

# Overview of VicSmart and Amendment VC135 Changes <sup>1</sup>

## 1. Introduction of VicSmart (VC114, 2014)

- a) VicSmart is a State-level planning permit application assessment process, designed to expedite approvals for specified 'small-scale and straightforward' planning permit applications by:
  - i. Exempting [extinguishing] third party rights to notice, objection and review at VCAT for all development types declared to be VicSmart applications.
  - ii. Excluding councillors, and delegating decisions to a Council's CEO <sup>2</sup>, to be made within 10 business days.
- b) Ministerial Amendment VC114 introduced VicSmart State-wide on 19/9/2014 as Clauses 90 – 95 in all planning schemes - following consultation and submissions in 2013 - underpinned by 2013 changes to the Planning and Environment by the *VicSmart Planning Assessment Act* (53/2012).
- c) Amendment VC114 applied new VicSmart processes to various low-key development types in 13 zones, 8 overlays and 3 particular provisions. <sup>3</sup>
- d) VC114 VicSmart applications included, amongst other things, buildings and works valued at up to \$50,000 in affected zones (Mixed Use Zone only in residential zones), and waiver of up to 5 car spaces.

## 2. VicSmart Application Assessment Processes: Clause 91

Additional to 1 (a) above, VicSmart processes at Clause 91 also:

- a) Exempt VicSmart applications from requirements at Section 60 (1) b c e f, and (1A) b to h and j of the *Planning and Environment Act*. VicSmart applications:
  - i. May only be assessed against a planning scheme [60 (1) a]; referral authority comments [60 (1) d]; and Section 173 agreements [60 (1A) i].
  - ii. May not be assessed against, for example:
    - Objectives of planning in Victoria;
    - State environment protection policies [SEPPs];
    - Adopted strategic plans, policy statements, codes or guidelines;
    - Planning scheme amendments adopted by a council but not yet in the planning scheme; or
    - Effects on the environment.

**Appendix A** shows Section 60 (1) and (1A) as it applies to VicSmart applications.

- b) Exempt VicSmart applications from assessment against a planning scheme's:
  - i. State Planning Policy Framework [SPPF – including *Localised Planning Statements*];
  - ii. Local Planning Policy Framework [LPPF – including *MSS and local policy*];
  - iii. Decision guidelines in zones and overlays; and
  - iv. Planning scheme Clause 65 Decision Guidelines.

unless VicSmart provisions at Clause 93 specifically require any part of these to be considered.

**Appendix B** shows the extent of Clause 93 requirements for consideration of State and Local policy in planning schemes in VicSmart applications.

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<sup>1</sup> Collated by Macedon Ranges Residents' Association Inc, 29 April 2017

<sup>2</sup> At Clause 61.01 of planning schemes. Authorised by 2013 changes to the *Planning and Environment Act* by the *VicSmart Planning Assessment Act* (53/2012).

<sup>3</sup> *Zones*: Low Density Residential, Township, Mixed Use, Residential Growth, General Residential and Neighbourhood Residential; Commercial 1 and Commercial 2; Industrial 1, Industrial 2, Industrial 3; Capital City; and Docklands. *Overlays*: Design and Development, Environmental Significance, Heritage, Neighbourhood Character, Parking, Significant Landscape, Special Building and Vegetation Protection. *Particular Provisions*: Advertising Signs, Car Parking, Loading and Unloading of Vehicles.

- c) Require VicSmart applications to be assessed only against the *Information Requirements and Decision Guidelines* in VicSmart provisions at Clause 93, and allow:
  - i. VicSmart *Information Requirements* to be waived or reduced.
  - ii. VicSmart *Decision Guidelines* to be deemed not relevant to an application.
- d) Specify that VicSmart Clauses 90 – 95 prevail in any conflicts with any other part of a planning scheme.

### 3. Introduction of VC135 VicSmart Changes (27 March 2017)

The *Minister's Reasons for Intervention*<sup>4</sup> (i.e. amendment without public notice and consultation) state:

- a) Only targetted engagement with councils and industry groups, “to investigate extension opportunities”, occurred in December 2016 (Paragraph 13).
- b) Third parties (whose rights are extinguished by VC135) were not consulted or informed of VC135 changes (Paragraph 13).
- c) The effects of VC135’s increased exemption of third party notice and review rights will be limited in light of existing planning scheme exemptions from notice and review, except rural zones which otherwise have no exemptions (Paragraph 17).
- d) Changes allow investment decisions to be made with greater confidence, and reduced costs to the applicant (Paragraph 18).
- e) VicSmart applications are “low impact”, and “straightforward” and “simple” (Paragraphs 18 and 21c).

### 4. VC135 VicSmart Changes

- a) Significantly expand VicSmart applications, adding another 10 zones<sup>5</sup> (now 23 total), and 2 overlays<sup>6</sup> (now 10 total).
- b) Extend VicSmart’s reach to controversial and major planning applications, including dwellings and sheds in rural zones.
- c) Expand the development types that are exempted from notice and review.<sup>7</sup>
- d) Apply excessive values for VicSmart buildings and works exemptions:
  - Industrial zones: *increased from \$50,000 to \$1 million*;
  - Commercial, Capital City, and Docklands zones: *increased from \$50,000 to \$500,000*;
  - Farming, Rural Activity, Comprehensive Development, Priority Development, Activity Centre and Special Use zones: *introduced at \$500,000*; and
  - Rural Living, Rural Conservation and Green Wedge zones: *introduced at \$250,000*.

**Appendix C** summarises VC135 changes.

**Appendix D** details VicSmart with VC135 changes expanding affected development types, zones, overlays and exemptions.

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<sup>4</sup> Included in VC135 amendment approval documentation, DELWP website.

<sup>5</sup> VC135 adds Rural Living, Green Wedge, Green Wedge A, Rural Conservation, Farming, Rural Activity, Special Use, Comprehensive Development, Priority Development and Activity Centre zones to VicSmart.

<sup>6</sup> VC135 adds Erosion Management and Salinity Management overlays to VicSmart.

