



# Victoria Government Gazette

No. S 324 Friday 19 September 2014  
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**Planning and Environment Act 1987**  
VICTORIA PLANNING PROVISIONS  
Notice of Approval of Amendment  
Amendment VC114

The Minister for Planning has approved Amendment VC114 to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by

- Introducing a new Clause 90 to create a new section in the VPP for the VicSmart planning assessment provisions.
- Introducing a new Clause 91 which sets out the planning assessment process for VicSmart applications.
- Introducing a new Clause 92 which sets out the classes of application that are a State VicSmart application and the relevant provision of Clause 93 that contains the information requirements and decision guidelines that apply to each class of State VicSmart application.
- Introducing a new Clause 93 which sets out the information requirements and decision guidelines for each class of State VicSmart application.
- Introducing a new Clause 94 to provide the ability to specify classes of local VicSmart applications and the relevant clause or schedule that contains the information requirements and decision guidelines that apply to each class.
- Introducing a new Clause 95 which sets out the information requirements and decision guidelines for each class of local VicSmart application.
- Amending the Schedules to Clause 61.01 to specify the Chief Executive Officer of the council as the responsible authority for deciding a VicSmart application in the planning scheme. For the French Island and Sandstone Island Planning Scheme, Port of Melbourne Planning Scheme and Alpine Resorts Planning Scheme specify the Minister for Planning as the responsible authority for deciding a VicSmart application in the planning scheme.
- Making consequential changes to the VPP User Guide to recognise the new VicSmart provisions and to turn off consideration of Clause 65 decision guidelines for a VicSmart application.

The Amendment changes the Ballarat Planning scheme by:

- Introducing a schedule to Clause 94 to create local VicSmart classes of application for buildings and works and subdivision affected by Clause 42.02-2 Design and Development Overlay Schedules 1 and 3–16 (inclusive).
- Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application.

The Amendment changes the Greater Geelong Planning scheme by:

- Introducing a schedule to Clause 94 to create additional local VicSmart classes of application for the following applications under the Activity Centre Zone:
  - Boundary realignment
  - Subdivision of an existing building or car space
  - Subdivision of land into two lots

**SPECIAL**

- Buildings and works up to \$250,000
- Advertising signs
- Reducing car parking spaces
- Licensed premises.
- Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application:
  - Buildings and works up to \$250,000
  - Licensed premises.

The State information requirements and decision guidelines set out in Clause 93 are used for the other local VicSmart classes of application.

The Amendment is available for public inspection on the Department of Transport, Planning and Local Infrastructure (DTPLI) website [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

JOHN PHILLIPS  
Director  
Planning Systems  
Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

Section 7(5)

MINISTERIAL DIRECTION

I, Matthew Guy, Minister for Planning, amend the Ministerial Direction on the Form and Content of Planning Schemes prepared under section 7(5) of the **Planning and Environment Act 1987**, as follows:

1. On page 1 to the Direction amend Point 3 to include reference to Clauses 90–95 (inclusive) as shown at Attachment 1.
2. In Annexure 2 to the Direction:
  - 2.1. Replace the template Schedule to Clause 61.01 with a new template Schedule to Clause 61.01 as at Attachment 2.
  - 2.2. Insert the template Schedule to Clause 94 as at Attachment 3.
  - 2.3. Insert the template Schedule to Clause 95 as at Attachment 4.

