

# “Smart Planning – Reforming the Victoria Planning Provisions”

Proposed State Government Changes To Planning Schemes – List prepared by Macedon Ranges Residents' Association Inc, 27/11/17

## ‘BIG PICTURE’ ISSUES FOR MACEDON RANGES SHIRE:

### PERMITS, REFERRALS AND RESIDENTS’ THIRD PARTY RIGHTS REMOVED

- Increased permit exemptions – removing existing requirements for permits, across the board.
- Another proposal is that if an overlay “head” clause (i.e. the State provision) doesn’t set a permit requirement, a permit isn’t required (which suggests the current capability for councils to set permit requirements in overlay schedules is about to be deleted).
- More current "prohibited" uses are to be made "permit required", and more current "permit required" uses made "as-of-right" (permit not required), just like changes in the [Intensive Animal Industries](#) proposal, which see pig and poultry farms no longer prohibited in the Rural Conservation and Rural Living Zones, and crush third-party (your) rights to know in Farming Zones.
- Increased exclusion of referral authorities, review of referral requirements (currently determining or recommending), and removal of 'unnecessary' regulatory burdens.
- Increased removal of residents’ third party rights to be notified of and to appeal applications (for example, from all car parking applications).

### MORE VICSMART

- Embedding VicSmart in policy, and increasing VicSmart applications (where the CEO makes the decision. You have no rights and neither do your councillors).

### CHANGES TO STATE POLICY

Overall, there is a discernible Melbourne-centric approach, as if the people proposing the changes have little interest or experience in rural and non-urban issues. Alarming changes affecting Macedon Ranges include:

- ‘Peri urban areas’ are proposed to be moved from “Regional Victoria” to “Urban Growth” in State policy.
- ‘Open space’ is deleted from the Metropolitan Melbourne theme (which is itself deleted and policies transferred to general State policy) and moved to “Community Infrastructure”, making it infrastructure rather than a land use in its own right.
- The whole section on Metropolitan Melbourne is deleted, with some parts transferred to other State policies, meaning these are now applied across the State instead of just metro Melbourne.
- There is also expanded engagement with mining and exploration uses, with a recommendation to ‘review’ the planning scheme’s role in regulating these industries.

### WEAKENING AND DELETING LOCAL POLICY

The Discussion Paper (<https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/smart-planning-program>) concludes that there are too many local policies in Victoria and they have to go, despite the wholesale deletion of local policies over the past decade (Macedon Ranges lost some 20 policies with approval of Amendment C84 in 2015).

An objective of *Reforming the Victoria Planning Provisions* is to reduce / remove local policy through ‘streamlining’ and amalgamation of the current State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) into just **the** Planning Policy Framework (PPF), comprising primarily State policy. This makes the entire planning system heavily dependent on State policy, which as we have all lately seen, can be changed by a stroke of the Minister’s pen.

State policy will continue to have precedence over regional and local policies, which are to be picked over before being transferred to the new "PPF" format. This won’t be a policy-neutral translation of existing local policy - where it is

deemed “old” or ‘incompatible’ the new PPF format (or State policy), it will be edited in translation or deleted (which sounds like another attempt to remove Statement of Planning Policy No. 8 from Macedon Ranges planning scheme).

- Each planning scheme’s local Municipal Strategic Statement [MSS] will cease to exist, and what’s currently in them will be ‘simplified’.
- Local policy will be disallowed if it is considered to already be covered in State policy.
- Local policies that survive this process will also have to be justified by identifying, in the policy (“Policy Context”), the local issue that triggered the need for the local policy.
- A new Departmental unit will also be set up in DELWP to ‘oversee’ content and format of local planning scheme policy content and amendments.
- Local policies will have to fit in with State policy *themes*. If you’ve got some other issue locally – too bad. Can’t have a policy.
- Councils will have responsibility, and the costs, for this “translation” and any other work that will need to be done to get to where “*Smart Planning*” is taking us, and council planning scheme reviews currently underway will be ‘back to the drawing board’ as well.

### **“SIMPLIFYING” OVERLAY SCHEDULES**

Current overlay schedules are apparently inconsistent and too long, so they too will have to be ‘simplified’.

