



**Submission from
Darebin City Council**

To

Department of Environment, Land, Water and Planning

REFORMING THE VICTORIA PLANNING PROVISIONS

November 2017

1. Introduction

The City of Darebin welcomes the opportunity to provide a submission to the *Reforming the Victorian Planning Provisions* Discussion Paper.

The City of Darebin is strongly supportive of the SMART Planning program and its efforts to address the long standing concerns around a complex and inflexible system which does not easily respond to future challenges. Whilst Council generally supports an initiative to simplify and modernise planning schemes, there is particular concern that some of Council's local objectives and strategies may be lost or diluted in the change. This concern is amplified through increasing tensions in the community about development and a mounting perception that the planning system is failing to protect the liveability of our suburbs and properly respond to issues such as sustainability and housing affordability. Council is under increasing pressure to fill these policy gaps through local policy and strategic direction.

In particular, Council is concerned by the limited information and justification provided as part of the proposed changes, in addition to the short timeframes to provide a considered response. Council is further concerned by the limited community consultation proposed, noting the proposed gazettal of a VC amendment in Mid-2018.

Council acknowledges the limited scope of the Discussion Paper and that the ideas put forward are focused primarily on the structure and operation of the VPP, however, there is significant concern that if the changes are to be gazetted in mid-2018, there may be limited ability for Council to respond to or contemplate specific changes that may affect or impact on our community. Council has recently adopted a new Council Plan and is commencing a process to review and update its planning scheme. Darebin Council continues to support an integrated planning policy framework in principle, provided it can adequately accommodate the key local policy issues affecting our municipality and region as follows:

- Planning for the La Trobe National Employment and Innovation Cluster and how it can be included as an effective integrated policy for the region;
- How jobs, diversity and growth will be dealt with at a local and regional level;
- Green initiatives (including a call for a state based policy around achieving a high standard of ESD for new development across Victoria);
- How urban vegetation will be dealt with through the planning Overlays;
- What mechanisms will be placed in the planning scheme to provide a consistent approach to providing and supporting social and affordable housing across Victoria;
- How gaming and liquor licensing will be dealt with, given the increasing body of research demonstrating the corrosive social impacts this land use has on our communities;
- How intact and valued neighbourhood character will be consistently protected;

- How healthy and liveable places will be applied through the planning scheme;
- How city shaping infrastructure will be dealt with at a regional and local level.
- How planning schemes can be more readily adaptive to the increasing pace of change.

2. Principles of a modernised VPP

Council supports the four founding principles of the VPP and the two new principles of 'proportional' and 'digital first'. These two additional principles appropriately reflect the changes in technology and potentially reduces regulatory burden.

Council provides the following suggestions with regard to the proposed principles:

- Planning Schemes must be easy to navigate for the community and for the community to be interacting easily with the planning system, without the need for professional assistance.
- Residential developments that comply with clearly defined standards on lots less than 300m² do not require a planning permit.
- Prioritise a digital system in partnership with Local Government which is consistently applied across the State (similar to the SPEAR system) where resources can be pooled to provide consistent processing operating system across the State.

3. Suggested improvements to the VPP

Council supports some of the suggested reforms to the VPP however, given the limited information available and justification provided within the discussion paper, raise the following as particular issues for further consideration.

- Council generally supports the need to review the current zoning controls. However, there are some significant concerns with regard to some of the suggested reforms including the suggestion to amalgamate certain zones, such as the Activity Centre Zone and the Priority Development Zone. The ACZ currently provides the greatest flexibility for large redevelopment precincts and larger scale activity centres, and is currently the only available tool which enables more specific requirements and policy direction to retain employment and local business where residential land use is the highest and best use. Council supports the proposed amalgamation of zones in order to reduce complexity in the planning scheme and to provide greater clarity, however, the newly drafted zone must still provide strong and clear guidance for large and complex mixed-used precincts.
- Council acknowledges that Overlays also need to be consistent and be user friendly. Clearer guidance however should be provided by Department staff to ensure all local governments are preparing consistent policies. Overlays are particularly significant within the context of the planning scheme in that they elevate issues such as hazards, or provide greater protection for the natural and built environment, including native vegetation and heritage controls. Council is concerned by the Department's proposal to remove the Neighbourhood Character Overlay, without providing a suitable alternative to better protect areas which display strong, intact and consistent neighbourhood character. Further and more particular advice is provided in Appendix A to this submission.
- Council is concerned by the proposed implementation process. The discussion paper provides little guidance on the future of the planning scheme and system in order for Council to provide a considered response. Therefore, appropriate funding, guidance and timeframes are critical to effectively translate Darebin's local planning policies into the new PPF structure.
- Council is interested to understand how the Victorian government intends to address and deal with the gaming and liquor licensing provisions within the planning scheme. Whilst it is acknowledged that both gaming and liquor licencing issues are dealt with under other Victorian legislation and that the purpose of this reform is to reduce duplication, Council has a strong understanding of the local social issues around gaming and liquor, and are therefore invested in the outcomes to reduce the adverse social impacts. Council therefore is supportive of developing a stronger policy basis for

gaming and liquor licensing within the planning system that takes into consideration the net community impacts of this land use activity.

- Council is concerned that the discussion paper provides limited guidance on reforms to strengthen the role of planning in facilitating and delivering the supply of social and affordable housing. Given the strong imperative from Plan Melbourne Refresh to '*increase the supply of social and affordable housing*' within direction 2.3, Council seeks further clarity on how social and affordable housing can be effectively applied across metropolitan Melbourne through a particular mechanism in the planning scheme. In particular, Council strongly supports the policy direction in Plan Melbourne which seeks to create ways to capture and share value uplift from rezonings. However, Council acknowledges that this broad metropolitan policy carries limited weight when attempting to negotiate affordable housing outcomes with the private sector. To give effect to this policy intention, it is suggested that a specific planning tool be developed within the scheme, such as within a Particular Provision.