<sup>7</sup> For example, VicSmart originally exempted only “fence” in a Design and Development overlay. Post-VC135, it also exempts subdivision, and buildings and works (up to \$1 million value), in a DDO.

## 5. VicSmart Exemptions From Third Party Notice and Review

- a) VC135 substantially expands VicSmart exemptions from notice and review, removing third party rights well beyond current exemptions in planning schemes, including:
  - i. 8 zones and 4 overlays that have no planning scheme exemptions at all.<sup>8</sup>
  - ii. Other zones and overlays that have no exemptions unless specified in a zone or overlay schedule.<sup>9</sup>
  - iii. Zones where applications are exempt only if generally in accord with an Incorporated or approved plan: VicSmart first exempts (subdivision, and buildings and works up to \$500,000), then requires Plans to be considered.<sup>10</sup>
  - iv. Removal of all “within 30 metres” third party rights for subdivision, and buildings and works, except buildings and works within 30 metres of a residential zone.
- b) Applicants retain their rights to review at VCAT (i.e. to challenge permit refusals or conditions).

**Appendix D** shows all VicSmart applications with VC135 changes, and compares VicSmart VC135 exemptions from notice and review with current planning scheme exemptions

## 6. VC114 Assessment Processes Retained for VC135 Expansion

- a) Despite its significantly increased reach, value and complexity, VC135 retains 2014 VicSmart assessment processes, originally designed to apply to fewer, smaller and less complex applications. These:
  - i. Exclude councillors and community, allowing only a CEO to know about and make decisions on VicSmart applications (up to \$1 million value) within 10 business days.<sup>11</sup>
  - ii. Prohibit consideration of normal Planning and Environment Act requirements (Section 60), and State and Local policy.
  - iii. Designate responsibility for obtaining referral authority comment to the applicant.
  - iv. Do not include reporting or justification requirements for VicSmart decisions.
  - v. Advisory Note 55, introduced in 2014 with VC114 VicSmart, remains in place for VC135 changes.

## 7. Additional “Simplification” Changes Are Planned

- a) A further Ministerial amendment is imminent to expand development types and introduce additional exemptions in residential zones (previously proposed to be exemptions of up to \$100,000 value for buildings and works not associated with a dwelling, and single storey extension to single dwellings). Like VC135, no consultation with third parties is known to have occurred.
- b) Additional to VicSmart changes, the government’s “Smart Planning” program is also flagging changes to amendment processes, planning schemes and the planning system, to further ‘simplify’ and ‘modernise’ planning in Victoria.

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<sup>8</sup> *Zones:* Low Density Residential, Township, Rural Living, Green Wedge, Green Wedge A, Rural Conservation, Farming, and Rural Activity. *Overlays:* Environmental Significance, Parking, Significant Landscape and Vegetation Protection.

<sup>9</sup> Special Use, Comprehensive Development, Capital City, Docklands zones; Design and Development overlay

<sup>10</sup> Comprehensive Development and Priority Development zones

<sup>11</sup> The Victorian Auditor-General’s Report (October 2005) “Community Planning Services in Glenelg Shire 1998 – 2005 ” provides useful insight into issues associated with planning decisions made by a sole decision-maker, poor planning practices, short approval times and inadequate transparency and accountability.

## 8. Consequences of VC135 In A Macedon Ranges' Context

With processes to provide Macedon Ranges Shire with legislative and policy protection (MRPAC) well underway, and recognition of Macedon Ranges at Clause 11.05-2 of the State Planning Policy Framework as a “distinctive area of state significance”, the consequences of VC135 processes, provisions and exemptions are unacceptable.

For example, VicSmart:

- a) Is expanded by VC135 to include types and a scale of development historically acknowledged as threats to Macedon Ranges' environment and significance, including dwellings and large scale development (including recreational and commercial development) in rural zones, and sheds in Significant Landscape Overlays.
- b) Requires quick decisions to be made on these and other potentially damaging developments by a CEO alone, within 10 days, without *any* requirements at VicSmart Clause 93.13 *Buildings and works in a rural zone*<sup>12</sup> to consider *any* zone or overlay requirements or *any* state or local planning policies – including the Localised Planning Statement being prepared to provide State-level policy protection for the Shire.
- c) Allows 10 day decisions, without third party rights for buildings and works applications:
  - i. Up to \$1 million in Industrial zones (including industrial zones in small settlements like Tylden, Riddells Creek, Woodend, Lancefield);
  - ii. Up to \$500,000 in commercial zones (including small commercial zones at Macedon, Malmsbury, Tylden, Riddells Creek);
  - iii. Up to \$500,000 in Special Use zones (which include private schools, racecourses, private golf courses and the new SUZ7 equine precinct at Kyneton);
  - iv. Up to \$500,000 in Farming zones (as applied to northern potable water catchments and high quality soils);
  - v. Up to \$250,000 in Rural Living zones, and in Rural Conservation zones applied to the Shire's most environmentally and visually sensitive areas.
- d) Excludes councillors and community from decision-making processes, third party rights to notice and review and allows decisions to be made without transparency or accountability.

VicSmart<sup>13</sup> is considered completely out of alignment not only with Statement of Planning Policy No. 8 and community expectations for protection and process, but also with Macedon Ranges Protection Advisory Committee recommendations, and to make those recommended outcomes unachievable.

