in the planning scheme, substantiate a specific issue or provide background to a provision. The substantive planning elements of the document will have been included in the planning scheme in either a local policy or a schedule.

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Where a background document is directly related to a policy in **clauses 10 to 19** it may be referenced by that specific policy.

VPP

If a background document relates to a substantial number of policies (such as a Regional Growth Plan) it should not be repetitively referenced in the PPF. The schedule to **clause 72.08** enables a consolidated list of local background documents to be maintained in the planning scheme.

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For more information on background documents, see **section 6.7**.

Policy maps

Maps can be an important part of understanding the locational aspects of a local policy. Maps are required where a policy application refers to a geographic area not already mapped elsewhere in a planning scheme. Where a policy area is adequately mapped elsewhere (such as all land within the General Residential Zone Schedule 1) or it can be identified by an address, a map is not required.





Maps should be digital (not a scanned copy of a paper map) and be of sufficient resolution to ensure that relevant details can be read. If a map outlines precincts, the boundaries of those precincts must be clearly identifiable. Maps must conform to the requirements of Ministerial Direction *The Form and Content of Planning Schemes*. Use more than one map if that will convey the information more clearly.

Grouping of objectives, strategies and policy guidelines

A policy is more easily understood when relevant strategies are grouped with or linked to the objective they derive from. Group or link like objectives with their relevant strategies and any associated policy guidelines in a clear way, considering the content of the policy. Grouping long lists of objectives and long lists of strategies without distinguishing their relationship is to be avoided. The reader should be able to clearly identify the strategies that support an objective.

This is the preferred structure for a policy.

Objective

Fugia desed moluptatio officiustior

Strategies

- Ximolo volessit, nobis int odit vernate
- Imperit offic test quis et in rest vel et ma

Objective

Ium nimaio. Nam et quat et, aute dollaut voles

Strategies

- Caboribearum, volore venis et repedig entur
- Nam conet aliquametur, quodionseque id
- Ut andio ex est vollamet experrore pre
- Occatecus et opta quibea natecesequi



This structure can be used if it will make a policy clearer:

Objectives	
1.	Fugia desed moluptatio officiustior
2.	A into blaut aborepe ditendi tatiatem
3.	Ipsum voluptatis mintiatur alitat audam
<p>The identifier numbers link the strategy to the relevant Objective 1</p>	
Strategies	
1.1	Ximolo volessit, nobis int odit vernate
1.2	Imperit offic test quis et in rest vel et ma
1.3	Quias et provitatio blatquis sunt offic te
2.1	ium nimaio. Nam et quat et, aute dollaut
2.2	voles de nullore, sitiisima consequidi bea si
3.1	blant fugit litatur iunt hilitias dolupta turiore
3.2	Apellab orporest, si valoris doluptat molut
<p>Policy guidelines are optional</p>	
Policy guideline	
2.1	Caboribearum, volore venis et repedig entur

The exact grouping of objectives, strategies and policy guidelines (if needed) is flexible and depends on the content of the policy and how it should be best laid out in order to ensure the policy is useable. Objectives and strategies may be grouped by precinct or under thematic sub-headings depending on the content and complexity of a policy. Objectives, strategies and policy guidelines can also be numbered (as shown in the above examples) to clearly identify their grouping.

6.4.3 Policy Themes

In **clauses 10 to 19**, the state, regional and local levels of policy are grouped by theme, with directly relevant regional and local policies 'nested' under the corresponding state planning policy where policy is in place at those levels.

When preparing a local policy for the PPF, an assessment of the relevant policy themes is required to understand how best to prepare and place a policy. Each local policy will address a particular theme. That theme needs to correspond with a relevant state policy theme. For instance, a local policy that relates to neighbourhood character would be placed under **clause 15.01-5 Neighbourhood character** and a policy that relates to the subdivision of agricultural land would be placed under **clause 14.01-1 Protection of agricultural land**.



There will be instances where a policy primarily relates to a particular theme but has minor references to other related matters, which may suggest that certain strategies should be split out under alternative policy themes. However, in these instances, the policy can be placed under its dominant theme rather than splitting the policy up unnecessarily. For example:

- A local policy that relates to developing an area as a focus for technology and research but contains a reference to accommodation (such as only allowing accommodation uses that support the technology and research uses) can remain as a single policy.
- If a strategy for a sign policy relates only to the appearance of a sign in a heritage area, then the policy can sit with **clause 15.03-1 Heritage conservation**. However, if a set of strategies broadly relate to the urban design aspects of signs, but the policy has a component that relates to heritage, then the policy should remain together under **clause 15.01-1 Urban design**.

VPP

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When placing a local policy in the PPF, the content of the relevant state policy (the objectives and strategies) must be examined closely to determine the kinds of policies that can be placed with it. The state policy headings will not always indicate the full range of policies allowed under a policy. For example, **clause 15.01-1 Urban Design** reads:

VPP

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure the interface between the private and the public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.



Ensure that the design and location of publicly accessible private space, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

If you only have regard to the heading and the objective it may not be immediately apparent that a local policy on signs belongs under this particular policy. However, if you look at the second last strategy (in bold above) this policy clearly relates to signs and allows a local policy on signs to be placed under it.

Multiple policies on a single theme

Multiple policies can be added to the one theme. If a planning scheme includes a policy that relates to student housing and another that relates to rooming houses, both of these policies can sit under **clause 16.01-1 Integrated housing** as separate local policies. If there are two local policies on different activity centres then they can both sit under **clause 11.03-1 Activity centres** as separate local policies.

VPP

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Numbering and labelling of policy

As regional and local policy is nested under the relevant state policy, the regional or local policy uses the same clause number as the state policy. The three tiers of policy are distinguished using the following letter codes:

- state policy is identified with an 'S'
- regional policy is identified with an 'R'
- local policy is identified with an 'L'.

17.04 Tourism

17.04-1S Facilitating tourism

17.04-1R Tourism - Gippsland

17.04-1L Nature-based tourism in the Shire



Multiple policies at the local level can be distinguished by having unique titles.

17.04 Tourism

17.04-1S Facilitating tourism

17.04-1R Tourism - Gippsland

17.04-1L **Nature-based tourism in the Shire**

17.04-1L **Tourist accommodation**

Both the clause number and the title are used to identify a policy.

Place-based policies

Place-based policies are an important part of implementing a strategic vision for an area. When assessing a permit application within a place, it is important to understand the wider context of the vision for the place and therefore there is a dedicated section for place-based policies in **clause 11.03 Planning for places**.

VPP

An appropriate place-based policy under **clause 11.03** is a policy that relates to a specific geographic location or area and seeks to comprehensively develop that place in a cohesive and multi-faceted way. It includes broad-ranging thematic policies, this could be an activity centre or an urban renewal precinct or a township and will often be based on a specific strategic plan such as a structure plan. The policy may include detailed policy direction relating to use, urban design, building design (including overall scale and building form), advertising signs and the like.

VPP

Clauses 11.03-1 to 11.03-5 deal with specific place types. **Clause 11.03-6** deals with other types of places, such as an urban renewal precinct or township.

Use the following guidelines when preparing a place-based policy under **clause 11.03**. A place-based policy must:

1. **Apply to a specific, discrete spatial area.** The area to which the policy applies must be mapped showing clear, defined boundaries.
2. **Have a common objective** that is achieved using strategies that negotiate different PPF themes.



3. **Provide guidance specific to that place.** If the provisions are generic and apply across multiple places or to the whole municipality, they should be located under the relevant thematic heading.
4. **Include content relating to multiple issues** where there are interrelationships between those issues or interdependencies between related strategies that require an integrated policy approach to provide a coherent strategic narrative. If the policy content relates to just one or two discrete themes, these will be better located under the relevant thematic headings.
5. **Result in a clearer and simpler representation of the policy** than if it were thematically distributed across the PPF, including avoiding undue repetition of a common objective.
6. **Not focus on high level strategic directions** about the role of a place, as these are better located in the MPS.
7. **Not replicate content in specific controls** that apply to the place, such as a Design and Development Overlay. However, there may be benefit in providing a brief cross-reference to a specific control where it would support the coherence of the policy.

Policies that are about a place but are centred on a specific theme, are not suitable to be included in **clause 11.03** as a place-based policy even if they have a 'place based' title. These policies will need to be thematically distributed as they lack the multi-faceted form and inter-dependencies that would warrant inclusion in **clause 11.03**. For example, a policy for an industrial area that outlines preferred urban design and has some direction regarding locations for uses does not qualify for inclusion in **clause 11.03**. This kind of policy would need to be distributed under **clause 15.01 Built Environment** and **clause 17.03 Industry** respectively, depending on the detailed content.

VPP

The Place-based Policy Checklist at **Appendix 2** is a useful checklist to help guide the application of **clause 11.03**.

CR

Avoiding over-use of **clause 11.03** will help preserve the thematic framework of the PPF and support the transparency and legibility of planning schemes.



6.4.4 Dealing with particular local policy themes

Most local policies will be easily categorised in the PPF. Some will be less obvious. This section looks at some major policy themes and potentially complex policy themes to explain how to best distribute them in the PPF.

Accommodation uses

VPP

Policies relating to the location and quality of particular types of housing such as student housing, group accommodation belong under **clause 16.01-1 Integrated housing**. Policies on aged care facilities belong under **clause 16.01-7 Residential aged care facilities**.

VPP

Amenity based policies

Clause 13.07-1 Land use compatibility relates to the management of uses and their associated amenity impacts such as:

- conflicts between uses within a zone (such as non-residential uses in residential zones or caretaker's residences in industrial areas)
- uses at the interfaces of different zones (such as dwellings that abut an industrial zone)
- policies about uses with a particular focus on the kinds of amenity impacts they generate, such as licensed premises or sexually explicit entertainment venues.

Animal keeping and animal training

VPP

- **Clause 14.01-2 Sustainable agricultural land use** accommodates policies on animal keeping and training.