4. Response to discussion paper proposals

Proposal	Darebin response
A simpler VPP structure with VicSmart assessment built in	
<p>1.1 Restructure and reform the Particular Provisions</p>	<p><u>Agree subject to the below comments:</u></p> <p>Council agrees that the Particular Provisions section of the planning scheme requires review and potentially improved efficiency.</p> <p>Council however, would not support the removal of the Particular Provisions altogether, unless specific issues were adequately dealt with elsewhere in the scheme. There are a number of very important issues dealt with in the Planning Provisions and Council is strongly supportive of further consultation on the review of this section.</p>
<p>1.2 Integrate VicSmart into appropriate Particular Provisions and Overlay Schedules</p>	<p><u>Agree subject to the below comments:</u></p> <p>The principle of embedding the VicSmart provisions into the planning scheme (i.e. through zones or overlays) is supported. It is acknowledged that having a stand-alone clause is incongruous with the rest of the scheme, and will not achieve this review's objective of simplifying the planning scheme. It is suggested that VicSmart provisions be written into relevant zone and overlay controls.</p> <p>Council agrees in principle, that Responsible Authorities should be simplifying the planning provisions to remove duplication and to streamline assessment pathways. To some extent, Council supports removal of the requirement for a planning permit for certain simple matters. This is further discussed in section 3.2 (code-based assessment).</p> <p>It must be acknowledged however, that any changes to planning permit triggers require further and careful consideration as some 'simple' decisions may have additional consequences or perceived unintended consequences by the community and surrounding owners and occupiers, such as the perceived impacts of overlooking, shadowing, loss of privacy, car parking, noise or smell.</p>
<p>1.3 Consolidate all administrative provisions</p>	<p><u>Agree</u></p> <p>All administrative provisions including incorporated documents should be consolidated and relocated to the General Provisions section. Having these items in the one area makes good sense.</p>
An integrated planning policy framework	
<p>2.1 Integrate state, regional and local policy</p>	<p><u>Agree subject to the below comments:</u></p> <p>Council made a submission to the Planning Policy Framework</p>

Review in 2014, which also proposed merging the State and Local policy sections. Council's submission was supportive of the review of the SPPF and noted the coordination of state, regional and local policy can strengthen the message of local policy.

Council has recently adopted a new Council Plan and is commencing a process to review and update its planning scheme. Darebin Council continues to support an integrated planning policy framework in principle, provided it can adequately accommodate the key local policy issues affecting our municipality and region, including addressing the following:

- Planning for the La Trobe National Employment and Innovation Cluster and to establish how it can best be included as an effective integrated policy for the region within the planning scheme;
- How supporting jobs, diversity and growth will be dealt with at a local and regional level;
- How green initiatives will be strengthened through the planning scheme, including another call for a state based policy around achieving a higher standard of ESD for new development across Victoria;
- What mechanisms will be placed in the planning scheme to provide a consistent approach to providing and supporting social and affordable housing and related infrastructure across Victoria;
- How gaming and liquor licensing will be dealt with, particularly given the increasing body of research demonstrating the corrosive social impacts this land use has on our communities;
- How intact and valued neighbourhood character will be fairly and consistently protected across metropolitan Melbourne;
- How healthy and liveable places will be encouraged through particular mechanisms in the planning scheme;
- How city shaping infrastructure will be dealt with at a regional and local level;
- How planning schemes can be more readily adaptive to the increasing pace of change.

It is not clear from the proposed VPP Framework included in the discussion paper whether all of these themes can be accommodated in the new structure.

Place based policy

Council raised concerns in the 2014 PPF review about moving from a framework with a mixture of thematic (policy themes of headings) and spatial (strategy / policy for specific geographical areas) headings to a framework based entirely on thematic headings and that this may create some issues and loss of local

direction for specific areas, precincts and places. Further detail is requested to clarify how place based policy direction will be accommodated in a reformatted planning scheme.

We note that the new structure improves on the 2014 version by retaining the Settlement section and providing capacity to accommodate local place based policies via Clause 11.03 'Planning for Places'.

It is difficult to comment on how regional place-specific policies will be accommodated in the proposed new structure however, without seeing a more comprehensive draft of the proposed VPP. Council is particularly interested to understand how policies relating to the Latrobe National Employment and Innovation Cluster will be accommodated in the new structure. Planning for the Clusters relies on effective integrated policy, and it is a concern that the Metropolitan Melbourne regional section is proposed to be redistributed across multiple PPF themes.

Policy Gaps

Council' submission to the 2014 PPF review noted there were missed opportunities to update state policy in key areas, specifically environmentally sustainable design and affordable housing policy.

The retention of Clause 15.02 Sustainable Development offers the opportunity for state policy leadership in this area, and to bring a planning system in line with current community expectations. Without specific detail, it is unknown whether or not this Clause will adequately address this issue at a State level.

The recent *Housing for Victorians* has highlighted the state's commitment to increasing the provision of affordable housing, and it is understood that the proposed Affordable Housing Bill will introduce a definition of affordable housing into the planning scheme as well as introduce a standardised section 173 agreement as a tool to implement the provision of affordable housing into private housing developments. It is also noted that the discussion paper flags that affordable housing projects are underway. Council welcomes these improvements in affordable housing policy, however we submit that much more needs to be done on this issue in the short term. There is also a lack of information relating to the practical implementation of affordable housing via the planning scheme as part of this review.

It is also of concern to Council that Clause 52.27 *Liquor Licensing* and 52.28 *Gaming* are being reviewed. Council would appreciate the opportunity to be provided with more details regarding the changes proposed to these particular provisions, considering that these issues impact greatly on the community. Council would not support the removal of these provisions from

the Planning Scheme.

The VPP doesn't have a way of responding to new issues should they arise. It essentially locks in the issues we can deal with to those that are current or known at the time of drafting.

As it stands, the VPP can only respond to the issues that are listed in the headings of what will be in the combined state/regional/local sections.

