



Victoria Government Gazette

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Planning and Environment Act 1987

Section 7(5)

MINISTERIAL DIRECTION

I, Hon. Richard Wynne MP, 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. Replace paragraph 25 in the Direction as at **Attachment A**.
2. In Annexure 2 to the Direction, replace the template schedules to Clauses 45.02 Schedule 1, 45.02 Schedule 2, 45.08 Schedule 1 and 45.08 Schedule 2 with the new template schedules to those clauses as at **Attachment B**.

HON. RICHARD WYNNE MP
Minister for Planning

SPECIAL

ATTACHMENT A

Planning and Environment Act 1987
Section 7(5)

MINISTERIAL DIRECTION

THE FORM AND CONTENT OF PLANNING SCHEMES

I, Richard Wynne, 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 applicable style guide set out in Annexure 1 and written in plain English.
3. A planning scheme must include the following parts of the Victoria Planning Provisions in the same order:
 - Clauses 00 and 01
 - Clauses 10 to 19 (inclusive) in accordance with Annexure 4
 - Clauses 20 and 23 (if a planning scheme includes a Local Planning Policy Framework)
 - Clauses 30 and 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 and 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 and 51, except for Clauses 51.02 to 51.05 (inclusive)
 - Clause 51.02 (if a metropolitan fringe planning scheme as identified in Part 3AA of the *Planning and Environment Act 1987*)
 - Clause 51.03 (if a planning scheme covers an area subject to an *approved regional strategy plan* as defined by section 46A of the *Planning and Environment Act 1987*)
 - Clause 51.04 (if a planning scheme covers an area in the *Melbourne Airport Environs Area* as defined by section 46R of the *Planning and Environment Act 1987*)
 - Clause 51.05 (if the planning scheme covers an area in the Port of Melbourne Area as defined by section 3 of the *Planning and Environment Act 1987* or municipal district of the City of Hobsons Bay)
 - Clauses 52 to 59 (inclusive)
 - Clauses 60 to 67 (inclusive)
 - Clauses 70 to 73 (inclusive)

- Clause 74 (if a planning scheme includes a Municipal Planning Strategy).

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. Provisions are to be structured in the following hierarchy:

Victoria Planning Provisions and local provisions (other than a schedule)	Number format	Example
Clause	XX	32
Sub-clause	XX.XX	32.08
Section	XX.XX-X	32.08-1
Sub-section	XX.XX-X.X	32.08-1.1
Sub-sub section	XX.XX-X.X-X	32.08-1.1-1

Schedules	Number format	Example
Schedule heading	X	Schedule 1
Schedule section	X.0	1.0
Schedule sub-section	X.X	1.1
Schedule sub-sub section	X.X-X	1.1-1

Annexure 1 provides sample layouts

7. Where a clause, sub-clause or section contains no information the words “[no content]” must be included in that clause, sub-clause or section.
8. Provisions are to be structured with no more than three levels of bullets or numbering.
9. A provision in the Victoria Planning Provisions or local provision must include:
 - The date each clause, sub-clause, section, schedule section or schedule sub-section came into operation or was last amended and the corresponding amendment number below the clause, sub-clause, section, schedule section or schedule sub-section number;
 - The date each schedule came into operation or was last amended and the corresponding amendment number to the left of the schedule heading.
10. A local provision in a planning scheme (other than the title page of a planning scheme and a local planning policy in the Planning Policy Framework) must include the name of the planning scheme in a header, a page number in a footer and the relevant format and content as specified in Annexures 2 and 3.
11. If a planning scheme includes a provision with a schedule (except for Clauses 51.04 and 51.05), the:
 - a) Schedule must be included in the planning scheme
 - b) Schedule must be included as a local provision immediately following the clause or provision to which it relates
 - c) Schedule must be in the format set out in Annexure 2, must include any details or information indicated in the clause or provision as being mandatory with no other sections or headings other than specified

- d) Words “None specified” must be included if no specific information is included with a full stop included if in a sentence within a paragraph or with no full stop if only a phrase in a table
- e) Words in blue colour in the schedules in this Direction either prompt a response or give guidance to the completion of the schedule and must be deleted upon completion of the schedule
- f) Words in red colour in the schedules in this Direction require information to replace the words in red and must be included.
12. Numeric terminology is to be represented as the complete word in a sentence / dot point or can be abbreviated in a table as follows:

Sentence / dot point format	Table format
square metres	sqm
metre or metres	m
hectare or hectares	ha