MATTHEW GUY MLC  
Minister for Planning

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**Attachment 1**

*Planning and Environment Act 1987*  
Section 7(5)

**MINISTERIAL DIRECTION****THE FORM AND CONTENT OF PLANNING  
SCHEMES**

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I, Matthew Guy, Minister for Planning, under section 7(5) of the Planning and Environment Act 1987 revoke all previous directions under this section and direct as follows:

1. This Direction applies to the form and content of all planning schemes prepared under Part 3 of the *Planning and Environment (Planning Schemes) Act 1996* and any amendment to those planning schemes.
2. A planning scheme or planning scheme amendment must be prepared and presented in accordance with the style guide set out in Annexure 1 and written in plain English.
3. A planning scheme must include a title page of the planning scheme and the following parts of the Victoria Planning Provisions in the same order:
  - Objectives of planning in Victoria.
  - Purposes of this planning scheme.
  - User guide.
  - Clauses 9-19 (inclusive),
  - Clauses 30 & 31 (if a planning scheme includes a zone clause),
  - Clause 32 (if a planning scheme includes a residential zone clause),
  - Clause 33 (if a planning scheme includes an industrial zone clause),
  - Clause 34 (if a planning scheme includes a commercial zone clause),
  - Clause 35 (if a planning scheme includes a rural zone clause),
  - Clause 36 (if a planning scheme includes a public land zone clause),
  - Clause 37 (if a planning scheme includes a special purpose zone clause),
  - Clauses 40 & 41 (if a planning scheme includes an overlay clause),
  - Clause 42 (if a planning scheme includes an environmental landscape overlay clause),
  - Clause 43 (if a planning scheme includes a heritage or built form overlay clause),
  - Clause 44 (if a planning scheme includes a land management overlay clause),
  - Clause 45 (if a planning scheme includes any other overlay clause),
  - Clauses 50-52 (inclusive),
  - Clauses 54-56 (inclusive),
  - Clauses 60-67 (inclusive),
  - Clauses 70-74 (inclusive),
  - Clauses 80 & 81.01 and
  - Clauses 90–95 (inclusive).

- A planning scheme must not include the list of amendments to the *Victoria Planning Provisions*.
4. A planning scheme must not include any zone or overlay clause other than a zone or overlay clause selected from the *Victoria Planning Provisions*.
  5. If a provision from the *Victoria Planning Provisions* is required to be included or selected for inclusion in a planning scheme, the entire provision or clause (including all sub-clauses) must be included in the planning scheme in the same form (without modification) following the same **sequence** and using the same clause numbers as in the *Victoria Planning Provisions*.
  6. A local provision in a planning scheme (other than the title page of a planning scheme) must include:
    - The name of the planning scheme in a header.
    - The name of the local provision and a page number in a footer.
    - The date the provision came into operation or was last amended and the corresponding amendment number adjacent to the title of the provision.
    - The date each clause or sub-clause came into operation or was last amended and the corresponding amendment number below the clause or sub-clause number.
  7. If a planning scheme includes a provision with a schedule, the schedule must be included in the planning scheme. The schedule must be included as a local provision on a separate page immediately following the clause or provision to which it relates. If a schedule is set out in *Annexure 2*, the schedule must be in the format set out and must include any details or information indicated in the clause or provision as being mandatory. If no information is to be included in the schedule the words “None specified” must be included where appropriate to make the intent clear. Words in blue colour in the schedules in this Direction either prompt a response or give guidance to the completion of the schedule and should be omitted if not required. Words in red colour in the schedules in this Direction prompt a requirement of information to be completed the schedule and should not be omitted.
  8. Any schedule which includes a requirement to describe land may use a map or maps to describe areas of land. The maps must be described as ‘Map *number* to the Schedule to clause *number*’.
  9. A planning scheme must not include a schedule for any provision for which a schedule is not provided in the *Victoria Planning Provisions*.
  10. Any schedule which contains a Table of uses (such as a Special Use Zone) must:
    - Not contain any provision which is inconsistent with State planning policy as expressed in the State Planning Policy Framework.
    - Be consistent in format with the Table of uses for a zone in the *Victoria Planning Provisions*.
    - Include “Any use listed in Clause 62.01” in Section 1 with the condition. “Must meet the requirements of Clause 62.01.”
  11. If a planning scheme includes land in a Special Use Zone for the purpose of recognising or providing for the use and development of the land for Extractive industry, the planning scheme must include the schedule set out in *Annexure 3*.
  12. A planning scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.
  13. If a planning scheme includes land in a City Link Project Overlay, the planning scheme must incorporate *Melbourne City Link Project - Advertising Sign Locations November 2003*, by including it in the Schedule to Clause 81.01.