An example of this issue is, if we think back to what the VPPs were like in the 90s - before issues such as climate change, housing affordability or gaming became important to policy makers and the community alike, the rigidity of the planning scheme has meant that over the years, any change to the planning scheme to keep pace with new knowledge and issues has taken many years to apply, particularly given the extensive consultation with community and industry required.

Identifying these gaps then becomes a significant financial and resource implication on Council, as they seek to prepare individualised local planning policies in an attempt to plug the gaps at a state level. This has occurred in some instances with local planning policies to achieve higher standards of ESD, improve decision making for gaming facilities, and urban design and built form guidelines.

Given the rate of change of urban growth and in technology, future issues are likely to arise that we know little about today (such as the potential for driverless cars) which is not easily dealt with or even contemplated under the current provisions. Victoria needs a flexible planning framework that can respond to as yet unidentified issues should the need arise.

A suggestion to explore further, is to achieve a level of flexibility through building a new clause that seeks to deal with innovation in issues identification and policy making for the VPPs.

2.2 Simplify the MSS

Agree subject to the below comments:

Council generally supports the opportunity for a clear and strong local section that sets local vision and priorities in the planning scheme. As discussed in the above comments under *Integrate state, regional and local planning policy*, it is important to Darebin that the goals articulated in the Council Plan can be readily translated into the new format MSS, and that important local issues are not lost in the translation of a simplified MSS. Again, it is unclear what the new format MSS will contain and therefore difficult for Council to understand the implications of this fully. Darebin would appreciate the opportunity to comment on a draft of the new MSS framework prior to gazettal.

2.3 Expand policy themes

Agree subject to the below comments:

	<p>One of Darebin’s main concerns regarding the expanded policy themes is the uncertainty about what may be lost. As highlighted earlier in our submission, Darebin’s approach to planning is thematic and place-based and translating existing and future policy into the expanded policy themes may be complicated. It is acknowledged, however that place based items are better catered for in the current reforms proposed compared to the 2014 proposal.</p> <p>It is unclear from the headings what the PPF themes will contain. For example - what will the proposed Clause 17 Economic Development include? Arts and Culture is recognised as an important contributor to Darebin’s local economy but it is unclear if our current local policy will be easily translated into proposed Clause 17.</p> <p>As previously highlighted, it is also unclear how the National Employment and Innovation Cluster will sit within the planning scheme, and what mechanisms will be used to ensure that an integrated approach to planning can be achieved for the broader region.</p>
<p>2.4 Create a clearer and simpler structure for policy making</p>	<p><u>Agree</u></p>
<p>2.5 Set new rules and guidelines for writing policy</p> <p>What will be needed to support a transition to a new PPF format?</p>	<p><u>Agree subject to the below comments:</u></p> <p>Providing a new set of rules and guidelines to writing policy is important for consistency and to effectively manage the VPPs. Council has been challenged significantly with changes to State planning policies (such as the residential zone reforms in early 2017) without the provision of clear guidelines around how to implement and apply the reformed zones. To date, Council still hasn’t received the Practice Notes to apply the Residential zones, following the reforms made to the residential zones in early 2017.</p> <p>It is anticipated that Darebin’s current local planning policy framework will be able to be implemented into the new format. However, this will require significant resources to achieve as several policies will require translation into overlay controls.</p> <p>Council is very conscious of the potential for the VPP reforms to dilute the strong local vision which is currently provided in Council’s MSS. Council strongly recommends that prior to any gazettal of these reforms, that further details be provided to Council for further consideration.</p>
<p>Assessment pathways for simple proposals</p>	
<p>3.1 Embed a VicSmart assessment pathway in appropriate particular</p>	<p><u>Agree subject to the below comments:</u></p> <p>Council supports the principle that VicSmart assessment</p>

<p>provisions and overlay schedules</p>	<p>pathway should be embedded in the appropriate zoning or overlay schedules. Council however are interested to better understand more detail around the additional permit classes to be included, information requirements and proposed timelines in order to respond in greater detail.</p>
<p>3.2 Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners</p>	<p><u>Agree subject to the below comments:</u></p> <p>Code-based assessment is supported for simple proposals, particularly where they support small business industry and homeowners. However, careful consideration must be given to what constitutes a simple proposal. Based on experience, some of the simplest proposals create the biggest frustration for third parties. It is noted that removing notice or permit requirements can simplify the process and reduce conflict with third parties.</p> <p>Small business is dealt with in the section below.</p>
<p>What other matters do you think are suitable for code-based assessment?</p>	<ul style="list-style-type: none"> • Additional single storey dwelling to the rear of an existing dwelling: <ul style="list-style-type: none"> ○ Plot ratio/total floor area ○ Setbacks to accord with Clause 54/55 ○ No boundary construction ○ Floor levels to be under 800mm at boundary – Clause 54/55 ○ Max wall and roof heights ○ Car parking and secluded private open space for both dwellings – Clause 54/55 ○ Entry to be visible from internal driveway or street frontage ○ Permeability – Clause 54/55 ○ Site coverage- Clause 54/55 • Small cafes/restaurants (established building in a commercial centre) <ul style="list-style-type: none"> ○ Meet pre-set criteria ○ Car parking waiver up to 20 cars ○ Minor buildings and works. ○ Low impact signs • Offices (established building in a commercial centre) <ul style="list-style-type: none"> ○ Meet pre-set criteria

- Car parking waiver up to 10 spaces
- Low impact signs
- Temporary retail or cultural activity (existing building in a commercial area)
 - Meet pre-set criteria
 - Temporary - max. 12 months
 - Low impact signs - limited to under verandah and shopfront windows max 8sqm of business identification signage
- Live/work unit (existing building in a Mixed use zone or Residential Growth Zone):
 - Meet pre-set criteria
 - Limit employment numbers to 5.
 - General amenity controls i.e. similar to existing home occupation controls but not as stringent.
- Childminding centre (existing buildings in residential zones)
 - Meet pre-set criteria
 - Limit number of children – max 10 children
 - Limit openings hours
 - Low impact signs
 - Acoustic treatment to external play areas

Car parking waivers for up to 20 car spaces in activity centres and other areas that are within proximity to the principal public transport network.