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<sup>12</sup> New Clause 93.13 (Buildings and works in rural zones) does not include any requirements for any other part of a planning scheme to be considered, including zone and overlay requirements, and Localised Planning Statements. *See Appendix B.*

<sup>13</sup> And also Plan Melbourne's 2017 designation of Kyneton and Gisborne as peri-urban regional growth centres

**Section 60 requirements of the Planning and Environment Act  
extinguished by VicSmart**

(1) Before deciding on an application, the responsible authority must consider—

- a) **the relevant planning scheme; and**
- ~~b) the objectives of planning in Victoria; and~~
- ~~c) all objections and other submissions which it has received and which have not been withdrawn; and~~
- d) **any decision and comments of a referral authority which it has received; and**
- ~~e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and~~
- ~~f) any significant social effects and economic effects which the responsible authority considers the use or development may have.~~

(1A) Before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider—

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- ~~b) the approved regional strategy plan under Part 3A [i.e. Upper Yarra Valley And Dandenong Ranges—Regional Strategy Plan]; and~~
- ~~c) any amendment to the approved regional strategy plan under Part 3A adopted under this Act but not, as at the date on which the application is considered, approved by the Minister; and~~
- ~~d) the approved strategy plan under Part 3C; and~~
- ~~e) any amendment to the approved strategy plan under Part 3C adopted under this Act but not, as at the date on which the application is considered, approved by the Minister; and~~
- ~~ea) the approved strategy plan under Part 3D; and~~
- ~~eb) any amendment to the approved strategy plan under Part 3D adopted under this Act but not, as at the date on which the application is considered, approved by the Minister; and~~
- ~~f) any relevant State environment protection policy declared in any Order made by the Governor in Council under section 16 of the Environment Protection Act 1970 ; and~~
- ~~g) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council; and~~
- ~~h) any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the Minister or a planning authority; and~~
- i) **any agreement made pursuant to section 173 affecting the land the subject of the application; and**
- j) ~~any other relevant matter.~~



**VicSmart Clause 93 requirements  
for assessment of VicSmart applications against the planning scheme and Act**

Registered restrictive covenants are included in *Information Requirements* at all clauses

Clause	Type of application	VC135 VicSmart Provisions <i>Information Requirements</i> <i>How an application responds to:</i>	VC135 VicSmart Provisions <i>Decision Guidelines</i> <i>How an application responds to:</i>
93.01	<b>Realign common boundary between two lots</b> ( <i>amended by VC135</i> )	<ul style="list-style-type: none"> <li>Residential zone: Clause 56, Standard C8.</li> <li>Statement of significance, objectives or requirements in a schedule to an overlay.</li> </ul>	<ul style="list-style-type: none"> <li>Residential Zone: Clause 56.04-2.</li> <li>Overlay: Statement of significance, objectives or requirements in schedule to overlay.</li> </ul>
93.02	<b>Subdivision of Buildings and Car Parking Spaces</b> ( <i>amended by VC135</i> )	<ul style="list-style-type: none"> <li><i>Unsewered</i>: State environment protection policy (SEPP) Waters of Victoria.</li> <li>Statement of significance, objectives or requirements in a schedule to an overlay.</li> </ul>	<ul style="list-style-type: none"> <li>Clause 52.01: public open space contribution.</li> <li>Statement of significance, objectives or requirements in schedule to overlay.</li> </ul>
93.03	<b>Front Fence in a Residential Zone</b> ( <i>Unchanged from VC114</i> )		<ul style="list-style-type: none"> <li>Any relevant neighbourhood character objective or policy set out in the [planning] scheme.</li> </ul>
93.04	<b>Buildings and works in a zone (except a rural zone)</b> ( <i>amended by VC135</i> )	<ul style="list-style-type: none"> <li>Clause 52.06 or schedule to Clause 45.09 (Parking).</li> <li>Clause 52.07 (Loading).</li> <li>Any development requirement specified in the zone or schedule to the zone.</li> <li>Any relevant requirement in an approved development plan or incorporated plan.</li> <li>Any other information specified in the schedule to the zone.</li> </ul>	<ul style="list-style-type: none"> <li>Clause 52.06.</li> <li>Clause 52.07.</li> <li>Any relevant urban design and built form policy set out in the scheme.</li> <li>Any relevant requirements specified in the zone or zone schedule.</li> <li>The objectives set out in the schedule to the zone.</li> <li>Any relevant approved development plan or incorporated plan.</li> <li>Maximum building height specified in the zone schedule.</li> </ul>
93.05	<b>Buildings and Works in an Overlay</b> ( <i>amended by VC135</i> )		
	<b>All overlays affected by VicSmart</b>		<ul style="list-style-type: none"> <li>Statement of significance and objectives in the schedule to the overlay.</li> <li>Any requirements specified in the overlay or schedule to the overlay.</li> <li>Any relevant decision guideline specified in the overlay and schedule to the overlay.</li> </ul>
	<b>Additional requirements</b>		
	<i>Design &amp; Development</i>	<ul style="list-style-type: none"> <li>Design objectives specified in a schedule to the overlay.</li> <li>Requirements specified in in a schedule to the overlay.</li> </ul>	