Childcare centres

VPP

Policies relating to childcare centres and kindergartens can be placed under **clause 19.02-2 Education facilities**.

Dams

The general policy themes relating to dams can be assigned to the following PPF clauses:

VPP

- **water supply:** policies relating to the provision of dams for the purposes of supplying water for farming belong in **clause 14.01-2 Sustainable agricultural land use**.



VPP

- **waterway function:** policies ensuring that dams do not affect the function of a waterway. These policies belong in **clause 12.03-1 River Corridors, waterways, lakes and wetlands**.

VPP

- **flooding:** policies ensuring that dams do not create or exacerbate flooding impacts to adjoining properties belong in **clause 13.03-1 Floodplain management**.

VPP

- **erosion and landslip:** policies ensuring that dams do not exacerbate erosion or cause landslips should be located in **clause 13.04-2 Erosion and landslip**.

Design for rural areas

VPP

Clause 15.01-6 Design for rural areas. This policy theme seeks to ensure that development in rural areas is consistent with and enhances the surrounding rural character. This would include policies relating to buildings in rural areas, development along tourist routes or approaches to townships and development on hilltops and ridgelines. This policy relates to design for more general rural areas. For significant landscapes or other sensitive natural areas, see **clause 11.03-5 Distinctive areas and landscapes** or **clause 12.05 Significant environments and landscapes**.

VPP

Development adjacent to highways

VPP

A policy that has the specific purpose of ensuring that development adjacent to highways does not adversely affect the function of the road belongs in **clause 18.01-2 Transport system**.

Environmentally Sustainable Design

VPP

Environmental Sustainability Design (ESD) is addressed throughout the PPF under a range of different themes. Local policies about ESD are encouraged to be integrated into the PPF under the appropriate themes. Multi-themed ESD policies relating to matters such as energy, noise transmission, potable water re-use, stormwater, water-sensitive urban design, transport, waste management, vegetation can be placed under **clause 15.02-1 Energy resource and efficiency**. This is a temporary location for this kind of policy. A sunset provision will be applied to any consolidated multi-themed ESD policy at **clause 15.02-1**, requiring that the policy be revisited pending the completion of Action 80 from the Plan Melbourne Implementation Plan. ESD policies that relate to one or two ESD themes (such as water sensitive urban design and sustainable transport) should be separated and placed under their relevant thematic headings.

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Heritage

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Policies relating to the general treatment of development within heritage areas can be located under **clause 15.03-1 Heritage conservation**. However, policies that contain statements of significance and detailed precinct-specific design guidelines cannot be accommodated within the PPF and should be located in the schedule to the Heritage Overlay.

Sealing of roads and road construction

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Policies relating to the sealing of roads or road construction belong in **clause 18.02-3 Road system**.

Signs

Policies relating to signs can be loosely categorised into a few types. There are policies giving guidance on the appearance of signs, policies relating to signs along major transport routes and policies relating to signs in heritage areas. These policies can be categorised within the PPF as follows:

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- **Design of signs:** policies that give guidance relating to the appearance of signs and the treatment of different types of signs (including road safety) belong under **clause 15.01-1 Urban design**.

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- **Road signs:** policies relating to signs along major transport routes such as Eastlink or the Metropolitan Ring Road belong under **clause 18.02-3 Road system**.

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- **Signs in Heritage areas:** if a sign policy solely relates to the appearance of signs within a heritage area, it can sit with **clause 15.03-1 Heritage conservation**. If a policy broadly relates to the urban design aspects of a sign and has a component that relates to heritage, the policy can remain under **clause 15.01-1 Urban design**.

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See **Appendix 3** for a more complete list showing where local policies can be located under state policies.

6.5 How to write a schedule

6.5.1 What a schedule does

In addition to the local policy content in the MPS and the PPF, a schedule is a means of including local content in a planning scheme. By providing local context and local refinement, a schedule can 'fine tune' a planning provision to align it more effectively to local circumstances and local planning objectives.



6.5.2 When can a schedule be included?

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A schedule must be included in a planning scheme where the Ministerial Direction *The Form and Content of Planning Schemes* makes provision for it. If there is no local content proposed for the schedule, the words 'No content' must be inserted to make it clear that there is no content intended for that particular matter.

A schedule must always use the format set out in the Ministerial Direction.

If the Ministerial Direction does not provide for a schedule, a schedule cannot be included.

6.5.3 Good practice for drafting a schedule

A schedule should communicate clearly to the user by being technically accurate, easy to interpret and easy to apply. To write a good schedule requires a clear understanding of:

- the planning objective being sought
- the extent to which the parent provision needs to be augmented by the schedule to achieve the planning objective
- the requirements for schedules set out in the Ministerial Direction
- writing in plain English.

Whatever task the schedule is performing, consider the guidelines set out below.

- A schedule must be read with other planning controls.
- The local content in a schedule should help to implement a planning objective.
- The local content in a schedule should be strategically justified.
- The purpose of a local requirements must be clear.
- The local content in a schedule can only do what the parent provision enables.
- The local content in a schedule should not duplicate other provisions.
- the local content in a schedule should have a legally certain meaning.
- The local content in a schedule should be easy to read.

These guidelines are explained below.



A schedule must be read with other planning controls

A schedule adds to the parent control that it is derived from. It is essential to understand the parent control before writing a schedule. Reading a schedule in isolation, or reading other controls without reading a relevant schedule, will give an incomplete picture of the provisions of the scheme.

The local content in a schedule should help to implement a planning objective

Schedules are a key tool to adapt the provisions of zones and overlays to implement strategies contained in the PPF.

Schedule provisions should have a strategic justification in the MPS or PPF and must not conflict with policy objectives. Some clauses in the PPF contain specific guidance that the content in a schedule must be consistent with.

Before drafting a schedule, look at the relevant policy objectives and strategies. Ask how they can best be implemented and whether they need the specific controls of a schedule. A local policy in the PPF may be an appropriate alternative. See Rule 2 at **section 4.2.2** and Rule 4 at **section 4.3.1**.

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The local content in a schedule should be strategically justified

Local content in schedules can change the provisions in a scheme if the 'parent provision' enables this to happen and there is sufficient strategic justification.

For example, a schedule to the Design and Development Overlay can specify that a permit is not required to construct a building or construct or carry out works because **clause 43.02-2** in the Design and Development Overlay specifically allows for this.

Such changes must have a strategic justification. The planning authority must be able to demonstrate that the change that they propose addresses clearly identified planning objectives. See Rule 2 at **section 4.2.2**.

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Changes should be enabling rather than prescriptive. The creation of a new discretion or the removal of a permit requirement where proposals of a particular type meet defined planning objectives can be valid uses of a schedule. The use of a schedule to prohibit use or development allowed by the 'parent provision' will seldom be justified. See Rule 4 at **section 4.3.1**.

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The purpose of a local requirement must be clear

A requirement of a schedule must be capable of achieving the planning outcomes sought by the 'parent provision' and the objectives or purposes of the schedule. A requirement that cannot measurably achieve the planning outcome sought by the 'parent provision' or the schedule should be avoided. See Rule 6 at **section 4.3.3**.

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Schedules can use a range of requirements such as performance standards, decision guidelines, application requirements, exemptions and the need for plans or conditions on approvals. One type of requirement may better achieve the planning outcomes of a 'parent provision' and the schedule than others.

The local content in a schedule can only do what the parent provision enables

A schedule can only do the tasks enabled by its 'parent provision'. Using a schedule for a function not provided for in the parent provision is beyond the power of the schedule. See Rule 5 at **section 4.3.2**.

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Generally, zones control use and development while overlays control only development, however there are some exceptions to this. The parent provision may restrict the scope of the schedule to only specified aspects of use or development. For example, in the Industrial 1 Zone, the only matter able to be managed by a schedule arises from the condition relating to 'Restricted retail premises' in the table of uses, which enables a schedule to specify a minimum leasable floor area.

Read the parent provision carefully to identify the scope of the schedule and ensure that the schedule is consistent.

The local content in a schedule should not duplicate other provisions

When drafting a schedule, the other provisions that apply to the affected area should be considered with care. If they contain controls that already meet the planning objectives for the area, the schedule should not duplicate these. See Rule 3 at **section 4.2.3**.

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The local content in a schedule should have a legally certain meaning

Take care when writing a schedule to use terms consistently with their meaning in the Act, the *Interpretation of Legislation*

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Act 1984 and **clause 73** of the planning scheme. See Rule 7 at **section 4.4.1**.

Terms that are not defined in the planning scheme or legislation take their ordinary meanings as defined in the Macquarie Dictionary. A local provision should not create a specific local definition. Using a term that is new to the scheme may make the meaning of a schedule uncertain, causing dispute, delay and expense if the term has to be legally interpreted. Always check that the dictionary meaning of an undefined term aligns with the intention of the provision.

The local content in a schedule should be easy to read

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Schedules should be drafted using the plain English guidance set out at **section 6.1**. See Rule 8 at **section 4.4.2** and Rule 9 at **section 4.4.3**.

6.5.4 What can a schedule do?

An overview of the various tasks that a schedule can perform is provided below.

Use controls

Some schedules allow a planning authority to specify particular requirements about how land may be used. Schedules to zones typically fall into this category. The requirements can range from setting maximum leasable floor areas for specific uses to creating a table of uses. Examples of schedules that allow the planning authority to specify permit and other requirements for the use of land include the commercial, industrial and rural zones and the special purpose zones.

Subdivision controls

Some schedules allow a planning authority to specify particular requirements about how land may be subdivided, such as including a minimum lot size. Examples of this type of schedule include the rural zones.

Buildings and works controls

Many schedules allow a planning authority to specify particular requirements about how land may be developed. These schedules can be used to exempt certain forms of development from the need for a permit or to require a permit for certain forms of development. Examples of this type of schedule include the Farming Zone and the Development Plan Overlay.



Sign controls

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A small number of schedules allow the planning authority to determine advertising sign requirements for a parcel of land or particular land-use activity. The schedule to the Urban Floodway Zone, Special Use Zone, and Design and Development Overlay are examples of this type of schedule. See **section 6.5.13**.