Smarter planning scheme drafting

4.1 Create a new VPP user manual Agree

4.2 Establish a business unit dedicated to VPP and planning scheme amendment drafting Do not agree

This appears to indicate that the State Government will establish a dedicated unit which would be responsible for the drafting of planning scheme provisions. Council is unsure how this will work in practice. Council does not support removing planning scheme amendment responsibilities to the State Government, as Council officers are typically better placed in terms of local knowledge to draft local planning policy provisions. More benefit would be achieved if the planning scheme amendment process was

	<p>simplified and provided with different streams based on the level of complexity. This should be supported by greater levels of accountability to track and trace planning scheme amendments once submitted for approval to overcome the industry perception that many amendments are bottlenecked within the Minister's office.</p> <p>Council officers welcome consistent and timely feedback on refining draft planning scheme provisions prior to authorisation, however there is some concern that Council officers over the years have been provided with inconsistent advice across different units, and are at times compromised within the policy development areas by changing priorities.</p> <p>A suggestion would be for the State Government to provide Council with additional funding to appropriately resource the preparation of planning scheme amendments. This is particularly prevalent in an environment where metropolitan councils are experiencing unprecedented population increases, however are not receiving an equivalent amount of funding for local governments to keep pace with change and address these challenges.</p>
<p>4.3 Create an online Victorian planning library</p>	<p><u>Agree</u></p>
<p>What are the key matters you think a VPP user manual should include?</p>	<ul style="list-style-type: none"> • Improving online information to improve efficiencies in local government. • Improve the way that Planning Practice Notes are prepared as there is often conflicting advice with regard to expectations of how policies should be drafted. • As mentioned above, improving efficiency and transparency of planning scheme amendment processes. Consider providing Planning Panels Victoria with powers to approve amendments and make Local Government more accountable for the form and content of planning scheme amendments. • Move more towards utilising electronic information wherever possible, particularly for planning panel hearings, rather than the resource intensive requirement to provide multiple hard copies.
<p>What planning documents or information do you think should be included in a Victorian planning library?</p>	<p>Reference to significant planning panel decisions in a way similar to the VCAT decision database.</p>

	Are there other ways the drafting and consistency of planning scheme provisions could be improved?	Have the ability to test innovative solutions to novel /standard problems included in the framing of the VPPs policy areas.
Improve specific provisions –		
5.1	Improvements to specific provisions	Please see appendix A for comments
5.2	Update the definitions section of the VPP	<u>Agree</u>
5.3	Regularly review and monitor the VPP	<u>Agree subject to the below comments:</u> This depends on what review and monitor means. There needs to be an annual reporting requirement to evaluate the performance of the VPPs in implementing state policy and independent performance standards in the VPPs applied to measuring outcomes.

5. Implementation suggestions

Council is concerned about the proposed timeframe for implementation of the proposed VPP changes. There is significant concern that even if there will be time to scope, design test and rollout many of the proposals in the discussion paper by mid-2018, there will be very limited opportunity for Council to provide more considered feedback on particular details of the reforms proposed. Further to this, Council is also concerned by the potential resource and financial implication of the implementation process and requests a partnering approach from the State towards the re-formatting of our planning scheme.

Appendix A to this submission provides a number of suggested improvements to specific provisions.

6. Conclusion

Council is generally supportive of many of the proposed reforms suggested in the Discussion Paper, many of which would ultimately result in a more integrated and consistent approach to land use policy at a state, regional and local level. Council has highlighted a number of other suggestions to the proposed reforms in Appendix A to this submission.

The City of Darebin is committed to improving integrated planning outcomes, and are concerned by the short timeframes and limited detail of proposed changes in the Discussion Paper. Council strongly urges the Minister for Planning to incorporate a range of community consultation on more specific details of the proposed reforms, prior to the reforms coming into effect. Council is concerned that local policy may be lost or diluted through the reforms, and that unintended consequences and outcomes may occur if there is limited consultation provided.

Appendix A: Improvements to specific provisions

Proposal		Darebin response
Improvements to specific provisions		
1	All zone schedules.	<p>Enhance the Ministerial Direction – The Form and Content of Planning Schemes to limit structural modifications (such as to headings and order, etc) and ensure consistency across the VPP.</p> <p>Ensure the distinction between the state and local clauses remains clear.</p>
2	All zones	<p>Rename zones from being numerical (for example, ‘Industrial 1 Zone’) to being descriptive and adopting everyday words, such as used for the residential zones.</p> <p>Examine the role and function of the following zones to establish whether they can be replaced with other VPP tools (such as the Mixed Use Zone or the Commercial 1 Zone and an Incorporated Plan Overlay or Development Plan Overlay), or amalgamate the following zones into a single zone that can be tailored to reflect local circumstances:</p>
		<p><u>Support.</u></p> <p><u>Agree subject to the below comments:</u></p> <p>Council generally supports the need to review the current zoning controls. However, there are some significant concerns with regard to some of the reforms including the suggestion to amalgamate certain zones, such as the Activity Centre Zone and the Priority Development Zone. The ACZ currently provides the greatest flexibility for large redevelopment precincts and larger scale activity centres, and is currently the only available tool which enables more specific requirements and policy direction to retain employment and local business where residential land use is the highest and best use. Council supports the proposed</p>