### **CHANGED POLICY LANGUAGE**

There are various references to ‘consistency’ of planning language and some changes are identified (see Simplifying Phrasing, below), but this ‘consistency’ may also include a ‘verb matrix’ floated in 2014, which disallowed the use of all but the State government’s small selection of verbs to begin policy statements. The range of verbs was so restricted, even the authors of the exhibited draft Planning Policy Framework couldn’t adhere to it.

### **“SIMPLIFYING” PHRASING – ALL ZONES**

The proposal is to – sight unseen by the public – “*create consistency in the use of phrasing were a common meaning applies (such as the phrases ‘generally in accordance with’, ‘generally consistent with’ and ‘in accordance with’.*” Note: Similar ‘consistency’ changes proposed by the Brumby government (2009/10) turned ‘musts’ into ‘shoulds’.

### **CHANGES TO REFERENCE AND INCORPORATED DOCUMENTS**

Said to be ‘refreshing’ documents to ensure relevance, and making them more accessible. This will entail removing “old” reference documents, and downgrading reference documents to background documents.

### **CHANGES TO ALL PLANNING SCHEME DEFINITIONS**

Current definitions are to be reviewed and comprehensively changed to be ‘less prescriptive’ by removing ‘overly specific’ terms.

### **INTRODUCTION AND EXPANSION OF TICK BOX ‘CODE ASSESSMENTS’**

A simplistic type of assessment for planning permit applications - tick the boxes and it’s all yours.

### **CONSOLIDATION OF PLANNING SCHEME GENERAL PROVISIONS**

The change is to have a single, standardized set of application requirements, and a single set of decision guidelines – generic versions to apply in all circumstances instead of being located with and tailored to the specific issue or requirements they currently apply to – and introducing a single set of application requirements and decision guidelines in the back of the planning scheme.

# CHANGES TO SPECIFIC PROVISIONS

## STATEWIDE CHANGES TO SPECIFIC PROVISIONS AFFECTING MACEDON RANGES SHIRE

### Zones

#### All Residential zones –

- remove the permit trigger for dwellings on lots between 300 and 500 sqm and revert to an assessment under the Building Code (no planning permit required).
- delete the word “extension” (of buildings) from buildings and works.

#### IN1 Industrial 1 zone –

- make ‘motor vehicle repairs’ and ‘convenience shop’ as-of-right (permit not required).

#### IN3 Industrial 3 zone –

- make ‘takeaway food premises’, ‘indoor recreation facilities’, ‘office’ and ‘motor vehicle repairs’ as-of-right (permit not required).

#### C2 Commercial 2 zone –

- make ‘convenience restaurant’ (i.e. Maccas) and ‘manufacturing sales’ as-of-right (permit not required).

#### All Rural zones –

- make extension of floor area for dwellings and outbuildings as-of-right (permit not required).

#### FZ Farming zone –

- allow ‘primary produce sales’ as-of-right (permit not required), increasing floor area for sales and type of products that can be sold.

#### UGZ Urban Growth zone –

- provide for automatic rezoning of land identified in a UGZ Precinct Plan when the Plan is approved, instead of requiring a planning scheme amendment to change the zones.
- reduce the ‘complexity’ of UGZ Precinct Plan schedules.

### Overlays

#### All overlays –

- clarify that if a permit is not required in the “head” clause of the overlay (ie the state provision), a permit is not required (ie a permit can’t be triggered by a Council in a schedule, as now).

#### AEO Airport Environs overlay –

- amalgamate Airport Environs Overlays (applied to small rural airfields) with the Melbourne Airport Environs Overlay.

#### DPO Development Plan overlay –

- clarify the ‘catch 22’ provision re third party notice and review (i.e. removal all potential for third party rights).

#### EMO Erosion Management overlays –

- review to ensure provisions reflect the level of risk.
- increase permit exemptions (permit not required).
- modify the overlay to allow waiver of geotechnical requirements for minor matters, such as two lot subdivisions in rural zones.

#### ESO and SLO Environmental Significance overlay and Significant Landscape overlay –

- increase opportunities for removing permit requirements (such as associated with single dwelling construction).