Statements of significance, objectives and decision guidelines

Some schedules enable the local definition of statements of significance, objectives or decision guidelines for particular areas. These schedules provide the greatest opportunity to adapt the basic provisions of a zone or overlay to recognise the special characteristics of an area. They can also cause confusion to planning scheme users and be easily misinterpreted or be inconsistent with state policy if poorly written. Examples of schedules that allow the planning authority to specify statements of significance, objectives and decision guidelines include the Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay.

Information about the scheme

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Schedules can also provide information about a planning scheme, such as its contents, the name of the responsible authority, the scheme area, scheme maps and incorporated and background documents. The schedules to **clauses 71 and 72** are examples of these.

Special tasks

Some special functions are also carried out by schedules, such as the prohibition of gaming machines in a specific shopping complex or shopping centres.

6.5.5 Schedule names and numbers

Schedule names

Often, a schedule will make provision for a name. The name can help to identify the geographical scope of the schedule. For example, a schedule to the Environmental Significance Overlay could be called the **'BRISBANE RANGES'** schedule. A name can also encapsulate the objective that the schedule serves. For example, a schedule in the Vegetation Protection Overlay could be called the **'COASTAL HEATH PROTECTION'** schedule. The



name should be short and descriptive. It should not include the word 'OVERLAY'.

Schedule numbers



The Ministerial Direction *The Form and Content of Planning Schemes* enables some zones and overlays to have more than one schedule. For these zones and overlays, every schedule must be given a number, even if only one schedule is provided. It is recorded in the scheme and on the maps with the appropriate designation followed by its number. For example, Schedule 1 to the Special Use Zone is shown as SUZ1. Schedule 4 to the Vegetation Protection Overlay is shown as VPO4.

Where a provision is only able to have one schedule, the schedule is not numbered.

6.5.6 Using tables in a schedule

Defining land areas and specifying conditions

Where specified, tables can be used in schedules to define particular land and specify requirements that relate to the land.

Where the land area is large or includes multiple parcels, a written description is likely to be complex and difficult to understand. It is preferable to include a map in the schedule.



See **section 6.5.14** for more about using a map in a schedule. See **section 6.4** for general advice about using a map.

Tables of uses

Schedules to the special purpose zones enable the planning authority to construct tables of uses. Like tables of uses in zones, schedule tables divide land uses into three sections and provide for the inclusion of conditions.

Uses should only be made 'as of right' by inclusion in Section 1 of the table of uses where they address the purpose of the schedule and are unlikely to require later detailed appraisal or cause significant off-site impacts or conflicts. Uses should only be prohibited where they conflict with, or are irrelevant to, the purpose of the schedule and the consideration of permit applications would consequently waste the resources of the proponent and the responsible authority. Other uses should normally fall within Section 2, enabling the responsible authority to exercise discretion. Where a land use term is not listed in the table, it is automatically in Section 2 and can be the subject of a permit application.



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Tables of uses must use the land use terms and follow the nesting diagrams in **clause 73**. If the head of a nested group of land use terms is intended to be a Section 2 use and there are no exemptions anywhere else in the table, then it does not need to be listed.

Conditions can be used to fine tune a defined land use term. If a condition is included opposite a term, the table can also specify what happens if the condition is not met. For example, a condition in Section 1 may specify that there must be only one 'Dependent person's unit' on a residential lot. The use would only need to be mentioned in Section 2 if a further condition was proposed. If it is intended that the use be prohibited if the Section 1 condition is not met, the use must be listed in Section 3 with the provision '- if the Section 1 condition is not met'.

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Where a schedule contains a table of uses, the Ministerial Direction *The Form and Content of Planning Schemes* sets out a number of requirements. Several drafting conventions help to make the meaning of a table more certain.

The sample in Diagram 6 gives some writing and formatting advice.



A schedule that includes a table of uses must include any use terms and conditions in the sections specified in the Ministerial Direction *The Form and Content of Planning Schemes*.

If a nested land use term is used in a Section, the head of the nest and an exemption must also be listed in the table.

For example:

- 'Marina' (other than 'Mooring pole') is included in Section 1.
- 'Marina' is included in the 'Recreational boat facility' nest of terms. The term 'Recreational boat facility' has purposefully been included in Section 3 to avoid discretion being created to use land for a 'Boat launching facility.'
- 'Mooring pole' is included within the term 'Marina'. It has been specifically excluded in Section 1 and 3, but specifically included in Section 2, to enable a permit application for this use to be considered.

GUMNUT PLANNING SCHEME

SCHEDULE 1 TO THE SPECIAL USE ZONE

Shown on planning scheme map as **SUZ1** Each schedule must be given a number.

GUMNUT BAY RESORT DEVELOPMENT Some schedules enable a heading to be included to identify the area or matter the schedule relates to.

Purpose
To provide for development of the Gumnut Bay Resort and Marina.

Section 1 – permit not required

USE	CONDITION
Marina (other than mooring pole)	Must be located in accordance with the Resort Incorporated Plan.
Mineral exploration	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 – Permit required

USE	CONDITION
Accommodation	Must not be used as shared housing accommodation.
Mooring pole	
Shop	Must be located in accordance with the Resort Incorporated plan.

Section 3 – Prohibited

USE	CONDITION
Agriculture (other than Apiculture)	
Marina (other than Mooring pole) – if the Section 1 condition is not met	
Recreational boat facility (other than Marina)	
Retail premises (other than Shop)	

The table must not include a provision that is inconsistent with the PPF. For example, this condition is inconsistent with clause 16.01-6S which prevents a scheme from prohibiting or requiring a planning permit for shared housing or crisis accommodation up to ten habitable rooms.

The term '...if the Section X condition is not met' is part of the land use term, not a condition.

FORMATTING TIPS

The format of the table must be consistent with the VPP and the Ministerial Direction *The Form and Content of Planning Schemes*.

Put a thin line above and below any land use that is subject to a condition. This makes it clear which land use term the condition applies to.

Don't put a full stop at the end of a land use term. Do put a full stop at the end of a condition.

Land use terms are in bold text, whether or not they are defined in clause 73.

List land use terms alphabetically in each section.

If a land use term (including any exemption) uses more than one line, indent the second and subsequent lines so that it is clear that it is an independent term.

Diagram 6: Writing a schedule



6.5.7 Setting minimum and maximum floor areas

Some schedules allow the planning authority to specify a maximum leasable floor area for specific uses or minimum areas or setbacks. These provisions have a valid use to support strategic objectives, for example, to safeguard the function of an established office node in a commercial area. However, the use of any such provision should have a strategic justification in the MPS or PPF.

A provision should not act as a prohibition (implied or otherwise) on a use without satisfactory justification.

6.5.8 Statements of significance

Some schedules to overlays require a 'statement of significance' to be inserted. This is a statement of the significance of the identified land or asset that the overlay is seeking to manage and protect. It should be based on a summary of the essential elements that define the significance of the overlay area.

Where possible, the statement should be based on study findings that clearly demonstrate the values that make the area special, and show how those values relate to the purposes of the chosen overlay. For example, a landscape study might provide the analysis from which to draw the statement of significance for the schedule to the Significant Landscape Overlay.

It may be appropriate to reference such studies as background documents, but it should not be necessary to refer to them in order to understand what the real significance of the place is. The reader of a statement should be able to understand why an area is special from the statement alone.

Statements of significance in the Heritage Overlay

While the Heritage Overlay (HO) can apply a wide range of controls to heritage places, it does not establish the significance of any particular heritage place. Any new heritage place included in the schedule to the Heritage Overlay must have a statement of significance specified in the schedule. If an existing heritage place has a statement of significance it may be specified in the schedule but it is not required. If detailed heritage design guidelines have been prepared for a heritage place they may be specified in the schedule. Any statement of significance or heritage design guidelines that are specified in



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the schedule must also be incorporated into the scheme in the schedule to **clause 72.04**.

6.5.9 Objectives

Some schedules require objectives to be inserted. These objectives are specific aims or ambitions for the use, development, management or conservation of an identified area. The objectives apply in addition to any objectives elsewhere in the scheme.

Schedule objectives flow from three sources:

- the objectives and strategies of local content in the MPS and PPF
- the purpose of the zone or overlay
- where one is present, the statement of significance in the overlay.

Objectives are key to the interpretation and application of the discretion created by the zone or overlay. All decisions will be tested against them.

An objective should begin with the infinitive form of the verb.

To promote the appropriate reuse of historic commercial buildings.

A good objective will:

- avoid what is self-evident and go beyond bland statements that nobody can disagree with
- point the way to decision outcomes
- not be an outcome itself, but be achievable by a variety of outcomes
- respond to significance with local distinctiveness
- be grounded in reality, not wishful thinking
- not contradict or confuse other objectives in the planning scheme
- express one idea only, not a complex set of ideas.

A schedule may need to refer to more than one idea in its objectives. To do this, include multiple objectives rather than have a single complex objective. Alternatively, two separate schedules, each with clear objectives may be a better solution.



6.5.10 Permit requirements

Permit requirements in a schedule should supplement those in the other provisions that apply to the land.

Permit requirements in a schedule may state that a permit is required. For example, the schedules to the rural zones state that a permit is required for certain buildings or works above thresholds specified in the zones.

Permit requirements can also state that a permit is not required. For example, the public land zones state that a permit is not required to use land, to construct a building or to carry out works provided that any condition in the schedule is complied with.

Some schedules create an additional permit requirement, where there was none before. This is sometimes referred to as 'scheduling in'. Such a requirement can add to the permit requirements of the other provisions applying to the land. It can also remove all or part of the exemptions from a permit for minor works set out in **clause 62.02-2**. This ability is particularly relevant to environmental management overlays. If land has a particular character or significance that justifies the application of the overlay and is reflected in its objectives, then buildings or works that may not meet the overlay objectives should always require a permit.