		<p>i. Priority Development Zone</p> <p>ii. Activity Centre Zone Create consistency in use of phrasing where a common meaning applies (such as the phrases 'generally in accordance with', 'generally consistent with' and 'in accordance with').</p>	<p>amalgamation of zones in order to reduce complexity in the planning scheme and to provide greater clarity, however, the newly drafted zone must still provide strong and clear guidance for large and complex mixed-used precincts.</p>
3	All residential zones	<p>Make single dwellings on lots greater than 300sqm exempt from a planning permit by lowering the threshold for a permit from 500 to 300sqm (they are already exempt on lots greater than 500sqm), relying on the building code to address siting and design issues.</p> <p>Make 'Childcare Centre' a Section 1 (as of right) land use within the Residential Growth Zone, subject to conditions, such as relating to size.</p> <p>Redraft the following phrase used uniquely in the residential zones as a permit trigger: 'construction and extension of ...' and adopt the more commonly used 'to construct a building or construct and carry out works ...' to create consistency with other zones.</p>	<p><u>Agree subject to the below comments:</u></p> <p>Whilst Council does not object to the proposed changes to Clause 32, there is significant concern that through Amendment VC110 and the changes to the residential zones, that relevant practice notes have not been released, leaving Councils confused over the intended application of these zones, and whether or not to proceed with schedules to zones as a way of providing greater certainty of neighbourhood character and built form outcomes in the NRZ and GRZ.</p> <p>Council generally supports the proposed use of ResCode and Part 4 of the Building Regulations as a consistent way to regulate applications for the development of single dwellings.</p> <p>It is recognised that childcare is a critical need in residential growth areas and therefore making 'childcare centre' a Section 1 (as of right) land use</p>

<p>4</p>	<p>Mixed Use Zone</p>	<p>Review the Mixed Use Zone having regard to the following:</p> <p>Make more commercial uses in the Mixed Use Zone Section 1 (as of right) land uses where they are low impact, subject to conditions</p> <p>Make 'Manufacturing Sales' a Section 1 (as of right) land use with a condition relating to floor area size to support the establishment of small 'makers' and creative industries.</p> <p>Make 'Childcare Centre' a Section 1 (as of right) land use, subject to conditions, such as relating to size.</p>	<p>within the Residential Growth Zone, subject to conditions, such as relating to size is supported by Council.</p> <p><u>Agree subject to the below comments:</u></p> <p>Darebin has applied very limited Mixed Use Zones across the municipality, given the inability to provide certainty around commercial uses at ground floor level within this zone, particularly given that the property market conditions are currently favourable to residential uses. More specific policy around promoting a market shift within the Mixed Use Zone, to truly deliver a mixed use development site is needed.</p> <p>Council does however strongly support the goal of creating 'Manufacturing Sales' as a Section 1 (as of right) land use with a condition relating to floor area size to support the establishment of small 'makers' and creative industries.</p> <p>Making 'childcare centre' a Section 1 (as of right) land use within the Mixed Use Zone, subject to conditions, such as relating to size is supported by Council.</p>
<p>5</p>	<p>Industrial 1 zone</p>	<p>Review the Industrial 1 Zone having regard to the following:</p> <p>Make 'Motor Repairs' a Section 1 (as of right) land</p>	<p><u>Agree subject to the below comments:</u></p> <p>Council supports these proposed changes in principle, however are interested in providing more</p>

		<p>use with the standard condition relating to distance to a residential zone.</p> <p>Make 'Convenience Shop' a Section 1 (as of right) land use.</p>	<p>detailed feedback prior to these changes coming into effect.</p>
6	Industrial 3 Zone	<p>Review the Industrial 3 Zone having regard to the following:</p> <p>Make 'Motor Repairs' a Section 1 (as of right) land use with the standard condition relating to distance to a residential zone.</p> <p>Make 'Office' a Section 1 (as of right) land use subject to maximum floor area requirements.</p> <p>Make 'Indoor Recreation Facility' and 'Take Away Food Premises Section 1(as of right) land uses.</p>	<p><u>Agree subject to the below comments:</u></p> <p>Council supports these proposed changes in principle, however are interested in providing more detailed feedback prior to these changes coming into effect.</p>
7	Commercial 2 Zone	<p>Review the Commercial 2 Zone having regard to the following:</p> <p>Make 'Convenience Restaurant' a Section 1 (as of right) land use</p>	<p><u>Agree subject to the below comments:</u></p> <p>Council does not object to the proposed changes to the C2Z. Council strongly supports the proposal to include the land use 'Manufacturing Sales' as a Section 1 (as of right) land use to support the establishment of 'small makers' and creative industries. Council is however interested in providing more detailed feedback prior to these changes coming into effect.</p>
10	Urban Floodway Zone	<p>Review the Urban Floodway Zone having regard</p>	<p><u>Agree subject to the below comments:</u></p>

<p>12 All overlays</p>	<p>to the following:</p> <p>Assess the role and function of the zone, in the context of the suite of flooding overlays, and consider whether it can be replaced with a flood overlay only (see also Floodway Overlay proposal).</p> <p>Review all overlays having regard to the following:</p> <p>Review whether the distinction of overlays controlling development, as opposed to use, remains valid, and provide updated guidance, acknowledging that some overlays already control use (AEO, SRO, DPO)</p> <p>Review the approach of using overlays to identify buffers, such as the Environmental Significance Overlay, and examine how the VPP can transparently and consistently identify and protect significant sites requiring buffers (for example: landfills, treatment plants, water supply catchments and quarries)</p> <p>Create consistency in use of terms where a common meaning applies (such as the phrases ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’) and in the use of common assessment techniques (e.g.</p>	<p>Council is interested to better understand the role of effective risk management in flood affected areas in the context of the suite of flooding overlays currently within the planning scheme. Further consultation should be provided prior to the changes coming into effect.</p> <p><u>Agree subject to the below comments:</u></p> <p>Council supports a review of the overlays and are particularly interested in better understanding how the ESO will identify and protect significant sites requiring buffers. Further consultation should be provided prior to the changes coming into effect.</p>
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		Determining tree protection zones)	
		Clarify that if a permit is not required within the head provision, then the provisions of the schedule to that control do not apply. This may require holistic review of how the VPP reacts with local provisions.	
13	Environmental and landscape overlays	Review all environmental and landscape overlays having regard to the following: Amend the head provision to relocate the 'Table of exemptions' to Clause 62.02- 3 and insert the following words "No permit is required to remove, destroy or lop vegetation to the minimum extent necessary if any of the exemptions listed in the Table to Clause 62.02-3 apply". Increase opportunities for permit exemptions (such as associated with a single dwelling) by ensuring permit triggers are linked to the purpose of the control Ensure consistency across all schedules.	<u>Support.</u>
14	Heritage Overlay	Review the Heritage Overlay having regard to the following: Review the proposed reforms to the overlay as proposed by the Heritage Provisions Advisory Committee, such as clarifying whether the overlay	<u>Agree subject to the below comments:</u> It is recommended to exempt solar panels and water tanks from requiring a planning permit under the Heritage Overlay.