13. Unless specified otherwise any 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*’. Map codes must only contain the schedule number and not additional alphabetical, numerical or other characters.
14. Any image in a planning scheme ordinance including a map must meet all of the following requirements:
- The image cropped and sized to fit the available space on the page with a maximum file size of 3000 kilobytes and 300 pixels per inch (ppi)
 - Be the only image on a horizontal line (i.e. no images side by side or use of multiple images or layered images to make one single image)
 - Have a title, reference number and border
 - The image title written as text outside of the image
 - Include a legend and source, where applicable
 - Include a north arrow and scale, where applicable.
15. A planning scheme must only include a schedule for a provision if provided for in the Victoria Planning Provisions as shown in the following table:

VPP Clause or Sub-Clause	Number of Schedules	VPP Clause or Sub-Clause	Number of Schedules	VPP Clause or Sub-Clause	Number of Schedules
32.03	1 or more	42.01	1 or more	51.03	1
32.04	1 or more	42.02	1 or more	51.04	1
32.05	1 or more	42.03	1 or more	51.05	1
32.07	1 or more	43.01	1	52.02	1
32.08	1 or more	43.02	1 or more	52.05	1
32.09	1 or more	43.03	1 or more	52.12	1
33.01	1	43.04	1 or more	52.16	1
33.02	1	43.05	1 or more	52.17	1
33.03	1	44.01	1 or more	52.27	1
34.01	1	44.02	1 or more	52.28	1
34.03	1 or more	44.03	1 or more	52.32	1
35.03	1 or more	44.04	1 or more	52.33	1
35.04	1 or more	44.05	1 or more	53.01	1
35.05	1 or more	44.06	1 or more	53.06	1
35.06	1 or more	44.07	1 or more	53.15	1
35.07	1 or more	45.01	1	59.15	1
35.08	1 or more	45.02s1	1	59.16	1 or more
36.01	1	45.02s2	1	66.04	1
36.02	1	45.05	1	66.06	1

VPP Clause or Sub-Clause	Number of Schedules	VPP Clause or Sub-Clause	Number of Schedules	VPP Clause or Sub-Clause	Number of Schedules
36.03	1	45.06	1 or more	72.01	1
37.01	1 or more	45.08s1	1	72.02	1
37.02	1 or more	45.08s2	1	72.03	1
37.03	1	45.09	1 or more	72.04	1
37.04	1 or more	45.10	1 or more	72.05	1
37.05	1 or more	45.11	1 or more	72.08	1
37.06	1 or more	45.12	1	74.01	1
37.07	1 or more	51.01	1	74.02	1
37.08	1 or more	51.02	1		

16. Any schedule which contains a Table of uses (such as a Special Purpose Zone) must:
- Not contain any provision which is inconsistent with State planning policy as expressed in the Planning Policy Framework
 - Be consistent in format with the Table of uses for a zone in the Victoria Planning Provisions
 - Must use general terms, land use terms and nesting of land use terms consistent with 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".
17. If a planning scheme includes a Municipal Strategic Statement, a Strategic Statement, a Municipal Planning Strategy or a Planning Strategy, the planning scheme must include the relevant clause and format specified in Annexure 3.
18. If a planning scheme includes a local planning policy in Clause 22 or in Clauses 11 to 19, the clause must be in the relevant format specified in Annexure 3.
19. A planning scheme may only include land in a Public Use Zone, Public Park and Recreation Zone or 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.
20. If a planning scheme includes land in the City Link Project Overlay, the planning scheme must incorporate the document titled *Melbourne City Link Project - Advertising Sign Locations November 2003*, by including it in the Schedule to Clause 72.04.
21. If a planning scheme includes land in the Airport Environs Overlay or Melbourne Airport Environs Overlay, the planning scheme must include the relevant schedules set out in Annexure 2 and must incorporate the document titled *Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, issued by Standards Australia International Ltd* by including it in the Schedule to Clause 72.04.
22. 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.
23. 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.
24. A planning scheme (or planning scheme amendment) must not include or introduce a new schedule to Clause 51.01 that was not in the planning scheme before the commencement of Amendment VC148, or identify different land or a new incorporated document to that which was identified in an existing schedule to Clause 51.01 before the commencement of Amendment VC148.
25. Paragraph 24 does not apply to:
- any new schedule to Clause 51.01 (or an amendment to an existing schedule to Clause 51.01) introduced by an amendment prepared or authorised by the Minister under section

- 8(1)(b) or section 8A(4) of the Planning and Environment Act 1987 before or within three months after the commencement of Amendment VC148.; or
- b) an amendment that deletes the identification of land in an existing schedule to Clause 51.01.
26. A planning scheme or planning scheme amendment must not include or introduce a new schedule to the Priority Development Zone (Clause 37.06) that was not in the planning scheme before the commencement of VC148. This paragraph does not prevent the amendment of any schedules to Clause 37.06 forming part of a scheme before the commencement of VC148.