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Alternatively, some schedules remove the need for a permit in circumstances where the other provisions applying to the land contain a permit requirement, making a proposal as of right. This is sometimes referred to as 'scheduling out'. It can be a useful method of locally defining a performance basis for decision making on a particular theme or area in a planning scheme. A schedule can define objectives and conditions to be met. If a proposal meets these, it can be exempted from the need for a permit. Scheduling out removes the political and community accountability that would normally apply to a use or development. It should not be used in cases where the planning authority takes the view that the loss of this accountability would give rise to significant issues of third party or community conflict or detriment.

Care should be taken to ensure that where a schedule can 'schedule in' or 'schedule out' permit requirements, the schedule is consistent with this structure. For example, if a permit requirement is to be 'scheduled in', the permit requirement should only identify those uses or developments



that require a permit, rather than applying a blanket permit requirement and then setting out a list of exempted uses and development.

Any permit requirement, or exemption from a permit requirement, included in a schedule must be clearly capable of achieving the objectives or purposes of the zone or overlay or its schedule. A permit requirement or exemption that cannot be objectively and measurably linked to achieving the desired planning outcome should not be used.

6.5.11 Decision guidelines

Many schedules can include additional decision guidelines that require the responsible authority to give specific consideration to a particular issue or fact in addition to any relevant decision guidelines elsewhere in the scheme.

A decision guideline should be 'neutral' and set a 'test' for the decision, not the answer.



The siting, height and appearance of a building or works must not detrimentally affect the landscape qualities of the area.



The impact of the development on coastal scenic vantage points.
[This does not provide guidance for a decision.]

Decision guidelines should relate to the schedule objectives that they serve and any statement of significance, if one is present. They may refer to a document but only if the document is incorporated in the scheme. A decision guideline should not refer to a background document.

A decision guideline should not include an informal referral requirement.



The views of the Central Coastal Board.

6.5.12 Special referral requirements

Schedules to overlays that respond to particular technical requirements such as the safeguarding of airports (Airport Environs Overlay) or mineral resources (State Resource Overlay) can include special referral requirements or special notice requirements for applications. Referral requirements or special notice requirements must also be specified in **clause**



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66 or the schedule to **clause 66**. See **section 6.4** for more information about referrals.

6.5.13 Signs

Some schedules enable the sign provisions that apply to land to be varied. This should be done only if the existing sign provisions do not respond to the purpose of the zone or overlay, or any zone or overlay objectives.

6.5.14 Maps in schedules

Where land is defined in a schedule, unless a clear and succinct description of the land can be given in words, a map should normally be used to define it. If there is already a map in the scheme that defines the land the schedule can refer to this. Where a new map is required, this should normally be on a scaled map base and should show distinctive or named geographic features that enable the land to be identified with certainty. The use of diagrammatic or sketch maps can lead to uncertainty.

There are four ways of using a map to define land in a schedule:

- If multiple schedules to an overlay can be used, the overlay on the planning scheme map must be annotated to show that it relates to a particular schedule. For example, Schedules 1 to 4 to the Vegetation Protection Overlay are shown as **VPO1** to **VPO4** on the map. Further mapping will not be needed. Where possible, this is the preferred method of mapping schedules.
- If only one schedule can be used but the schedule applies different controls to different parcels of land, the geographical scope of the schedule can be mapped on the planning scheme map and a separate map, showing the 'break down' of where the different controls apply, can be included in the body of the schedule. This separate map should be headed 'Map (number) to the Schedule to clause (number)' and placed into the schedule after the last text. It does not need to be referred to as an incorporated document in **clause 72.04** of the scheme.
- Alternatively, the planning scheme map can be annotated to show that different controls in a schedule apply to different parcels of land. For example, different height controls applied to four different areas in a schedule to the Design and Development Overlay are shown as **DDO1-A1**, **DDO1-A2**, **DDO1-A3** and **DDO1-A4**.

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- If none of these methods can be used, a map to a schedule can be an incorporated document. If a map is an incorporated document, the schedule must refer to it as such.

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See **section 6.2** for advice about using a map.

6.5.15 Requiring a plan

Some schedules to special use zones and built form overlays allow the incorporation of, or reference to, a plan and may specify particular issues that the plan must address. Some determine whether a permit can be granted for development that is not in accordance with the plan. Some provide for proposals that comply with the plan to be exempt from normal notice and appeal rights.

Zones or overlays that do not specifically provide for the incorporation of or reference to a plan should not be used for this purpose where a more appropriate zone or overlay exists.

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6.5.16 Incorporated and background documents

Where possible, the provisions in a schedule should be self-contained and capable of being understood without having to refer to any other document.

An incorporated or background document can be used in a schedule where:

- A map is too large to be included in the schedule.
- A study that provides the justification for a statement of significance used in a schedule needs to be cited as a background document. Where the conditions or assumptions used in such a study are subject to change, the planning authority should bear in mind that this will imply the need to review the study and any overlay that has been based on its findings.
- Decision guidelines refer to a strategy document where the document is clearly relevant to the implementation of the provision. The document should be an incorporated document, publicly available and preferably subject to an approval process that takes public comments into consideration.



6.5.17 Conditions and requirements for permits

Some schedules can include conditions or requirements that a planning permit or class of planning permits must contain. This can be useful where the schedule has been applied to deal with a site or development that involves a wide range of uses. Conditions applying to particular uses in particular locations can assist in reducing or eliminating concerns at the boundary with another sensitive use. For example, conditions could relate to noise emissions or hours of operation, where commercial premises are proposed to be located next to a future residential area.

6.6 How to incorporate a document

A planning scheme can reference other documents in two ways:

- A document that needs to be read in conjunction with the planning scheme for the effect of the scheme to be understood must be formally incorporated in the planning scheme as an 'incorporated document'.
- A document that gives background about why a policy or provision has been included in the planning scheme, but is not essential to understanding the requirements of the policy or provision is a 'background document'. Background documents are discussed in **section 6.7**.

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The planning authority must carefully consider how a document is best treated in the planning scheme. The decision to incorporate a document in the planning scheme should be based only on the role the document plays in decision-making and the way in which the document will be used.

An incorporated document carries the same weight as the other parts of the planning scheme. As part of the planning scheme, the planning authority can only change an incorporated document by a planning scheme amendment.

6.6.1 When should a document be incorporated?

A document must be incorporated if the document is:

- Essential to the administration or enforcement of the planning scheme, that is, without the document the scheme cannot be properly understood. *The Code of Practice for Timber Production* is an example.



- Necessary to determine the extent of a planning control or whether planning permission is required. *The Code of Practice for Telecommunications Facilities* in Victoria is an example. Without using this document, it is not possible to tell whether a permit is required for a telecommunications facility or not.
- Required to be incorporated under an Act, a Ministerial Direction or a specific planning provision, such as an incorporated plan under the Incorporated Plan Overlay.
- Is listed in the Ministerial Direction *The Form and Content of Planning Schemes*.
- To be used to guide the exercise of discretion by the responsible authority (except for a development plan under the Development Plan Overlay, which does not need to be incorporated).
- A statement of significance under the Heritage Overlay (see **section 6.5.8**).

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6.6.2 How is a document incorporated in the scheme?

A document is only incorporated in the scheme if it is specifically listed in **clause 72.04** or the schedule to **clause 72.04**. If a document is not listed in **clause 72.04** it is not an incorporated document, even if it is mentioned elsewhere in the scheme.

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A planning scheme amendment is required to include a document in **clause 72.04** or to change an included incorporated document.

6.6.3 What sort of documents can be incorporated?

Where possible, it is better to extract the specific planning policy or decision requirements from a document and include them directly in the scheme as local planning policy, local schedule provisions or decision guidelines rather than incorporating a document. This is particularly so if only part of the document is relevant or where the document is not written in a way that suitably expresses specific requirements for planning decisions.

However, if the document includes content that is lengthy, is large in size or complex it may be better as an incorporated document.



If the document is intended to provide guidance on the exercise of discretion, then it should be specifically prepared and written to do this.

Incorporated documents need to be suitable to be made available online and should therefore ensure:

- there is no copyright infringement that would prevent publication online, such as artwork that might be copyright even though the document is not
- there is no privacy issue
- the document is prepared from an original and not scanned (to improve quality and reduce file size)
- the document has text recognition and is searchable
- the document is accessible for a screen reader (or an accessible Word version is provided)
- the file size is kept as small as possible.

A document that is not publicly available should not be incorporated. Also avoid seeking to incorporate documents such as Australian Standards that are difficult or expensive for a casual user to access. In such cases, it may be possible to extract and reproduce the relevant information (as with AS3959 in the bushfire provisions at **clause 53.02**) or it may be sufficient for a document with its own status to be a background document.

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6.6.4 What are the planning authority's obligations with an incorporated document?

An incorporated document should normally have been through a public consultation process before it is incorporated in the planning scheme.

An incorporated document must be publicly available for inspection with the planning scheme.

A planning authority should make the current version of any incorporated document publicly available on their web page. Some statewide incorporated documents are available on the department's website.



6.7 How to refer to a background document

6.7.1 What is a background document?

A background document provides information that helps to understand why a particular policy or provision has been included in the planning scheme. Background documents were previously referred to as 'reference documents'.

A background document is not part of the planning scheme.

6.7.2 When should a document be mentioned as a background document?

If a document gives useful information that will help a user understand the planning scheme, it may be suitable for mention as a background document.

A background document can explain why a particular policy or provision is in the planning scheme or provide background to a decision guideline. For example, a flora and fauna study that documents the reasons for applying an Environmental Significance Overlay may be usefully referenced as the basis for the statement of environmental significance in the overlay. A background document must relate directly to a specific policy or provision. A document that includes a lot of information that is not directly relevant to the specific provision of the scheme will not generally be suitable for mention as a background document.

Do not make a document a background document if the substantive elements of the document have been included in the scheme and require no further explanation.

6.7.3 How is a document made a background document?

A background document is one that is referred to in the planning scheme but is not incorporated and is not listed in **clause 72.04**.