	<p>recognises precinct-wide or site specific values. Create consistency in use of words where a common meaning applies, such as 'cultural significance', 'heritage value', 'heritage interest' and so on</p> <p>Create a new permit exemption for minor buildings and works, which do not affect heritage values, such as small verandas and pergolas and maintenance and the minor upgrade of railway infrastructure. Consider limiting exemptions to non-contributory buildings</p> <p>Review the use of exemptions for certain minor buildings and works, such as those cited in Yarra and Moreland Council incorporated documents, to determine if these exemptions can be introduced more broadly across Victoria and made more transparent and accessible.</p>	<p>Council acknowledges that some minor applications may impact on the heritage value in particular instances. Further detail around how this might apply is required to be provided for further comment prior to the changes taking effect.</p>
<p>15 Development plan Overlay</p>	<p>Review the Development Plan Overlay having regard to the following:</p> <p>Amend the exemption from notice and review provision to remove the 'catch 22' provision.</p>	<p><u>Agree subject to the below comments:</u></p> <p>One of the major difficulties in the application of the Development Plan Overlay is the exemption from notice and review provision. While the development plan overlay allows a proposal to be flexible, in so doing, it removes any certainty of the potential future development outcomes for adjoining residents. For a development plan overlay schedule to be applied effectively and</p>

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Neighbourhood character overlay

Review the Neighbourhood Character Overlay having regard to the following:

Examine the role and function of the Overlay in the context of the new Neighbourhood Residential Zone, and other VPP tools.

efficiently, the land would ideally be isolated, have one owner and not adjoin an existing residential population.

Removing the exemption from notice and review provision in the Development Plan Overlay would assist Council in processing and assessing proposed planning scheme amendments as Council would no longer feel the need to 'lock down' applicants to a certain outcome to ensure the community interests are considered.

Disagree

Further comments:

Although Darebin doesn't currently have any Neighbourhood Character Overlays, it is currently investigating the potential to apply this control across intact residential areas. Council acknowledges that the changes made to the Neighbourhood Residential Zone (NRZ) as part of Amendment VC110, removed the mandatory maximum of two dwellings on a lot, however the purpose does seek to improve the weight given to neighbourhood character context. Whilst this may negate the requirement of a Neighbourhood Character Overlay (NCO), Council is concerned that the local planning policy framework and the neighbourhood character strategy does not hold

the greatest weight within the planning scheme or provide sufficient direction for consistent decision making. As a result, Council is concerned that significant and intact streetscapes which present a strong and consistent neighbourhood character may not be adequately protected under the planning scheme. This is a significant concern for Council given the amount of medium density development currently occurring within the residential hinterland.

There is further concern that Amendment VC110 changed the purpose of the NRZ which seeks to *'manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics'*, without the concurrent release of a Planning Practice Note, which would provide consistent direction across the State in reviewing neighbourhood character strategies to ensure that they provide strong policy support. If the intended purpose of the NRZ is to enhance consideration for neighbourhood character, then it is suggested that schedules to the zone would be the most appropriate way to provide a consistent approach to decision making.

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Land Management Overlays

Review all land management overlays having regard to the following:

Agree

		<p>Review the role and function of the three inundation related overlays (Land Subject to Inundation Overlay, Special Building Overlay, and Floodway Overlay, together with the Urban Floodway Zone) to understand if amalgamations are possible and the distinctions between the overlays and their objectives, are made clearer.</p>	
25	<p>Specific sites and exclusions</p>	<p>Review Specific Sites and Exclusions having regard to the following:</p> <p>Remove outdated provisions Establish clear rules around when it can be used to avoid overuse Establish the practicality of mapping all items within a new Specific Provisions Overlay to improve transparency and public awareness.</p>	<p>Agree</p>
26	<p>Car parking</p>	<p>Review Car Parking having regard to the following:</p> <p>Review car parking rates in Table 1 in the context of transport mode shifts, lifestyle and technology changes and densification, and provide rates for those land uses not listed</p> <p>Provide car parking exemption in selected zones (commercial zones, Mixed Use Zone, and industrial zones) for Section 1 uses in existing buildings where floor area is not increased (for example change of use applications)</p>	<p>Agree subject to the below comments</p> <p>Darebin supports a review of the car parking rates in Table 1 of Clause 52.06, particularly in order to reflect changes in demand and the shift in travel mode away from the private motor vehicle. Darebin would like to reserve the right to review and provide comment on any proposed changes to parking rates at a later time.</p> <p>Darebin supports a review of car parking exemptions in selected zones to help streamline the assessment process for some applications.</p> <p>Rather than adopt a 'blanket' exemption from</p>

	<p>Assess the recommendations not yet implemented from the Car Parking Provisions Advisory Committee Final Report (2011) including the recommendation to make a Clause 52.06 application exempt from notice and review in all circumstances.</p>	<p>notice and review for Clause 52.06 applications in all circumstances, Darebin would be more supportive of a review of the decision guidelines under Clause 52.06-6. This Clause could provide greater clarity for permit applicants, Council and our community around the decision-making process when considering an application to reduce or waive car parking requirements. The review should therefore consider a strengthening of the guidelines to more clearly define the conditions under which car parking waivers are more appropriate. If a blanket approach was proposed, Council would seek greater clarity as to how it would work in practice, for instance if this would prevent applicants from challenging car parking decisions by councils.</p>
<p>28 Uses with adverse amenity potential</p>	<p>Review Uses with Adverse Amenity Potential having regard to the following:</p> <p>Review buffer distances taking into account the Environmental Protection Authority's Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (2013) Review and clarify the clause's application in 'reverse amenity' matters.</p>	<p><u>Agree subject to the below comments.</u> Council supports the review of buffer distances taking into account EPA's guidelines. Council also supports the review of 'reverse amenity' matters. The planning scheme should be able to better facilitate a high level of protection for existing businesses without precluding future sensitive development nearby. More consistent and structured advice should also be provided from the EPA to ensure that development is not unnecessarily held up or precluded.</p>
<p>29 Service stations</p>	<p>Review Service Stations having regard to the following:</p> <p>Ensure the provision is updated to reflect current</p>	<p>Agree</p>