## Appendix B

Clause	Type of application	VC135 VicSmart Provisions <b>Information Requirements</b> <i>How an application responds to:</i>	VC135 VicSmart Provisions <b>Decision Guidelines</b> <i>How an application responds to:</i>
	<i>Neighbourhood Character</i>	<ul style="list-style-type: none"> <li>Key features and objectives specified in the schedule to the overlay.</li> <li>Clause 54 (various) and ResCode variations in a zone schedule.</li> </ul>	<ul style="list-style-type: none"> <li>Relevant objectives, standards and decision guidelines of Clause 54.</li> </ul>
	<i>Salinity Management</i>	<ul style="list-style-type: none"> <li>Referral authority conditions (if any).</li> </ul>	<ul style="list-style-type: none"> <li>Any comments from Referral authority.</li> </ul>
93.06	<b>Remove, Destroy or Lop a Tree</b> ( <i>Unchanged from VC114</i> )		<ul style="list-style-type: none"> <li>The statement of significance and the objectives contained in the schedule to the overlay.</li> <li>Any relevant decision guideline specified in the overlay or the schedule to the overlay.</li> </ul>
93.07	<b>Applications under a Heritage Overlay</b> ( <i>Unchanged from VC114</i> )	<ul style="list-style-type: none"> <li>Any relevant local heritage policy set out in the scheme.</li> </ul>	<ul style="list-style-type: none"> <li>Any relevant statement of significance, heritage study and any applicable conservation policy.</li> <li>Any relevant local heritage policy set out in the scheme.</li> </ul>
93.08	<b>Applications under a Special Building Overlay</b> ( <i>Unchanged from VC114</i> )	<ul style="list-style-type: none"> <li>Floodplain authority referral responses.</li> </ul>	<ul style="list-style-type: none"> <li>Clauses 13.01 and 13.02 of the State Planning Policy Framework.</li> <li>Any local floodplain development plan for the area incorporated in the scheme.</li> <li>Any comments from the Referral Authority</li> </ul>
93.09	<b>Advertising sign</b> ( <i>Unchanged from VC114</i> )		<ul style="list-style-type: none"> <li>Any relevant local advertising policy set out in the scheme.</li> </ul>
93.10	<b>Car Parking</b> ( <i>amended by VC135</i> )	<ul style="list-style-type: none"> <li>Car spaces required under Clause 52.06 or a schedule to the Parking Overlay.</li> </ul>	<ul style="list-style-type: none"> <li>Car parking requirements in any relevant local planning policy or incorporated plan.</li> <li>The objectives contained in the schedule to the Parking overlay.</li> <li>A Special Charge Scheme of cash-in-lieu policy.</li> <li>Design standards of Clause 52.06.</li> <li>Any relevant decision guidelines specified in a schedule to the Parking overlay.</li> </ul>
93.11	<b>Loading and Unloading Facilities</b> ( <i>Unchanged from VC114</i> )		<ul style="list-style-type: none"> <li>Any relevant incorporated plan or development plan.</li> </ul>
93.12	<b><u>Two Lot Subdivision in a Rural Zone</u></b> ( <i>New in VC135</i> )		<ul style="list-style-type: none"> <li><a href="#">Any Regional Catchment Strategy.</a></li> <li><a href="#">If in an overlay, the statement of significance and objectives in the overlay schedule.</a></li> <li><a href="#">Any public open space contribution under Clause 52.01 of this scheme.</a></li> </ul>
93.13	<b><u>Buildings and Works in a Rural Zone</u></b> <sup>14</sup> ( <i>New in VC135</i> )		<ul style="list-style-type: none"> <li><a href="#">Any Regional Catchment Strategy.</a></li> </ul>

<sup>14</sup> Clause 93.13, Buildings and works in rural zones, does not include any planning scheme requirements. Compare with requirements at Clause 93.04 Buildings and works (except in a rural zone).



## Appendix C

### Summary of Original VicSmart applications (2014), with VC135 changes (2017)

	VC114 Included?	VC135 Included / Changed?	VC114 Subdivision / Buildings & Works?	VC135 Subdivision / Buildings & Works?	VC114 Buildings & Works / Value	VC135 Buildings & Works / Value
<b>Zones</b>						
Residential	Yes	No change *	Yes	Same	\$50,000 **	\$50,000 **
Commercial	Yes	Changed	Yes	Change	\$50,000	\$500,000
Industrial	Yes	Changed	Yes	Change	\$50,000	\$1,000,000
Capital City	Yes	Changed	Yes	Change	\$50,000	\$500,000
Docklands	Yes	Changed	Yes	Change	\$50,000	\$500,000
Rural	No	New	-	Yes	-	\$250,000 - \$500,000
Special Use	No	New	-	Yes	-	\$500,000
Comprehensive Development	No	New	-	Yes	-	\$500,000
Priority Development	No	New	-	Yes	-	\$500,000
Activity Centre	No	New	-	Yes	-	\$500,000
<b>Overlays</b>						
Design and Development	Yes	Significant expansion	Fence	Subdivision Buildings and Works Fence	-	Yes \$500,000 - \$1,000,000
Environmental Significance	Yes	Significant expansion	Fence 1 tree	Subdivision Buildings and Works Fence, 1 tree		
Erosion Mgt #	No	New	-	All	All	All
Heritage	Yes	No change	Yes	Same	-	-
Parking	Yes	Reduce car spaces by <u>5</u> <u>10</u>	No	No	-	-
Neighbourhood Character	Yes	Expansion	1 tree	Building & Works 1 tree	-	-
Salinity Mgt #	No	New	-	All	All	All
Significant Landscape	Yes	Expansion	Fence, 1 tree	Buildings and Works Fence , 1 tree	-	-
Special Building #	Yes	No change	All	All	All	All
Vegetation Protection	Yes	No change	1 tree	Same	-	-
<b>Particular Provisions</b>						
Advertising Sign	Yes	Zones added				
Car Parking	Yes	Reduce car spaces by <u>5</u> <u>10</u>				
Loading/Unloading	Yes	No change				

\* Changes to residential zones were not included in VC135. A further Ministerial amendment changing VicSmart in residential zones is imminent.

\*\* Mixed Use Zone only

# Land management overlays where all applications are already exempt from notice and review – VicSmart expedites decisions.



**VicSmart with VC135 Changes, and  
VicSmart and Existing Planning Scheme Notice and Review Exemptions**

**Bold, Blue, Underlined** = Text added / changed in VC135    **Bold, Red, Strikethrough** = Text deleted by VC135

<b>ZONES Clause 92.03</b>	<b>VicSmart Exemptions: Subdivision</b>	<b>VicSmart Exemptions: Buildings and Works</b>	<b>VicSmart Exemptions: Other</b>	<b>Existing Planning Scheme Exemptions (with relevant clause)</b>
<b>RESIDENTIAL ZONES</b> <sup>15</sup>				
LDRZ ! <i>Low Density Residential</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> </ul>	-	-	No exemptions. 32.03
MUZ <i>Mixed Use</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	<ul style="list-style-type: none"> <li>• Up to \$50,000:</li> <li>• Not within 30m of another residential zone</li> <li>• Not associated with dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Fence, if 2+ dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• Subdivision</li> <li>• Other applications <i>may be specified in schedule #</i> 32.04-12</li> </ul>
TZ ! <i>Township</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	-	<ul style="list-style-type: none"> <li>• Fence, if 1 dwelling</li> <li>• Fence, if 2+ dwellings</li> </ul>	No exemptions. 32.05
RGZ <i>Residential Growth</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	-	<ul style="list-style-type: none"> <li>• Fence, if 2+ dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• Subdivision 32.07-11</li> </ul>
GRZ ! <i>General Residential</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	-	<ul style="list-style-type: none"> <li>• Fence, if 1 dwelling</li> <li>• Fence, if 2+ dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• Lots w/building, car spaces 32.08-11</li> </ul>
NRZ !! <i>Neighbourhood Residential</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	-	<ul style="list-style-type: none"> <li>• Fence, if 1 dwelling</li> <li>• Fence, if 2+ dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• Lots w/building, car spaces 32.09-11</li> </ul>
<b>INDUSTRIAL ZONES</b>				
IN1 ! <i>Industrial 1</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	<ul style="list-style-type: none"> <li>• Up to <del>\$50,000</del> <b>\$1,000,000</b>:</li> <li>• Not within 30 metres of residential zone</li> <li>• Not 52.10</li> <li>• <b><u>Not used for brothel/adult sex bookshop</u></b></li> </ul>	-	<ul style="list-style-type: none"> <li>• Subdivision 33.01-3</li> <li>• Buildings and works 33.01-4</li> <li><b><u>Both above:</u></b> – Exempt except within 30m residential zone, sensitive uses and PAO ***</li> </ul>