To identify a background document, use the following format:

Gumnut Shire Housing Strategy (World of Planning, 2015)

Where a background document has directly informed the creation of a provision, then it may be referenced directly by that provision. Where a background document has informed



numerous provisions, such as a regional growth plan or a housing strategy, then the document may be listed in **clause 72.08** or its schedule rather than being repetitively referenced throughout a series of provisions.

6.7.4 How can a background document be changed?

A reference to a background document can only be changed by an amendment to the planning scheme.

An amendment might be needed if the background document is no longer relevant, is consolidated into another document or the title is changed, even if the change does not result in any change to policy.

If an amendment to the background document is needed, the new background document must be available to the public so they can understand the basis for the amendment. The explanatory report should make clear that the document is not proposed to be incorporated into the planning scheme.





7 Notes on VPP zones and overlays

7.1 Notes on the zones

7.2 Notes on the overlays

7.1 Notes on the zones

The following is a brief summary of each zone in the VPP and the planning outcomes they seek to achieve.

Residential zones

Low Density Residential Zone – intended for residential areas not serviced by reticulated sewerage systems.

Mixed Use Zone – provides for residential uses and a range of complementary commercial, industrial and other uses suitable for areas with a mixed use character.

Township Zone – intended to provide for residential development and a range of commercial, industrial and other uses in a small rural town context.

Residential Growth Zone - intended for locations near activity centres, train stations and other areas suitable for increased housing. Encourages medium density residential development in order to make optimum use of available services and facilities.

General Residential Zone - generally the main zone to be applied in new or established residential areas where there are minimal constraints to residential development. It provides for moderate growth and diversity of housing.

Neighbourhood Residential Zone - intended for areas where single dwellings prevail and minimal change is proposed, such as areas of recognised neighbourhood character or environmental or landscape significance.

Industrial zones

Industrial 1 Zone – generally the main zone to be applied in industrial areas and allows a range of industrial uses and appropriate non-industrial uses.

Industrial 2 Zone – for large, state significant industrial areas located at least 1,500 m away from residential land for



industrial uses that require significant separation distances from sensitive uses.

Industrial 3 Zone – a buffer zone between Industrial 1 or 2 zones and residential areas. Can also be used in industrial areas where special consideration is required because of industrial traffic using residential roads, unusual noise or other emission impacts, or to avoid inter-industry conflict.

Commercial zones

Commercial 1 Zone – applied in mixed use commercial centres for retail, office, business, residential, entertainment and community uses. Allows a wide range of commercial and accommodation uses without a permit, including a supermarket or shop.

Commercial 2 Zone – encourages offices and associated business and commercial services together with appropriate manufacturing, industry and bulky goods retailing. Allows more intensive uses and residential uses are generally prohibited.

Rural zones

Rural Living Zone – provides for predominantly residential uses in a rural setting where appropriate land management is exercised.

Green Wedge Zone – recognises and protects non-urban land outside the Urban Growth Boundary in the Melbourne metropolitan area for its agricultural, environmental, historic, landscape or recreational values, or mineral and stone resources.

Green Wedge A Zone – provides for most agricultural uses and limits non-rural uses to those that support agriculture or tourism provided that the amenity of residential living is protected.

Rural Conservation Zone – to protect and enhance the natural environment for its historic, archaeological, scientific, landscape, faunal habitat and cultural values. Agriculture is allowed, provided it is consistent with the environmental and landscapes values of the area.

Farming Zone – encourages the retention of productive agricultural land and encourages the retention of employment and population to support rural communities.



Rural Activity Zone – to be applied to areas where agricultural activities and other land uses can co-exist. Agriculture has primacy, but other uses, such as tourism, commercial or retail, may be established if they are compatible with the agricultural, environmental and landscape qualities of the area.

Public land zones

Public Use Zone – recognises the use of land for a public purpose and prescribes a number of categories of public use. This is the main zone for public land used for utility or community service provision.

Public Park and Recreation Zone – the main zone for public open space and public recreation areas.

Public Conservation and Resource Zone – where the primary intention is to conserve and protect the natural environment or resources and also allows associated educational activities and resource-based uses.

Road Zone – enables declared roads and other important roads or proposed roads to be designated on the planning scheme map. A road declared under the *Road Management Act 2004* must be designated Road Zone – Category 1. Other roads may be designated Road Zone – Category 1 or Category 2.

Special use zones

Special Use Zone – provides for the use of land for specific purposes. Allows detailed land use requirements to be prescribed for a particular site.

Comprehensive Development Zone – provides for larger or more complex developments in accordance with a comprehensive development plan incorporated in the planning scheme.

Urban Floodway Zone – applied to urban land where the primary function of the land is to carry or store floodwater and identified as a high hazard area where high flow velocities are known to occur and where impediment of flood flows is likely to cause significant changes to flood flows, adversely affecting flooding in other areas.

Capital City Zone – provides for the use of land in Melbourne's central city, recognising its role as the capital of Victoria and as an area of national and international importance.



Docklands Zone – provides for the use and development of land in Melbourne’s Docklands area in a manner consistent with the development strategy adopted by the Docklands Authority.

Priority Development Zone – a zone designed to implement approved strategies and developments of state or regional significance at specific locations. This zone is now redundant and should not be applied to any new land. It remains in the VPP until existing land subject to the Priority Development Zone is rezoned.

Urban Growth Zone – sets out the requirements for the development of new residential and employment precincts on previously undeveloped land. It ensures that any new use and development does not prejudice the future urban use and development of the land where a precinct structure plan is yet to be applied.

Activity Centre Zone – this is the preferred zone to guide and facilitate the use and development of land in activity centres and encourages a mix of uses and intensive development including higher density housing.

Port Zone – seeks to ensure that land use and development recognises the significant transport, logistics and prime maritime gateway roles of Victoria’s commercial trading ports.

7.2 Notes on the overlays

The following is a brief summary of each overlay in the VPP and the planning outcomes they seek to achieve.

Environment and landscape overlays

Environmental Significance Overlay – seeks to address areas where the development of land may be affected by environmental constraints such as effects from noise or industrial buffer areas, as well as issues related to the natural environment, and is applied if vegetation protection is part of a wider objective to protect the environmental significance of the area.

Vegetation Protection Overlay – specifically designed to protect significant native and exotic vegetation in an urban or rural environment. It can be applied to individual trees, stands of trees or areas of significant vegetation.



Significant Landscape Overlay – to identify, conserve and enhance the character of significant landscapes. Has broader applicability than the VPO and is appropriate when vegetation is primarily of aesthetic or visual importance in the broader landscape and should be used where vegetation is identified as an important contributor to the character of an area.

Heritage and built form overlays

Heritage Overlay – for conserving and enhancing places of natural and cultural significance and ensuring that development does not adversely affect the significance of heritage places.

Design and Development Overlay – principally intended to implement requirements based on a demonstrated need to control built form and the built environment, using performance-based rather than prescriptive controls.

Incorporated Plan Overlay – where some form of plan is required to specify requirements over the development of an area and it is necessary for the plan to be incorporated in to the planning scheme after the consideration of third party notice. Also allows permits to be granted that are inconsistent with an incorporated plan.

Development Plan Overlay – where some form of plan is required to specify requirements over the development of an area and it is not necessary for the plan to be incorporated in the planning scheme and third party notice of the plan is not required. Does not allow permits to be granted that are inconsistent with a development plan.

Neighbourhood Character Overlay - identifies and protects areas of existing or preferred neighbourhood character.

Land management overlays

Erosion Management Overlay – identifies land subject to significant erosion hazard.

Salinity Management Overlay – identifies land subject to significant salinity.



Floodway Overlay – applied to urban and rural land identified as part of an active floodway, or to a high hazard area with high flow velocities, where impediment of flood water can cause significant changes in flood flows and adversely affect other areas. Unlike the Urban Floodway Zone, the Floodway Overlay cannot control the use of land.

Land Subject to Inundation Overlay – applies to land in either rural or urban areas that is subject to inundation from mainstream flooding, but is not part of the primary floodway.

Special Building Overlay – applies to urban land that is subject to overland flow resulting from stormwater flooding where the capacity of the drainage system is exceeded during heavy rainfall.

Bushfire Management Overlay – applies to areas identified as having a high bushfire hazard.

State Resource Overlay – applied to protect areas of mineral, stone and other resources, identified as being of state significance, from development that would prejudice the current or future productive use of the resource.

Public Acquisition Overlay – identifies land that is proposed to be acquired for a public purpose and has the effect of reserving that land under the *Land Acquisition and Compensation Act 1986*.

Airport Environs Overlay – applied to land specifically identified as subject to high levels of noise and will only be necessary for certain airfields. Schedule 1 operates to preclude certain uses. Schedule 2 operates to control use and development of land.

Environmental Audit Overlay – applied to land identified, known or reasonably suspected of being contaminated and that has not satisfied one of the two requirements of the overlay.

Road Closure Overlay – identifies a road that is closed by an amendment to a planning scheme.

Restructure Overlay – applies a restructure plan to old and inappropriate subdivisions as a condition of development approval.

Development Contributions Plan Overlay – identifies areas where a development contributions plan is required or is in place.



CityLink Project Overlay – applies to certain land associated with the CityLink project and exempts specified use and development associated with certain projects from any requirement of the planning scheme.

Melbourne Airport Environs Overlay - seeks to ensure that land use and development in the vicinity of Melbourne Airport is compatible with the operation of the airport and that exposure of new dwellings and other noise-sensitive buildings to aircraft noise is minimised through appropriate noise attenuation measures. Schedule 1 applies to land subject to high levels of aircraft noise. Schedule 2 applies to land subject to moderate levels of aircraft noise.

Parking Overlay - used to manage car parking in a precinct where local parking issues are identified and a common strategy can be adopted to respond to the issues by allowing for local variations to the standard requirements of **clause 52.06**.

Infrastructure Contributions Plan Overlay - allows a planning authority to incorporate an Infrastructure Contributions Plan and impose a monetary infrastructure levy.