14. If a planning scheme includes land in an Airport Environs Overlay or Melbourne Airport Environs Overlay, the planning scheme must include the relevant schedules set out in **Annexure 2** and must incorporate *Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*, issued by Standards Australia International Ltd. by including it in the Schedule to Clause 81.01.
15. A road which is declared as a freeway or an arterial road under the *Road Management Act 2004* must be shown as a Road Zone - Category 1 on the planning scheme maps.
16. If a metropolitan Melbourne planning scheme includes a Commercial 1 Zone, the words "None specified" must be inserted into the schedule to the zone. If a rural planning scheme includes a Commercial 1 Zone, either the words "None specified" or details of land and a corresponding maximum leasable floor area for office and/or shop must be inserted into the schedule to the zone.

**MATTHEW GUY MLC**

Minister for Planning

Date: 23 November 2011

Commencement Details	
Originally Gazetted	1 December 2011
Amendment gazetted	31 May 2012
Amendment gazetted	22 November 2012
Amendment gazetted	29 November 2012
Amendment gazetted	11 April 2013
Amendment gazetted	4 July 2013
Amendment gazetted	11 July 2013
Amendment gazetted	29 August 2013
Amendment gazetted	23 October 2013
Amendment gazetted	30 May 2014
Amendment gazetted	1 July 2014
Amendment gazetted	31 July 2014
Amendment gazetted	4 September 2014
Amendment gazetted	19 September 2014

**Attachment 2**

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--  
C--

**SCHEDULE TO CLAUSE 61.01**

**1.0**

**Responsible authority for administering and enforcing this scheme:**

--/20--  
C--

**2.0**

**Responsible authority for administering and enforcing a provision of this scheme:**

--/20--  
C--

**3.0**

**Person or responsible authority for issuing planning certificates:**

--/20--  
C--

**4.0**

**Responsible authority for VicSmart applications:**

--/20--  
C--

## Attachment 3

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/20--  
C--

## SCHEDULE TO CLAUSE 94

## 1.0 Table 1 Classes of local VicSmart application under zone provisions

--/20--  
C--

Name of zone or class of zone	Class of application	Permit requirement provision	Information requirements and decision guidelines
Insert “None specified” or Specify the name of zone or class of zone	Specify the class of application or leave blank if none specified	Specify the permit trigger or leave blank if no class of application is specified	Specify Clause 93 provision or the schedule number to Clause 95 or leave blank if no class of application is specified

## 2.0 Table 2 Classes of local VicSmart application under overlay provisions

--/20--  
C--

Name of overlay or class of overlay	Class of application	Permit requirement provision	Information requirements and decision guidelines
Insert “None specified” or Specify the name of overlay or class of overlay	Specify the class of application or leave blank if none specified	Specify the permit trigger or leave blank if no class of application is specified	Specify Clause 93 provision or the schedule number to Clause 95 or leave blank if no class of application is specified

## 3.0 Table 3 Classes of local VicSmart application under Particular Provisions

--/20--  
C--

Name of particular provision	Class of application	Permit requirement provision	Information requirements and decision guidelines
Insert “None specified” or Specify the name of particular provision	Specify the class of application or leave blank if none specified	Specify the permit trigger or leave blank if no class of application is specified	Specify Clause 93 provision or the schedule number to Clause 95 or leave blank if no class of application is specified

**Note-** The text under each heading provides guidance to the completion of the schedule.



**Attachment 4**

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

--/-----  
C-- **SCHEDULE [NUMBER] TO CLAUSE 95**

**INSERT HEADING**

**1.0 Information requirements**

--/-----  
C--

**2.0 Decision guidelines**

--/-----  
C--

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## **bluestar** **PRINT**

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