		practices and modern service station designs, including reviewing the site area and crossover dimensions.	
30	Car wash	Review Car Wash having regard to the following:	Agree
		Ensure the provision is updated to reflect current practices and modern car wash design, including reviewing crossover dimensions	
31	Motor vehicle, boat or caravan sales	Review Motor Vehicle, Boat or Caravan Sales having regard to the following:	Agree
		Review the role and purpose of this provision, and the relevance of the dimensions, with a view to either removing or updating.	
32	Telecommunications facility	Review Telecommunications Facility having regard to the following:	<u>Agree subject to the below comments</u>
		Update the Code of Practice for Telecommunications Facilities in Victoria (2004) (an incorporated document in the VPP) and the particular provisions to recognise advances in equipment technology.	There is currently a requirement in the planning scheme for high speed broadband capability, however this needs to be updated in light of the NBN.
		Clarify permit triggers and exemptions without requiring cross-referencing to another document	
33	Licensed Premises	Review Licensed Premises having regard to the following:	<u>Agree subject to the below comments.</u>
			Darebin Council currently has a schedule to

	<p>Review the role and function of the planning system in licensed premises and explore opportunities to minimise conflict and overlap with the Victorian Commission for Gambling and Liquor Regulation licencing process</p> <p>Make premises in commercial zones exempt from the need for a planning permit, subject to certain conditions, and relying on the Victorian Commission for Gambling and Liquor Regulation licencing process Include and clarify common application requirements, such as ‘cumulative impact statements’.</p>	<p>Clause 52.27 which provides a similar outcome to that proposed within the discussion paper, which is to exempt certain licences from requiring a planning permit in the Commercial 1 Zone. Council’s experience with this schedule is that a planning permit is often required for the extent of a red line area that extends over a footpath seating area of a restaurant/bar. Given that the footpath is typically within a Road Zone, it does not benefit from the Commercial 1 Zone exemption. Council would appreciate some clarification regarding the proposed exemptions in regards to the Road Zone.</p>
<p>34</p> <p>Gaming</p>	<p>Review Gaming having regard to the following:</p> <p>Review the role and function of the planning system in gambling and explore opportunities to minimise conflict and overlap with the Victorian Commission for Gambling and Liquor Regulation licencing process.</p>	<p><u>Agree subject to the below comments.</u> Council is supportive of developing a stronger policy basis for gaming within the planning system that takes into consideration the net community impacts of this land use activity. Council does not support removal of this particular provision from the planning scheme, and are interested to better understand how gaming will be dealt with in the planning scheme. This is particularly given the increasing body of research demonstrating the corrosive social impacts this land use has on our communities.</p>
<p>35</p> <p>Land adjacent to a road zone category 1 or a public acquisition overlay for a category 1 road</p>	<p>Review Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road having regard to the following:</p> <p>Clarify permit triggers and application</p>	<p><u>Agree</u></p>

requirements, in particular whether an alteration to access can refer to a change in use as well as a physical alteration Include a definition for the term 'create or alter access'

Amend the provision to provide additional permit exemptions

Explore the possibility of using standard VicRoads conditions to avoid referral

Make access to a service road (other than an excluded service road) exempt from referral to VicRoads

Make applications under this clause exempt from normal notice and review provisions.

Review Bicycle Facilities having regard to the following:

Update bicycle rates to reflect environmental sustainability goals, the needs of modern businesses and increased popularity of cycling as a transport mode, particularly with respect to offices

Provide rates for more types of development.

Agree subject to the below comments:

Darebin supports a review of the bicycle parking rates in Table 1 of Clause 52.34 particularly to reflect growth in bicycle usage as a mode of transport, and also to ensure alternatives to the car are provided in light of the review of car parking requirements under Clause 52.06. Darebin would recommend that this review include reconsideration of the current minimum trigger points for the provision of bicycle parking for certain types of development.

In addition, Darebin would also be strongly

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Bicycle facilities

			<p>supportive of a review of design guidelines for end-of-trip facilities (under Clause 52.34-4); including design, location and accessibility to better reflect current best practice and include reference to the latest Australian Standard.</p> <p>Darebin would like to reserve the right to review and provide comment on any proposed changes to bicycle parking rates and design guidelines at a later time.</p>
38	Residential development and subdivision	<p>Review Clause 54,55,56 and 58 having regard to the following:</p> <p>Clarify the relationship between the standards and objectives, and particularly whether full compliance with the standard means that the objective is also met.</p>	<u>Agree</u>
40	General provisions	<p>Review General Provisions having regard to the following:</p> <p>Consolidate application requirements into a single clause similar to Clause 66 (Referrals and Notice), review all existing requirements, and add common application requirements (such as basic plans) to definitions to reduce duplication of description.</p>	<p><u>Agree subject to the following comments:</u></p> <p>Further clarification required and consultation with Council prior to the changes coming into effect.</p>
41	Decision guidelines	<p>Review Decision Guidelines having regard to the</p>	<u>Agree subject to the following comments:</u>