Infrastructure Contributions Overlay - allows a planning authority to incorporate an Infrastructure Contributions Plan and impose a monetary infrastructure levy and secure land for public purposes.

Specific Controls Overlay – in extraordinary circumstances, this overlay allows land to be identified and subject to specific controls to achieve land use or development outcomes that may otherwise be prohibited or restricted under other provisions of the planning scheme.





Appendix 1

Example Municipal Planning Strategy

02 MUNICIPAL PLANNING STRATEGY

02.01 Context

Location

Gumnut Shire is about 250 kilometres north-west of metropolitan Melbourne. It has an urban core, surrounding rural townships and a large agricultural base across approximately 170 square kilometres. The Gumnut City Town Centre is a major activity centre on the state's northern transport corridor.

There are shared boundaries, connections and relationships with Leadbeater Shire to the north and Honeyeater Shire to the south.

Population

The population of about 70,000 in 2016 is forecast to grow to about 100,000 by 2040, making Gumnut Shire one of Victoria's fastest growing regional municipalities.

Gumnut Shire's catchment extends beyond its borders and includes major retail, health and education facilities. People are attracted to Gumnut for its character and lifestyle as well as its employment and education opportunities.

Natural environment

Gumnut's most important natural feature is the Westcotty River, a major tributary of the Murray River. The river environs include substantial areas of high-value biodiversity. The river and its surrounds make up a substantial portion of the western part of the Shire. The Westcotty River is an important environmental, open space and habitat link to the Redback National Park to the north-west of Gumnut in Leadbeater Shire.

Much of the native vegetation that existed in the Shire before settlement has been removed or substantially modified. Remnant vegetation, particularly along the Westcotty River, serves an important role in preserving biodiversity and providing habitat and environmental benefits such as water quality control, ground water management and soil stabilisation. Vegetation throughout the Shire also provides scenic qualities and contributes to amenity and character.



Agriculture

The agricultural areas of Gumnut Shire are some of Victoria's richest. Local farming activities deliver some of the highest value production per hectare in the state. Agriculture is also important to the shire's rural character and identity and is a key driver for tourism in the shire.

Subdivision and new dwellings in farming areas can potentially restrict farming and agricultural production activities.

Built environment and heritage

Gumnut Shire has a number of highly significant heritage buildings, structures, features, precincts, archaeological sites, cultural landscapes, trees, avenues and natural features. Gumnut's natural heritage was formed over 500 million years ago, while its rich cultural heritage began over 40,000 years ago. Much of the remaining pre-contact heritage is concentrated in the area surrounding the Westcotty River.

Brockway township was one of the first post-contact settlements in the region and has an extensive and highly intact built heritage.

Owing to its high-profile location at the southern entry point to Gumnut City, the Wombat Flats industrial precinct forms the primary gateway location for the urban areas of Gumnut.

Sustainability

Building design and the pattern of land use and development can contribute substantially to the overall sustainability of the Shire. Lowering the ecological footprint of new housing (and other development) is necessary to accommodate new residents and businesses while minimising impacts on the environment.

Housing

Housing demand is high in Gumnut Shire due to the increasing number of new residents. The supply of housing being developed in Gumnut Shire is not matching the needs of a diverse population, particularly in relation to smaller households, the elderly and disabled persons.



Economy

Gumnut Shire has a diverse local economy that is distributed across the primary, secondary and tertiary economic sectors. While agriculture remains a mainstay of the local economy, the Gumnut Airport and Brown Snake University (with its research and technology precinct) are significant economic contributors to both the Shire and the surrounding region. The Shire also has a role in transporting and processing timber from plantations in neighbouring municipalities.

The Wombat Flats industrial precinct is the main manufacturing centre for the Shire. The precinct has a focus on food manufacturing that responds to the high quality and availability of local produce. Businesses in the precinct are a major source of employment for the Shire.

The popularity of the 'farm to table' movement has drawn people to Gumnut Shire because of its strong food and wine based tourism industry.

Service industries, including professional services, education, health, retail, cultural and government are all represented in Gumnut and have been growing strongly over the past decade.

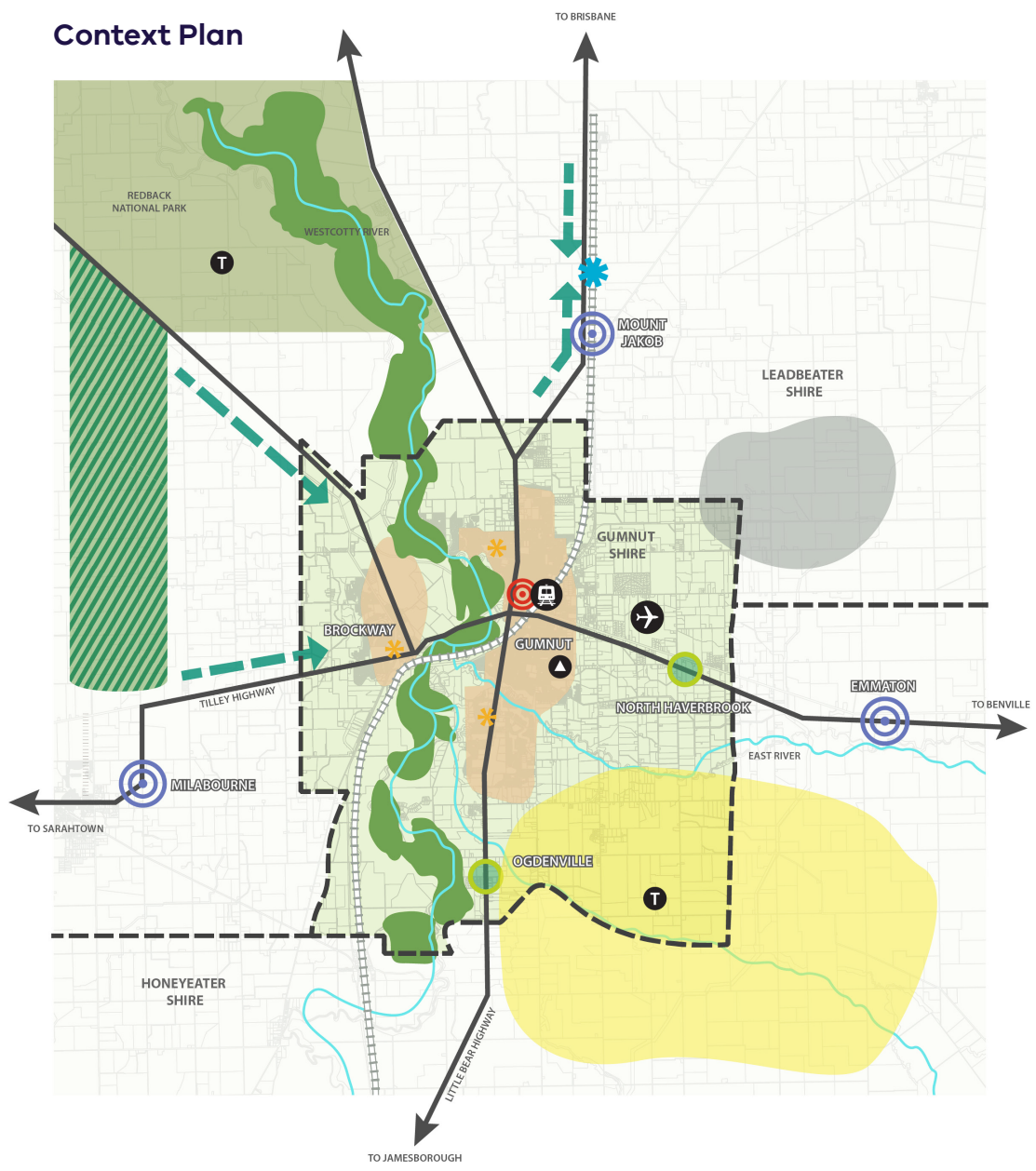
Transport

Gumnut Airport is a valuable asset for the Shire and the region. The airport links the Shire to Melbourne, other state capitals and regional centres. The railway line and Tilley Highway provide important transport links for moving both people and freight. Gumnut Railway Station is a key internodal terminal for the region.

The planned highway bypass will improve the amenity of Gumnut City by removing through traffic. The bypass will also increase the viability of transport links in the area by reducing the time taken to travel through Gumnut City.



Context Plan



- Municipal Boundary
- River
- Railway
- Main Road
- Rural Township
- Key Commodity Movement
- Major Activity Centre
- Neighbourhood Activity Centre
- University and Technology Precinct
- Gumnut Airport
- Gumnut Station
- Major Tourist Attraction
- Key Service Centres
- Intermodal Terminal
- Viticulture
- Intensive Animal Husbandry
- Urban Area
- Environmental Asset
- Timber Production
- Redback National Park

A4
NOT TO SCALE

GUMNUT CONTEXT PLAN

APPENDIX 2 - Place-based checklist
APPENDIX 3 - Local policy location list



02.02 Vision

Gumnut Shire's Vision, derived from the Gumnut Shire Council Plan 2017, is to create a place that:

- Fosters economic prosperity by supporting our local businesses and industries and creates an environment in which they can thrive by:
 - Supporting agricultural, knowledge industry, tourism, service and industrial uses in the Shire.
 - Supporting and protecting the road, air and rail links to the region and the state.
- Is vibrant and sustainable, that we love to live and work in and has excellent connections, facilities and services by:
 - Protecting the existing rural character while also providing an attractive and liveable built environment in those parts of the Shire where development will intensify.
 - Creating an ecologically sustainable Shire.
 - Providing housing to accommodate the expected population growth.
 - Achieving a diversity of housing choices, housing affordability and a good standard of building design and amenity.
- Promotes our valued natural and built assets by:
 - Managing development so that it is responsive to the existing natural and built environment.
 - Safeguarding our valued environmental assets to ensure the health of ecological systems and the biodiversity they support.
 - Protecting, conserving and enhancing the Shire's heritage resources.