<sup>15</sup> Residential zones were not changed in VC135. A further amendment is pending, likely for \$100,000 buildings and works (not associated with a dwelling) and single storey extension to single dwellings.

ZONES <i>Clause 92.03</i>	VicSmart Exemptions: Subdivision	VicSmart Exemptions: Buildings and Works	VicSmart Exemptions: Other	Existing Planning Scheme Exemptions (with relevant clause)
IN2 ! <i>Industrial 2</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	<ul style="list-style-type: none"> <li>• Up to <del>50,000</del> \$1,000,000:</li> <li>• <i>Not within 30 metres of residential zone</i></li> <li>• <i>Not 52.10</i></li> <li>• <u>Not used for brothel/adult sex bookshop</u></li> </ul>	-	<ul style="list-style-type: none"> <li>• Subdivision 33.02-3</li> <li>• Buildings and works 33.02-4</li> </ul> <p><u>Both above:</u></p> <p>– Exempt except within 30m residential zone, sensitive uses and PAO ***</p> <ul style="list-style-type: none"> <li>• Use of Land 33.02-2</li> <li>– Exempt except within 30m residential, Capital City or Docklands zones, sensitive uses and PAO ***</li> </ul>
IN3 ! <i>Industrial 3</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	<ul style="list-style-type: none"> <li>• Up to \$50,000 \$1,000,000:</li> <li>• <i>Not within 30 metres of residential zone</i></li> <li>• <i>Not 52.10</i></li> <li>• <u>Not used for brothel/adult sex bookshop</u></li> </ul>	-	<ul style="list-style-type: none"> <li>• Subdivision 33.03-3</li> <li>– Exempt except within 30m residential zone, sensitive uses and PAO ***</li> </ul>
<b>COMMERCIAL ZONES</b>				
C1 ! <i>Commercial 1</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	<ul style="list-style-type: none"> <li>• Up to <del>50,000</del> \$500,000:</li> <li>• <i>Not within 30 metres of residential zone</i></li> <li>• <i>Not 52.10</i></li> <li>• <u>Not used for brothel/adult sex bookshop</u></li> </ul>	-	<ul style="list-style-type: none"> <li>• Subdivision</li> <li>• Buildings and works</li> </ul> <p><u>Both above:</u></p> <p>– Exempt except within 30m residential zone, sensitive uses and PAO ***</p> <p>34.01-7</p>
C2 ! <i>Commercial 2</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots *</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	<ul style="list-style-type: none"> <li>• Up to <del>50,000</del> \$500,000:</li> <li>• <i>Not within 30 metres of residential zone</i></li> <li>• <i>Not 52.10</i></li> <li>• <u>Not used for brothel/adult sex bookshop</u></li> </ul>	-	<ul style="list-style-type: none"> <li>• Subdivision</li> <li>• Buildings and works</li> </ul> <p><u>Both above:</u></p> <p>– Exempt except within 30m residential zone, sensitive uses and PAO ***</p> <p>34.02-6</p>
<b>RURAL ZONES</b>				
<u>RLZ</u> ! <i>Rural Living</i>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u></li> <li>• <u>Area specified in zone/schedule</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> <li>• <u>2 lots:</u></li> <li>• <u>Minimum area in zone/schedule</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Up to \$250,000:</u></li> <li>• <u>Not animal keeping, intensive animal husbandry, rural industry</u></li> <li>• <u>Not within 30 metres of residential zone</u></li> <li>• <u>Not earthworks in schedule</u></li> </ul>	-	No exemptions. 35.03

ZONES <i>Clause 92.03</i>	VicSmart Exemptions: Subdivision	VicSmart Exemptions: Buildings and Works	VicSmart Exemptions: Other	Existing Planning Scheme Exemptions (with relevant clause)
<u>GWZ</u> <u>Green Wedge</u>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Area specified in zone/schedule</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> </ul> </li> <li>• <u>2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Minimum area in zone/schedule</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Up to \$250,000:</u> <ul style="list-style-type: none"> <li>• <u>Not animal keeping, intensive animal husbandry, rural industry</u></li> <li>• <u>Not within 30 metres of residential zone</u></li> <li>• <u>Not earthworks in schedule</u></li> </ul> </li> </ul>	-	No exemptions. 35.04
<u>GWAZ</u> <u>Green Wedge A</u>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Area specified in zone/schedule</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> </ul> </li> <li>• <u>2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Minimum area in zone/schedule</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Up to \$250,000:</u> <ul style="list-style-type: none"> <li>• <u>Not animal keeping, intensive animal husbandry, rural industry</u></li> <li>• <u>Not within 30 metres of residential zone</u></li> <li>• <u>Not earthworks in schedule</u></li> </ul> </li> </ul>	-	No exemptions. 35.05
<u>RCZ !</u> <u>Rural Conservation</u>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Area specified in zone/schedule</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> </ul> </li> <li>• <u>2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Minimum area in zone/schedule</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Up to \$250,000:</u> <ul style="list-style-type: none"> <li>• <u>Not animal keeping, intensive animal husbandry, rural industry</u></li> <li>• <u>Not within 30 metres of residential zone</u></li> <li>• <u>Not earthworks in schedule</u></li> </ul> </li> </ul>	-	No exemptions. 35.06
<u>FZ !</u> <u>Farming</u>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Area specified in zone/schedule</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> </ul> </li> <li>• <u>2 lots:</u> <ul style="list-style-type: none"> <li>• <u>Minimum area in zone/schedule</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <u>Section 1 uses up to \$500,000:</u> <ul style="list-style-type: none"> <li>• <u>Not earthworks in schedule</u></li> </ul> </li> <li>• <u>Section 2 uses up to \$ 500,000:</u> <ul style="list-style-type: none"> <li>• <u>Not animal keeping, intensive animal husbandry, rural industry</u></li> <li>• <u>Not within 30 metres of residential zone</u></li> <li>• <u>Not earthworks in schedule</u></li> </ul> </li> </ul>	-	No exemptions. 35.07