### **ESO Environmental Significance overlay -**

- review the use of the Environmental Significance Overlay to identify 'buffers' (e.g. around sewerage treatment plants, mineral springs, etc.).

### **HO: Heritage overlay -**

- Increase exemptions from needing a permit in Heritage Overlays for 'minor buildings and works' (additional to existing exemptions from a permit).

### **LSIO: Land Subject To Inundation overlay –**

- increase exemptions from needing a permit.
- increase flexibility to expand floor space for building extensions.
- the Discussion Paper questions whether finished floor levels in this overlay should be a planning scheme, or self-assessment, process.

## **Particular Provisions**

### **52.06: Car Parking –**

- provide car parking exemptions in selected zones (commercial, mixed use and industrial) for section 1 (permit not required) uses in existing buildings where floor area is not increased.
- review car parking provision rates and provide rates for uses not listed.
- consider making all car parking applications (Clause 52.06) exempt from notice requirements in all circumstances (i.e. remove all third party rights to notice and review).

### **52.08: Earth and Energy –**

- review – take out of the planning system?
- combine with Stone Extraction and Extractive Industries particular provision.

### **52.10: Uses with Adverse Amenity Potential -**

- review separation 'buffer' distances for uses with amenity impacts (this was previously done circa 2014 resulting in reduced separation distances).

### **52.12: Service Stations –**

- review provisions to reflect 'modern' service station design and revising site area and crossover dimensions).

### **52.13: Car wash –**

- review provisions for car washes to ensure they reflect current practices and 'modern' car wash designs, including crossover dimensions.

### **52.19: Telecommunications facility –**

- update Code, 'clarify' permit triggers and third party exemptions (removal of residents' rights).

### **52.27: Licensed premises –**

- make licensed premises in commercial zones as-of-right (no permit required).
- review the role of the planning system in licensing decisions (ie take licensing out of planning schemes).

### **52.28: Gaming –**

- review whether gaming (e.g. pokies) should continue to be controlled in the planning system.

### **52.29: Land Adjacent to a Road Zone Category 1 or Public Acquisition Overlay Category 1 road –**

- clarify permit triggers and exemptions.
- use standard conditions instead of VicRoads' referral.
- remove third party rights (to notice and appeal) from all applications.

### **52.37: Post Boxes and Dry Stone Walls –**

- review removing this particular provision and instead rely on identification and protection of these features through heritage overlays.

#### **54, 55, 56 and 58: ResCode –**

- clarify if, when all standards are met, it means an application meets the objective.

### **STATEWIDE CHANGES TO OTHER SPECIFIC PROVISIONS**

#### **MUZ Mixed Use zone –**

- make more uses as-of-right (permit not required).
- make 'manufacturing sales' and 'child care centre' as-of-right (permit not required).

#### **RGZ Residential Growth zone –**

- make 'child care centres' as-of-right (permit not required).

#### **NCO Neighbourhood Character overlay -**

- review whether the overlay should be deleted.

#### **LSIO, FO, SBO and UFZ: Land Subject To Inundation overlay, Floodway overlay, Special Building overlay and Urban Floodway zone –**

- review and consider amalgamating all these current flood controls into a single control.

#### **UFZ Urban Floodway zone -**

- replacing the Urban Floodway Zone (which controls use and development) with the Floodway overlay (which controls development only).

#### **FO: Floodway overlay –**

- increase exemptions from needing a permit.

#### **SBO Special Building overlay -**

- remove buildings and works permit requirements for where minimum flood levels are met and the Building Act applies.
- increase exemptions from needing a permit
- remove Melbourne Water as a referral authority,
- increase the use of VicSmart where the Special Building overlay is the only permit trigger for an application.
- make schedules more uniform and consistent across Victoria.

#### **SMO Salinity Management overlay –**

- increase exemptions from needing a permit.
- review referral authority requirements.

#### **Clause 57 Green Wedges -**

- assess whether it would be more "transparent" if deleted and requirements (and restrictions?) transferred and 'translated' into zones (which can be changed at Ministerial will).