02.03 Strategic directions

Settlement

Most of the population increase in Gumnut to 2040 is to be accommodated in the following areas as identified on the Strategic Framework Plan:

- Gumnut City Northern Growth area.
- Urban consolidation areas (including the Wombat Flats, Gumnut Central and Gumnut City North neighbourhood centres).



- The townships of Ogdenville and North Haverbrook.

The Gumnut City Northern Growth Area is the primary greenfield development area. Urban consolidation is encouraged in and around Gumnut City's three neighbourhood activity centres.

The townships of Brockway, Ogdenville and North Haverbrook and their surrounding communities provide an attractive lifestyle choice in a rural setting. They represent a different style of living to the urban Gumnut City.

Ogdenville and North Haverbrook are identified as townships that can accommodate growth. Environmental and heritage considerations place limitations on growth and development opportunities in Brockway.

Growth in Gumnut Shire is to be accommodated by consolidating existing urban form, expanding identified towns and providing greenfield development opportunities. The urban break between Ogdenville and Gumnut City is to be protected in order to ensure the east-west habitat link is maintained through the Shire and that Ogdenville maintains its own unique identity.

Activity centres

There is a strong network of activity centres providing shopping, employment, entertainment, social and community focal points throughout the Shire.

The Gumnut Shire activity centre hierarchy establishes the order (with respect to scale and function) of one centre compared to another. The spatial distribution and hierarchy of activity centres across Gumnut is shown on the Strategic Framework Plan.

The network reinforces the primacy of the Gumnut City Town Centre, which will be managed as a key entertainment destination, service industry employment area and inner city living precinct with street level and out of hours activation. Strong emphasis will be placed on a high quality public realm and pedestrian amenity for the Centre.

The Wombat Flats, Gumnut Central and Gumnut City North Neighbourhood Centres have a secondary role in supporting the Gumnut City Town Centre and providing for localised employment and retail needs.



Local places

Ogdenville and North Haverbrook have capacity to accommodate additional population.

By 2021 the population of Ogdenville is forecast to grow by nearly 2500 to over 10,000 people (or an additional 1400 dwellings). North Haverbrook is predicted to grow by nearly 1500 people to 8000 (or an additional 900 dwellings). There is around 10 to 12 years supply of existing vacant residential land surrounding both towns that can accommodate this growth.

The *Gumnut Townships Development Plan 2010* sets out the preferred form for future development in Brockway, Ogdenville and North Haverbrook. While Ogdenville and North Haverbrook are identified for growth, residential development in Brockway will be limited to areas that are already zoned for residential use, recognising the constraints of native vegetation, landscape and heritage character.

Natural Environment

Remnant vegetation, particularly along the Westcotty River, must be protected to ensure that it continues to help preserve biodiversity, provide habitat and deliver other environmental benefits.

Amenity

Most non-residential uses will be directed to locate in either the Gumnut City town centre or the Wombat Flats, Gumnut Central and Gumnut City North neighbourhood centres. In these locations they will complement surrounding uses, can share parking and other facilities and can trade later into the evening without affecting sensitive uses. Limited non-residential uses may be supported in residential areas, provided they serve a direct local need and minimise impacts on the amenity of an area.

The Wombat Flats industrial precinct will be protected from encroachment by sensitive and other incompatible land uses. People in nearby residential areas will be suitably protected from associated amenity impacts such as noise, odours, dust, vibration and heavy truck movements.



Agriculture

The subdivision or use of land in farming areas for dwellings is discouraged as this has the potential to:

- Remove productive agricultural land from supply.
- Impact on the 'right to farm' surrounding rural properties.
- Create significant environmental and servicing problems.
- Create land use conflicts with nearby farming properties.

The construction of a dwelling in the Farming Zone should only be supported where it can be demonstrated that the dwelling is reasonably required to support agricultural activity.

Intensive agriculture is an important economic asset for the Shire. This type of agriculture needs to be protected from encroaching, non-compatible uses by the provision of appropriate land use buffers.

Agriculture related tourism businesses are encouraged, particularly where they support the viability of small-scale, local farms.

Built environment and heritage

Gumnut's heritage resources will be protected, conserved and enhanced.

Infill housing development in existing residential areas should respect existing neighbourhood character. In urban consolidation and greenfield development areas, there is an opportunity to create a new character that complements the important natural, cultural and historic built form and landscape values of the Shire.

Ensure a high standard of urban design and amenity for the Wombat Flats industrial precinct to create a gateway entry, a strong sense of place, complement the abutting Wombat Flats neighbourhood centre and to provide a quality environment for workers and visitors.

Sustainability

Subdivisions in greenfield development areas should be designed to create a compact form and include facilities that promote sustainable modes of transport to support the Shire's overall sustainability.



Development throughout the Shire and particularly in urban consolidation and greenfield development areas will be strongly encouraged to incorporate environmentally sustainable design principles to reduce its ecological footprint.

Housing

Social diversity is an important factor in the social health of the city. The proportion of lower cost accommodation, social housing and housing for people of all abilities will be increased, particularly around the Gumnut City town centre and the three neighbourhood centres.

A range of housing types is encouraged across the Shire. More compact dwellings, including apartments and townhouses, should be located in the Gumnut North, Gumnut Central and Wombat Flats neighbourhood centres where urban consolidation is encouraged.

Economic development

Because of the significance of the Brown Snake University and Technology Precinct to Gumnut's economy, this area will to be protected from encroaching residential uses, other than where such uses will support the function of the precinct.

The Wombat Flats Industrial Precinct is to be properly serviced with infrastructure, including transport connections for heavy vehicles, and protected from encroaching incompatible uses. Tourism uses that support and enhance local agriculture are encouraged, particularly where they support the viability of smaller farms.

Transport

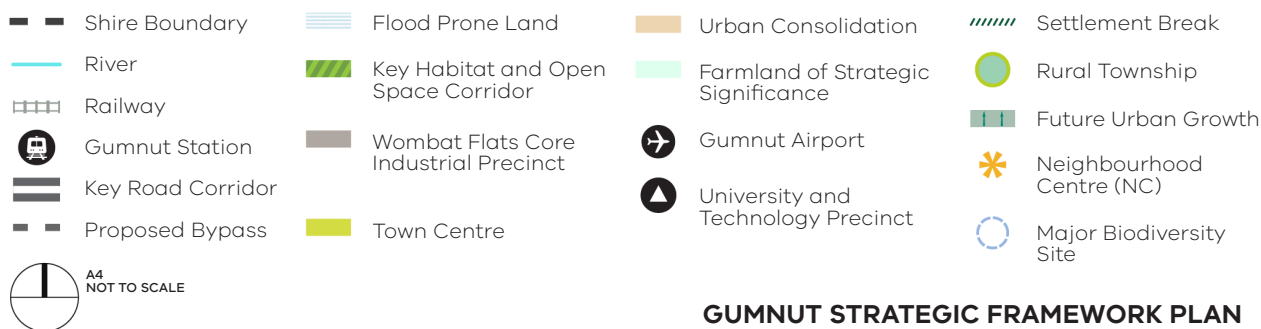
As an important asset for the Shire and the surrounding region, the Gumnut Airport will be protected by:

- Maintaining and growing the recreational, emergency and charter use of the airport.
- Preventing the encroachment of land uses and forms of development that could restrict the future use of the airport.

The Tilley Highway bypass reservation will be protected from encroachment by sensitive and other uses that may compromise the function of the highway.



02.04 Strategic framework plan



GUMNUT STRATEGIC FRAMEWORK PLAN

APPENDIX 2 - Place-based checklist

APPENDIX 3 - Local policy location list





Appendix 2

Place-based policy checklist

Place-based Policy Checklist

Checklist for including policy in Clause 11.03 - Planning for Places

Given the breadth of policies addressed in the PPF, most policy can be nested thematically within the PPF - including policies for specific places. To qualify for inclusion in Clause 11.03, a policy must tick **all** of the following boxes:

<p>1. Does the proposed policy apply to a specific place? For example 'Gumnut irrigation district', not 'Townships in the City of Gumnut' which are a type of place, rather than a place.</p>	<input type="checkbox"/>
<p>2. Is there a common objective or common set of objectives for the place?</p>	<input type="checkbox"/>
<p>3. Does the proposed policy provide guidance specific to the place? Generic content applied loosely to multiple places or precincts in one or more policies should be consolidated and positioned elsewhere in the PPF.</p>	<input type="checkbox"/>
<p>4. Does the proposed policy include content relating to multiple, interrelated issues?</p>	<input type="checkbox"/>
<p>5. Does the proposed policy result in a clearer and simpler representation of the policy than if it were thematically distributed across the PPF?</p>	<input type="checkbox"/>
<p>6. Do the proposed strategies provide detailed policy directions for the particular place? High level strategic directions belong in the Municipal Planning Strategy.</p>	<input type="checkbox"/>
<p>7. Does the proposed policy exclusively comprise content for the place that is not already contained in a control? Policy should not duplicate content in a control that applies to the place, such as a Design and Development Overlay.</p>	<input type="checkbox"/>





Appendix 3

Local policy location list

The following table provides direction on the appropriate policy to include under the various Planning Policy Framework clauses. Where a state policy relates to a single topic (for example salinity), no further instruction has been provided as it is considered self-explanatory.

CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
11	SETTLEMENT	
11.01	Victoria	
11.01-1	Settlement	<ul style="list-style-type: none"> • Settlement within Metropolitan Melbourne and the eight regional growth plan areas • Metropolitan Melbourne green wedges
11.02	Managing growth	
11.02-1	Supply of urban land	
11.02-2	Structure planning	
11.02-3	Sequencing of development	
11.03	Planning for places	
11.03-1	Activity centres	<ul style="list-style-type: none"> • Networks of activity centres • Development of activity centres (such as those based on strategic framework plans)
11.03-2	Growth areas	<ul style="list-style-type: none"> • Location of urban growth • Growth Area Framework Plans
11.03-3	Peri-urban areas	
11.03-4	Coastal settlement	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
11.03-5	Distinctive areas and landscapes	<ul style="list-style-type: none"> Identified distinctive areas. Includes Localised Planning Statements (such as for the Bellarine Peninsula) Managing impacts along the Great Ocean Road
11.03-6	Regional and local places	Place-based policies that relate to an area that is not covered by Clauses 11.03-1 to 11.03-5 - such as a township, an urban renewal precinct or a strategic redevelopment area
12	ENVIRONMENTAL AND LANDSCAPE VALUES	
12.01	Biodiversity	
12.01-1	Protection of biodiversity	
12.01-2	Native vegetation management	
12.02	Coastal areas	
12.02-1	Protection of coastal areas	
12.02-2	Coastal Crown land	
12.02-3	Bays	
12.03	Water bodies and wetlands	
12.03-1	River corridors, waterways, lakes and wetlands	<ul style="list-style-type: none"> Water bodies of all kinds except the bays - see Clause 12.02-3 Dams - where the principal concern is interfering with the flow of a waterway The Yarra River
12.04	Alpine areas	
12.04-1	Sustainable development in alpine areas	
12.05	Significant environments and landscapes	
12.05-1	Environmentally sensitive areas	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
12.05-2	Landscapes	Significant landscapes and open spaces that are not distinctive landscapes identified at Clause 11.03-5
13	ENVIRONMENTAL RISKS AND AMENITY	
13.01	Climate change impacts	
13.01-1	Natural hazards and climate change	<ul style="list-style-type: none"> Climate change - General matters Natural hazards - General considerations not otherwise addressed in Clauses 13.02, 13.03 and 13.04
13.01-2	Coastal inundation and erosion	<ul style="list-style-type: none"> Coastal impacts of climate change River and coastal development susceptible to inundation and erosion
13.02	Bushfire	
13.02-1	Bushfire planning	
13.03	Floodplains	
13.03-1	Floodplain management	<ul style="list-style-type: none"> Managing floodplains Mitigation of negative impacts of flooding including the protection of life and property Dams - where the principal concern is reducing flooding impacts
13.04	Soil degradation	
13.04-1	Contaminated and potentially contaminated land	
13.04-2	Erosion and landslip	<ul style="list-style-type: none"> Land degradation processes - management of use and development in areas prone to landslip, erosion etc. Dams - as relevant to erosion or landslip
13.04-3	Salinity	
13.05	Noise	
13.05-1	Noise abatement	
13.06	Air quality	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
13.06-1	Air quality management	
13.07	Amenity	
13.07-1	Land use compatibility	<ul style="list-style-type: none"> • Amenity impact management • Conflicts between uses within a zone (e.g. non-residential uses in residential zones or caretaker's residences in industrial areas) • Interface impacts between different zones (e.g. dwellings that abut an industrial zone) • Licensed premises - managing the amenity impacts they generate • Sexually explicit entertainment venues - managing the amenity impacts they generate
14	NATURAL RESOURCE MANAGEMENT	
14.01	Agriculture	
14.01-1	Protection of agricultural land	<ul style="list-style-type: none"> • Criteria for the assessment of non-agricultural uses in farming zones • Housing in agricultural zones: excisions, development, subdivisions
14.01-2	Sustainable agricultural land use	<ul style="list-style-type: none"> • Animal husbandry • Horticulture • Animal keeping • Animal breeding • Protection of agricultural uses • Sustainable development of agricultural uses (from both an environmental and economic perspective)
14.01-3	Forestry and timber production	
14.02	Water	
14.02-1	Catchment planning and management	
14.02-2	Water quality	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
14.02-3	Water conservation	<ul style="list-style-type: none"> • Management of water resources • Alternative water sources, such as rainwater collection
14.03	Earth and energy resources	
14.03-1	Resource exploration and extraction	
15	BUILT ENVIRONMENT AND HERITAGE	
15.01	Built environment	
15.01-1	Urban design	Signs - placement, appearance and treatment of different types of signs (except signs along a major transport route such as Eastlink or the Metropolitan Ring Road, which belong under Clause 18.02-3 Road system)
15.01-2	Building design	Building design including: residential, commercial and industrial
15.01-3	Subdivision design	<ul style="list-style-type: none"> • Neighbourhood design • Subdivision design - particularly those covered by Clause 56
15.01-4	Healthy neighbourhoods	<ul style="list-style-type: none"> • Community integration • Healthy lifestyles
15.01-5	Neighbourhood character	
15.01-6	Design for rural areas	<p>Design in rural areas including:</p> <ul style="list-style-type: none"> • approaches to townships • along tourist routes • ridgelines and hilltops <p>This policy relates to design for more general rural areas. For significant landscapes or other sensitive natural areas see Clause 11.03-5 Distinctive areas and landscapes or Clause 12.05 Significant environments and landscapes</p>
15.02	Sustainable Development	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
15.02-1	Energy and resource efficiency	<ul style="list-style-type: none"> • Energy use reduction - through building design such as passive heating and cooling/orientation/natural ventilation • Vegetation retention and planting as part of development and subdivision to help cool the environment and help combat climate change
15.03	Heritage	
15.03-1	Heritage conservation	Heritage areas, general or specific heritage places - except detailed design guidelines or statements of significance, which belong in the schedule to the Heritage Overlay
15.03-2	Aboriginal cultural heritage	
16	HOUSING	
16.01	Residential development	
16.01-1	Integrated housing	<ul style="list-style-type: none"> • Housing-related infrastructure and services • Supported accommodation • Student accommodation • Social housing • Housing supply market - excludes: <ul style="list-style-type: none"> • amenity impacts of housing - see Clause 13.07-1 Land use compatibility • locating residential development - see Clause 16.01-2 • housing diversity - see Clause 16.01-3 • housing affordability - see Clause 16.01-4
16.01-2	Location of residential development	
16.01-3	Housing diversity	
16.01-4	Housing affordability	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
16.01-5	Rural residential development	Housing in areas where rural residential development is expected or preferred - excludes dwellings and dwelling lot excisions in the Farming Zone - see Clause 14.01-1 Protection of agricultural land
16.01-6	Crisis accommodation and community care units	
16.01-7	Residential aged care facilities	
17	ECONOMIC DEVELOPMENT	
17.01	Employment	
17.01-1	Diversified economy	
17.01-2	Innovation and research	Innovation and research precinct development (the Latrobe employment cluster)
17.02	Commercial	
17.02-1	Business	
17.02-2	Out-of-centre development	
17.03	Industry	
17.03-1	Industrial land supply	Industrial land supply - ensuring sufficient land is provided for all industrial needs
17.03-2	Industrial development siting	Industry siting - supporting the viability of industries through their location and layout
17.03-3	State significant industrial land	
17.04	Tourism	
17.04-1	Facilitating tourism	Tourism - excludes what is captured under Clause 17.04-2 Coastal and maritime tourism and recreation
17.04-2	Coastal and maritime tourism and recreation	
18	TRANSPORT	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
18.01	Integrated transport	
18.01-1	Land use and transport planning	
18.01-2	Transport system	Highways - ensuring the development along highways does not adversely affect the function of the road
18.02	Movement networks	
18.02-1	Sustainable personal transport	<ul style="list-style-type: none"> • Transport - encouraging sustainable modes of transport, excludes public transport - see Clause 18.02-2 • Walking • Cycling • Sustainable transport - provision of infrastructure and facilities
18.02-2	Public transport	
18.02-3	Road system	<ul style="list-style-type: none"> • Sealing of roads • Transport routes - design of major transport routes (including landscaping and signs)
18.02-4	Car parking	
18.03	Ports	
18.03-1	Planning for ports	
18.03-2	Planning for port environs	
18.04	Airports	
18.04-1	Planning for airports and airfields	
18.05	Freight	
18.05-1	Freight links	
19	INFRASTRUCTURE	
19.01	Energy	
19.01-1	Energy supply	



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
19.01-2	Renewable energy	Renewable energy facilities on a commercial scale
19.01-3	Pipeline infrastructure	Pipeline infrastructure provision and protection
19.02	Community infrastructure	
19.02-1	Health facilities	<ul style="list-style-type: none"> Health facilities - including hospitals, medical centres and the like - except where the policy solely relates to ensuring amenity impacts from/on such uses are managed - see Clause 13.07-1 Land use compatibility Hospitals Health and health-related facilities Medical centres
19.02-2	Education facilities	Education facilities - including childcare, early learning centres, kindergartens and the like- except where the policy solely relates to ensuring amenity impacts from/on such uses are managed -see Clause 13.07-1 Land use compatibility
19.02-3	Cultural facilities	
19.02-4	Social and cultural infrastructure	
19.02-5	Emergency services	Emergency service infrastructure location
19.02-6	Open space	Public open space areas - distribution and/or management
19.03	Development infrastructure	
19.03-1	Development and infrastructure contribution plans	<ul style="list-style-type: none"> Development Contribution Plans Infrastructure Contribution Plans
19.03-2	Infrastructure design and provision	<ul style="list-style-type: none"> Subdivision - providing an integrated approach to the planning and engineering design of new subdivisions Engineering design for subdivisions <i>Infrastructure Design Manual</i>



CLAUSE	PPF HEADING	POLICY CONTENT - The clause provides for policy on the following matters:
19.03-3	Water supply, sewage and drainage	<ul style="list-style-type: none"> • Water supply • Sewage • Drainage • Dams - where the principal concern is water supply
19.03-4	Stormwater	<ul style="list-style-type: none"> • Stormwater - quality, management and treatment • Water sensitive urban design (WSUD)
19.03-5	Telecommunications	<ul style="list-style-type: none"> • Telecommunication facilities • Satellite dishes • Telecommunications infrastructure
19.03-6	Waste and resource recovery	<ul style="list-style-type: none"> • Waste and resource recovery - infrastructure provision • Waste reduction • Waste facilities - appropriate provision - including domestic, commercial and industrial





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