HON RICHARD WYNNE MP

Minister for Planning

Date: 9 April 2017

Commencement Details	
Originally Gazetted	24 May 2017
Amendment Gazetted	19 September 2017
Amendment Gazetted	21 November 2017
Amendment Gazetted	12 December 2017
Amendment Gazetted	15 May 2018
Amendment Gazetted	30 July 2018
Amendment Gazetted	4 October 2018
Amendment Gazetted	29 April 2019
Amendment Gazetted	7 August 2019

ATTACHMENT B

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

07/082019 SCHEDULE 1 TO CLAUSE 45.02 AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **AEO1**.

1.0 Requirements

07/082019

Despite the provisions of the zone, land must not be used for any of the following:

- Accommodation (other than Dwelling, Dependent person's unit, Host farm and Residential hotel).
- Drive-in theatre.
- Education centre.
- Hospital.

A permit is required to use land for any of the following uses:

- Art and craft centre.
- Bar.
- Dependent person's unit (provided no more than one is established on any lot).
- Display home centre.
- Dwelling (provided no more than one is established on any lot).
- Host farm.
- Hotel.
- Office.
- Place of assembly (except Drive-in theatre).
- Research and development centre.
- Research centre.
- Residential hotel.
- Restricted recreation facility.

An application to use land under this overlay must be referred to the airport owner under Section 55 of the Act unless, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the airport owner.

ATTACHMENT B

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

07/08/2019

SCHEDULE 2 TO CLAUSE 45.02 AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **AEO2**.

1.0 Requirements

07/08/2019

An application to use land for the following must be referred to the airport owner under Section 55 of the Act unless, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the airport owner:

- Accommodation.
- Art and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.

ATTACHMENT B

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

07/08/2019 SCHEDULE 1 TO CLAUSE 45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO1**.

Purpose

To identify areas that are or will be subject to high levels of aircraft noise based on the 25 Australian Noise Exposure Forecast (ANEF) contour and to restrict use and development to that which is appropriate to that level of exposure.

1.0 Use of land

07/08/2019

Dwelling and Dependent person's unit

A permit is required to use land for:

- Dwelling.
- Dependent person's unit.

Land must not be used for:

- More than one Dwelling on a lot.
- More than one Dependent person's unit on a lot.

Other

A permit is required to use land for:

- Art and craft centre.
- Bar.
- Brothel.
- Cinema based entertainment facility.
- Crematorium.
- Display home centre.
- Funeral parlour.
- Home based business.
- Host farm.
- Hotel.
- Indoor recreation facility.
- Office.
- Place of assembly (other than Drive-in theatre).
- Research and development centre.
- Research centre.
- Residential hotel.
- Restricted recreation facility.
- Retail premises.

- Veterinary centre.

Land must not be used for:

- Accommodation (other than, Dwelling, Dependent person's unit, Host farm and Residential hotel).
- Drive-in theatre.
- Education centre.
- Hospital.

2.0 Buildings and works

07/08/2019

A permit is required to construct a building or construct or carry out works for a use in Sub-Section 1.0.

A permit is not required for:

- An open sided carport, verandah, pergola or other open sided structure.
- A non-habitable room or outbuilding.
- A swimming pool or tennis court.
- An alteration or extension to a dwelling which existed as at [insert date] provided the extension is less than 50 per cent of the floor area of the dwelling at that date.

3.0 Subdivision

07/08/2019

Any subdivision of land which would increase the number of dwellings which the land could be used for is prohibited. This does not apply to the subdivision of land to create a lot for a dwelling in respect of which a permit has been granted.

ATTACHMENT B

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

07/08/2019 SCHEDULE 2 TO CLAUSE 45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO2**.

Purpose

To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure.

1.0 Use of land

07/08/2019

Dwelling

A permit is required to use land for a Dwelling.

The development of a single lot for two or more Dwellings must not exceed a density of one Dwelling per 300 square metres.

Other use

A permit is required to use the land for:

- Accommodation.
- Arts and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.

2.0 Buildings and works

07/08/2019

A permit is required to construct a building or construct or carry out works for a use in Sub-Section 1.0.

A permit is not required to construct the following:

- An open sided carport, verandah, pergola or other open sided structure.
- A non-habitable room or outbuilding.
- A swimming pool or tennis court.
- An alteration or extension to a Dwelling which existed as at [insert date] provided the extension is less than 50% of the floor area of the Dwelling at that date.

3.0 Subdivision

07/08/2019 A permit is required to subdivide land. Each lot must be at least 300 square metres.

A permit may be granted to create smaller lots:

- If the responsible authority is satisfied the lots will not be used for Accommodation.
- Provided the average area of all lots is not less than 300 square metres. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided.

The above lot size provisions do not apply to the subdivision of land in respect of which a permit was granted before [insert date] to allow the development of that land so long as the form of the subdivision is consistent with the permitted development.

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