<p>42</p> <p>Referral and notice provisions</p>	<p>following:</p> <p>Review all decision guidelines across the VPP and consolidate under Clause 65, similar to Clause 66 Referral and Notice provisions.</p> <p>Review Referral and Notice Provisions having regard to the following:</p> <p>Remove references to seeking the views and comments of referral authorities throughout the VPP and use formal processes of Clause 66 instead</p> <p>Review the classification of referral agencies as ‘recommending’ authorities or ‘determining’ authorities</p> <p>Encourage more standard agreements with agencies to reduce the need for referral for minor and low risk matters</p> <p>Make the Department of Economic Development, Jobs, Transport and Resources a referral authority for land near existing quarries.</p>	<p>Further clarification required and consultation with Council prior to the changes coming into effect.</p> <p><u>Agree</u></p>
<p>43</p> <p>General terms</p>	<p>Review General Terms to investigate the inclusion of:</p> <p>‘outbuildings normal to a dwelling’ ‘sensitive uses’.</p>	<p><u>Agree</u></p>

44	Land use terms	<p>Review all VPP land use terms and definitions, and associated treatment in the land use tables, having regard to the following objectives:</p> <p>Reduce the number of terms</p> <p>Remove obsolete uses</p> <p>Separate out common land uses only when necessary to be treated differently in zone tables</p> <p>Be less prescriptive by removing overly specific terms</p> <p>Broaden terms and definitions to account for rapidly shifting industries and lifestyles</p> <p>Use every day and plain-English terms that the community readily understands</p> <p>Modernise definitions including consideration of emerging social, economic and technological trends</p> <p>Provide definitions for undefined terms, excluding those where there is an appropriate ordinary dictionary meaning or definition in the Act.</p> <p>Review Land Use Terms to investigate adding the following (only where necessary and in recognition of the objectives above): 'Rural workers accommodation', 'Carbon sequestration',</p>	<u>Agree</u>
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'Contractor's Depot', 'Holiday dwelling', 'Café', 'Music and arts festival', 'Maker', 'Community gardens', 'Storage facility' and 'Animal day care'. Review Land Use Terms to investigate revising the following: 'Tavern', 'Airport' and 'Airfield', 'Primary produce sales', 'Utility installation', 'Minor utility installation', 'Place of worship', 'Anemometer', 'Winery', 'Shop', 'Food and drink premises', 'Leisure and recreation', 'Animal keeping', 'Brothel', 'Renewable energy facility', 'Heliport', 'Caretakers residence', 'Community market', 'Trash and treasure market', 'Dwelling', 'Cinema based entertainment facility', 'Warehouse', 'Store', 'Gambling premises', 'Gaming premises', 'Convenience restaurant', 'Art and craft centre', 'Art gallery', 'Amusement parlour', 'Pleasure park', 'Retirement village' and 'Residential village', 'Restricted retail facility', 'Group accommodation', 'Industry', 'Medical centre', 'Agriculture', 'Bed and breakfast', 'Night club', 'Hotel', 'Retail', 'Accommodation', , 'Place of assembly', 'Restaurant', 'Earth and energy resources' and 'Stone extraction', 'Materials recycling', and 'Transfer Stations'. Review Land Use Terms to investigate removing terms within the land use table that do not have definitions as is consistent with Clause 71.

45	Land use terms	Review Land Use Terms having regard to the following:	<u>Agree</u>
		Investigate how the VPP treats commercial battery storage facilities both as stand-alone facilities and those collocated with energy generation projects, including whether new or revised definitions are required and in which zones they are appropriate.	
46	Nesting diagrams	Review Nesting Diagrams having regard to the following:	<u>Agree</u>
		Shift 'Cinema Based Entertainment Facility' from un-nested to within the 'Place of Assembly' group.	
47	Incorporated documents	Review Incorporated Documents having regard to the following:	<u>Agree</u>
		Examine whether a standard template can be adopted to ensure consistency across documents.	
		Address the use of Australian Standards (fee payable for access), moving away from incorporating documents that are not free to access	
		Review the usefulness of each incorporated document including whether extracts should be	

<p>48</p> <p>Practice notes</p>	<p>taken from particularly large documents</p> <p>Remove obsolete and outdated documents</p> <p>Replace document references with updated versions where available.</p> <p>Review Planning Practice Notes having regard to the following:</p> <p>Repackaging the extent of practice notes to make them easier to navigate. This includes introducing a new VPP manual to support planning authorities (and repositioning appropriate practice notes focused on implementing and writing provisions into the manual)</p> <p>Create a new Practice Note addressing advertising sign provisions, in particular outlining a mechanism by which councils can address concerns about the safety impact of signs on or near state-controlled roads where VicRoads is not a referral authority</p> <p>Update Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes - to reflect the circumstances when mandatory provisions should be applied.</p>	<p><u>Agree subject to the below comments:</u></p> <p>Prior to any State-wide change to the planning scheme, Practice Notes (where relevant) must be updated at the same time, in order to give Councils appropriate direction in applying the new zones or changes to the zones. Council are still awaiting the updated Practice Notes following the gazettal of Amendment VC110, which reformed the residential zones in March 2017.</p>
<p>49</p> <p>Technology and availability of documents</p>	<p>Review planning systems having regard to the</p>	<p><u>Agree subject to the below comments:</u></p>

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Section 173 agreements

following:

Review processes for accessing planning applications and update Planning Practice Note 74 - Availability of planning documents - to encourage councils to make documents relating to permit applications available freely online via their website

Provide a plain text version of planning schemes on 'Planning Schemes Online to allow convenient 'copy and paste' into reports, or deliver through HTML using PSIMS.

Review Section 173 agreements having regard to the following:

Their role in the planning system and whether they are overused including in local schedules The benefits of creating a standard agreement template that would only require minimal amendments for most purposes.

Planning schemes should be made more artificially intelligent and include GIS and mapping technology whenever feasible. Standardised population profiles can be included from the ABS for most key statistical measures

Additional support will be required to enable a standardised approach.

An improved, supported process will be required to enable prompt updates of documents.

Unsure:

Council is interested in knowing what types of agreements are being considered here. Darebin uses Section 173 agreements for a wide variety of issues which are unlikely to have the ability to be easily translated into a standard template.

Darebin would appreciate the opportunity to participate in further consultation regarding the specific details relating to the proposed standard section 173 agreements.