ZONES Clause 92.03	VicSmart Exemptions: Subdivision	VicSmart Exemptions: Buildings and Works	VicSmart Exemptions: Other	Existing Planning Scheme Exemptions (with relevant clause)
<a href="#">RAZ</a> <a href="#">Rural Activity</a>	<ul style="list-style-type: none"> <li>• <a href="#">Realign 2 lots:</a> <ul style="list-style-type: none"> <li>• <a href="#">Area specified in zone/schedule</a></li> <li>• <a href="#">Area reduced less than 15%</a></li> <li>• <a href="#">Boundary direction not changed</a></li> </ul> </li> <li>• <a href="#">2 lots:</a> <ul style="list-style-type: none"> <li>• <a href="#">Minimum area in zone/schedule</a></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Section 1 uses up to \$500,000:</a> <ul style="list-style-type: none"> <li>• <a href="#">Not earthworks in schedule</a></li> </ul> </li> <li>• <a href="#">Section 2 uses up to \$ 500,000:</a> <ul style="list-style-type: none"> <li>• <a href="#">Not animal keeping, intensive animal husbandry, rural industry</a></li> <li>• <a href="#">Not within 30 metres of residential zone</a></li> <li>• <a href="#">Not earthworks in schedule</a></li> </ul> </li> </ul>	-	No exemptions. 35.08
<b>OTHER ZONES</b>				
<a href="#">SUZ !</a> <a href="#">Special Use</a>	<ul style="list-style-type: none"> <li>• <a href="#">Realign 2 lots:</a> <ul style="list-style-type: none"> <li>• <a href="#">Area reduced less than 15%</a></li> <li>• <a href="#">Boundary direction not changed</a></li> </ul> </li> <li>• <a href="#">Lots w/building, car spaces</a></li> <li>• <a href="#">2 lots – not create vacant lot **</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Up to \$500,000:</a> <ul style="list-style-type: none"> <li>• <a href="#">Not within 30 metres of residential zone</a></li> </ul> </li> <li>• <a href="#">Not 52.10</a></li> </ul>	-	<ul style="list-style-type: none"> <li>• Use 37.01-2</li> <li>• Subdivision 37.01-3</li> <li>• Buildings and works 37.01-4</li> </ul> <p>All above: No exemptions. <a href="#">May be specified in zone schedule.</a> #</p>
<a href="#">CDZ</a> <a href="#">Comprehensive Development</a>	<ul style="list-style-type: none"> <li>• <a href="#">Realign 2 lots:</a> <ul style="list-style-type: none"> <li>• <a href="#">Area reduced less than 15%</a></li> <li>• <a href="#">Boundary direction not changed</a></li> </ul> </li> <li>• <a href="#">Lots w/building, car spaces</a></li> <li>• <a href="#">2 lots – not create vacant lot **</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Up to \$500,000:</a> <ul style="list-style-type: none"> <li>• <a href="#">Not within 30 metres of residential zone</a></li> </ul> </li> <li>• <a href="#">Not 52.10</a></li> </ul>	-	<ul style="list-style-type: none"> <li>• Use 37.02-2</li> <li>• Subdivision 37.02-3</li> </ul> <p>Both above: No exemptions. <a href="#">May be specified in zone schedule.</a> #</p> <ul style="list-style-type: none"> <li>• Buildings and works 37.02-4</li> </ul> <p>– Exempt if generally consistent with Comprehensive Development Plan.^ – Other applications <a href="#">may be specified in zone schedule.</a> #</p>
CCZ <i>Capital City</i>	<ul style="list-style-type: none"> <li>• <a href="#">Realign 2 lots:</a> <ul style="list-style-type: none"> <li>• <a href="#">Area reduced less than 15%</a></li> <li>• <a href="#">Boundary direction not changed</a></li> </ul> </li> <li>• <a href="#">Lots w/building, car spaces</a></li> <li>• <a href="#">2 lots – not create vacant lot **</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Up to <del>\$50,000</del> \$500,000:</a> <ul style="list-style-type: none"> <li>• <a href="#">Not 52.10</a></li> </ul> </li> </ul>	-	<ul style="list-style-type: none"> <li>• Use 37.04-2</li> <li>• Subdivision 37.04-3</li> <li>• Buildings and works 37.04-4</li> <li>• Advertising signs 37.04-5</li> </ul> <p>All above: No exemptions. <a href="#">May be specified in zone schedule.</a> #</p>
DZ <i>Docklands</i>	<ul style="list-style-type: none"> <li>• <a href="#">Realign 2 lots:</a> <ul style="list-style-type: none"> <li>• <a href="#">Area reduced less than 15%</a></li> <li>• <a href="#">Boundary direction not changed</a></li> </ul> </li> <li>• <a href="#">Lots w/building, car spaces</a></li> <li>• <a href="#">2 lots – not create vacant lot **</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Up to <del>\$50,000</del> \$500,000:</a> <ul style="list-style-type: none"> <li>• <a href="#">Not 52.10</a></li> </ul> </li> </ul>	-	<ul style="list-style-type: none"> <li>• Use 37.05-2</li> <li>• Subdivision 37.05-3</li> <li>• Buildings and works 37.05-4</li> </ul> <p>All above: No exemptions. <a href="#">May be specified in zone schedule.</a> #</p>

ZONES <i>Clause 92.03</i>	VicSmart Exemptions: Subdivision	VicSmart Exemptions: Buildings and Works	VicSmart Exemptions: Other	Existing Planning Scheme Exemptions (with relevant clause)
<p><u>PDZ</u> <u>Priority</u> <u>Development</u></p>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> <li>• <u>Lots w/building, car spaces</u></li> <li>• <u>2 lots – not create vacant lot **</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Up to \$500,000:</u></li> <li>• <u>Not within 30 metres of residential zone</u></li> <li>• <u>Not 52.10</u></li> </ul>	<p style="text-align: center;">-</p>	<ul style="list-style-type: none"> <li>• All applications</li> <li>– Exempt if in accordance with Incorporated Plan ^, <u>unless otherwise specified in zone schedule. ##</u></li> </ul> <p>37.06-6</p>
<p><u>ACZ</u> <u>Activity Centre</u></p>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> <li>• <u>Lots w/building, car spaces</u></li> <li>• <u>2 lots – not create vacant lot **</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Up to \$500,000:</u></li> <li>• <u>Not within 30 metres of residential zone</u></li> <li>• <u>Not 52.10</u></li> </ul>	<p style="text-align: center;">-</p>	<ul style="list-style-type: none"> <li>• Use 37.08-2</li> <li>• Subdivision 37.08-4</li> <li>• Buildings and works 37.08-5</li> <li>• Design &amp; Development 37.08-6</li> <li><u>All above:</u></li> <li>– Exempt <u>unless otherwise specified in zone schedule. ##</u></li> <li>• Applications under any other provision of scheme <u>may be specified in the schedule. #</u></li> </ul> <p>37.08-8</p>

OVERLAYS <i>Clause 92.04</i>	VicSmart Exemptions: Subdivision	VicSmart Exemptions: Buildings and Works	VicSmart Exemptions: Other	Existing Exemptions in planning scheme (and relevant clause)
DDO ! <i>Design &amp; Development</i>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> <li>• <u>Lots w/building, car spaces</u></li> <li>• <u>2 lots – not create vacant lot **</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Must be associated with a dwelling</u></li> <li>• <u>Carport, garage, pergola, verandah, deck, shed, or similar structure</u></li> <li>• <u>Outdoor swimming pool</u></li> <li>• <u>Up to \$1,000,000 in an Industrial Zone</u></li> <li>• <u>Up to \$500,000 in a Commercial, Special Use, Comprehensive Development, Capital City, Docklands, Priority Development or Activity Zone</u></li> </ul>	<ul style="list-style-type: none"> <li>• Construct a fence</li> </ul>	<ul style="list-style-type: none"> <li>• Buildings and works 43.02-2</li> <li>• Subdivision 43.02-3</li> </ul> <p>Both above: No exemptions. <i>Exemptions may be specified in schedule. #</i></p>
ESO ! <i>Environmental Significance</i>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> <li>• <u>Lots w/building, car spaces</u></li> <li>• <u>2 lots – not create vacant lot **</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Must be associated with a dwelling</u></li> <li>• <u>Carport, garage, pergola, verandah, deck, shed, or similar structure</u></li> <li>• <u>Rainwater tank</u></li> </ul>	<ul style="list-style-type: none"> <li>• Construct a fence</li> <li>• Remove, destroy or lop 1 tree</li> </ul>	<p>No exemptions. 42.01</p>
<u>EMO !</u> <u>Erosion Mgt</u>	-	<ul style="list-style-type: none"> <li>• <u>Must be associated with a dwelling</u></li> <li>• <u>Carport, garage, pergola, verandah, deck, shed, or similar structure</u></li> <li>• <u>Rainwater tank</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Construct a fence</u></li> </ul>	<p>An application under the EMO is exempt. ^^ 44.01-6</p>
HO ! <i>Heritage</i>	<ul style="list-style-type: none"> <li>• <u>Realign 2 lots:</u></li> <li>• <u>Area reduced less than 15%</u></li> <li>• <u>Boundary direction not changed</u></li> <li>• <u>Lots w/building, car spaces</u></li> <li>• <u>2 lots – not create vacant lot **</u></li> </ul>	-	<ul style="list-style-type: none"> <li>• <u>Demolish/remove a fence unless the fence is in HO schedule.</u></li> <li>• <u>Externally alter a non-contributory building.</u></li> <li>• <u>External painting.</u></li> <li>• <u>Construct a fence.</u></li> <li>• <u>Construct a carport, garage, pergola, verandah, deck, shed or similar structure.</u></li> <li>• <u>Construct/install domestic services normal to a dwelling.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Demolition/removal of an outbuilding unless the outbuilding is in HO schedule.</li> <li>• Demolition/removal of a fence unless the fence is in HO schedule</li> <li>• External alteration of a building.</li> <li>• External painting.</li> <li>• Construction of a fence.</li> <li>• Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.</li> <li>• Domestic services normal to a dwelling.</li> </ul>



## Appendix D

OVERLAYS <i>Clause 92.04</i>	VicSmart Exemptions: Subdivision	VicSmart Exemptions: Buildings and Works	VicSmart Exemptions: Other	Existing Exemptions in planning scheme (and relevant clause)
			<ul style="list-style-type: none"> <li>• Construct/install a non-domestic disabled access ramp.</li> <li>• Construct a vehicle cross-over.</li> <li>• Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.</li>   <li>• Construct a rainwater tank.</li> <li>• Construct or display a sign.</li> <li>• Lop a tree.</li>   <li>• Construct or install a solar energy facility attached to a dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out works, repairs and routine maintenance.</li> <li>• Internally alter a building.</li>   <li>• Non-domestic disabled access ramp.</li>   <li>• Construction of a vehicle cross-over.</li> <li>• Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.</li>   <li>• Construction of a tennis court.</li>   <li>• Construction of a rainwater tank.</li> <li>• Construction or display of a sign.</li> <li>• Lopping of a tree.</li>   <li>• Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.</li> </ul> <p>43.01-3</p>
NCO <i>Neighbourhood Character</i>	-	<ul style="list-style-type: none"> <li>• <u>Must be associated with a dwelling</u></li> <li>• <u>Carport, garage, pergola, verandah, deck, shed, or similar structure</u></li> <li>• <u>Domestic swimming pool or spa</u></li> <li>• <u>Rainwater tank</u></li> </ul>	<ul style="list-style-type: none"> <li>• Remove, destroy or lop 1 tree</li> <li>• <u>Construct, demolish or remove a fence</u></li> <li>• <u>Demolish or remove an outbuilding (including carport, garage, pergola, verandah, deck, shed or similar</u></li> </ul>	<ul style="list-style-type: none"> <li>• Demolition or removal of an outbuilding normal to a dwelling</li> <li>• Construction of a swimming pool</li> </ul> <p>43.05-4</p>
PO <i>Parking</i>			<ul style="list-style-type: none"> <li>• Reduce the required number of car parking spaces by <del>5</del> <u>10</u></li> </ul>	<p>No exemptions.</p> <p>45.09</p>

OVERLAYS Clause 92.04	VicSmart Exemptions: Subdivision	VicSmart Exemptions: Buildings and Works	VicSmart Exemptions: Other	Existing Exemptions in planning scheme (and relevant clause)
SBO <i>Special Building</i>	<ul style="list-style-type: none"> <li>• Realign 2 lots:</li> <li>• Area reduced less than 15%</li> <li>• Boundary direction not changed</li> <li>• Lots w/building, car spaces</li> <li>• 2 lots – not create vacant lot **</li> </ul>	<ul style="list-style-type: none"> <li>• Construct a building or construct or carry out works.</li> </ul>		An application under the SBO is exempt. ^^ 44.05-4
SLO ! <i>Significant Landscape</i>		<ul style="list-style-type: none"> <li>• <u>Must be associated with a dwelling</u></li> <li>• <u>Carport, garage, pergola, verandah, deck, shed, or similar structure</u></li> <li>• <u>Rainwater tank</u></li> </ul>	<ul style="list-style-type: none"> <li>• Construct a fence</li> <li>• Remove, destroy or lop 1 tree</li> </ul>	No exemptions. 42.03
SMO <u>Salinity Mgt</u>		<ul style="list-style-type: none"> <li>• <u>Must be associated with a dwelling</u></li> <li>• <u>Carport, garage, pergola, verandah, deck, shed, or similar structure</u></li> <li>• <u>Rainwater tank</u></li> </ul>		An application under the SMO is exempt. ^^ 44.02-6
VPO ! <i>Vegetation Protection</i>			<ul style="list-style-type: none"> <li>• Remove, destroy or lop 1 tree</li> </ul>	No exemptions. 42.02

PARTICULAR PROVISIONS Clause 92.05	VicSmart Exemptions	Existing Exemptions in planning scheme (and relevant clause)
ADVERTISING SIGNS !	<ul style="list-style-type: none"> <li>• Display an advertising sign in an Industrial 1, Industrial 2, Industrial 3, Commercial 1, Commercial 2, <u>Special Use, Comprehensive Development</u>, Capital City, Docklands, <u>Priority Development or Activity Centre</u> zone, if:</li> <li>• Sign is not within 30 metres of residential zone</li> <li>• Not a pole, sky, or reflective sign, internally illuminated, floodlit, electronic or animated</li> <li>• Total display size not more than 10 square metres</li> </ul>	<ul style="list-style-type: none"> <li>• Major Promotion sign</li> <li>– Exempt provided:</li> <li>• Displayed in area listed in clause schedule.</li> <li>• Meets any condition in clause schedule.</li> </ul> 52.05-6
CAR PARKING !	<ul style="list-style-type: none"> <li>• Reduce the required number of car parking spaces by <b>5</b> <u>10</u></li> </ul>	<ul style="list-style-type: none"> <li>• Application under 52.06-3 (permit requirement) is exempt if:</li> <li>• Only for a permit under clause 52.06-3, or</li> <li>• Is also for a permit under another provision (exempt in respect of all other permissions sought).</li> </ul> 52.06-4
LOADING AND UNLOADING !	<ul style="list-style-type: none"> <li>• Reduce / waive requirements for loading and unloading vehicles.</li> </ul>	No exemptions. 52.07

**VicSmart exemptions** = types of applications exempted from notice, objection and review rights by VicSmart, with decision to be made by CEO within 10 days of application, assessed against Clause 93 only.

**Existing exemptions in planning scheme** = exemptions from notice, objection and review rights currently in relevant zone, overlay or particular provision, and relevant planning scheme clause.

\* Realign boundary of two lots – additional VicSmart requirements are: area reduced for either lot not more than 15%, and general direction of common boundary does not change.

\*\* 2 lot subdivision – additional VicSmart requirements are: if construction / works have been approved or started lawfully.

\*\*\* VicSmart retains third party rights only for buildings and works applications, and only within 30m of a residential zone. This extinguishes all “*within 30 metres*” third party rights maintained in zones for subdivision, and for buildings and works applications within 30m of specified sensitive uses and Public Acquisition Overlays applied in relation to sensitive uses.

! Applies in Macedon Ranges Shire

!! Proposed in Macedon Ranges Shire

### Exemptions

VicSmart exemption matches planning scheme exemption

VicSmart exemption exceeds planning scheme exemption

VicSmart exemption fails to include or include all of planning scheme exemption for 30 metres separation

# No exemptions (third party rights are maintained), *unless otherwise specified in the zone or overlay schedule*.

## Exempt (third party rights are extinguished) *unless otherwise specified in the zone schedule*.

^ Planning scheme says exempt only if generally in accord with an Incorporated or other approved plan. *VicSmart instead exempts subdivision and buildings and works up to \$500,000 regardless of whether they accord with Plans, and only requires consideration of Plans after the application is exempted by VicSmart.*

^^ Land Management overlays where all applications are already exempt from notice and review. Inclusion in VicSmart allows CEO and 10 day decisions.

