



Victoria Government Gazette

No. S 96 Monday 1 March 2021
By Authority of Victorian Government Printer

Planning and Environment Act 1987

Section 7(5)

MINISTERIAL DIRECTION

I, Hon. Richard Wynne, 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 15 in the Direction as at **Attachment A**.
2. In Annexure 2 to the Direction, following the template schedule to Clause 44.07, insert the new template schedule to Clause 44.08 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)

- Clause 51.06 (if the planning scheme covers an area in the municipal district of the City of Greater Bendigo, City of Kingston, City of Moreland or Shire of Murrindindi)
- 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. Wherever possible provisions should rely on zone and overlay mapping, including for cross-referencing, e.g. ‘This policy applies to all land within a [*name of zone or overlay*]’. Unless specified otherwise additional maps may be used to describe areas of land. The maps must be described as follows:
 - MPS and PPF: Maps are to be named and un-numbered, unless a provision contains more than one map of a set, e.g.:
 - ‘*Map name* to this clause’.
 - ‘*Map name* to Clause *number*’.
 - Local schedules: ‘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:
 - a) The image cropped and sized to fit a maximum file size of 3000 kilobytes and 300 pixels per inch (ppi)
 - b) 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)
 - c) Include a border, legend and source, where applicable
 - d) Include a north arrow and scale, where applicable

The image title, including reference numbers must be written as text outside the image.

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
32.03	1 or more
32.04	1 or more

VPP Clause or Sub-Clause	Number of Schedules
42.01	1 or more
42.02	1 or more

VPP Clause or Sub-Clause	Number of Schedules
51.02	1
51.03	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
32.05	1 or more	42.03	1 or more	51.04	1
32.07	1 or more	43.01	1	51.05	1
32.08	1 or more	43.02	1 or more	52.02	1
32.09	1 or more	43.03	1 or more	52.05	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	44.08	1 or more	59.15	1
35.08	1 or more	45.01	1	59.16	1 or more
36.01	1	45.02s1	1	66.04	1
36.02	1	45.02s2	1	66.06	1
36.03	1	45.05	1	71.01	1
37.01	1 or more	45.06	1 or more	72.02	1
37.02	1 or more	45.08s1	1	72.03	1
37.03	1	45.08s2	1	72.04	1
37.04	1 or more	45.09	1 or more	72.05	1
37.05	1 or more	45.10	1 or more	72.08	1
37.06	1 or more	45.11	1 or more	74.01	1
37.07	1 or more	45.12	1	74.02	1
37.08	1 or more	51.01	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:
 - a) 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
Amendment Gazetted	23 January 2020

Amendment Gazetted	5 May 2020
Amendment Gazetted	4 August 2020
Amendment Gazetted	26 August 2020
Amendment Gazetted	14 September 2020
Amendment Gazetted	1 March 2021

Attachment B

01/03/2021 **SCHEDULE [NUMBER] TO CLAUSE 44.08 BUFFER AREA OVERLAY**

Shown on the planning scheme map as **BAO[number]**

NAME OF SCHEDULE

1.0 Statement of risk

01/03/2021

Clause 44.08 requires a schedule to contain a statement of risk.

2.0 Objectives

01/03/2021

Clause 44.08 requires a schedule to contain objectives to be achieved.

Insert a maximum of five objectives.

3.0 Use of land

01/03/2021

Where no requirements are specified insert “None specified.”

or

Where use requirements are specified insert specific use requirements that must be met such as “A permit is required to use land for [insert requirements]” or “Land must not be used for [insert requirements]”.

4.0 Subdivision

01/03/2021

Where no requirements are specified insert “None specified.”

or

Where subdivision requirements are specified insert specific subdivision requirements that must be met such as “No permit is required to subdivide land at [insert requirements]” or “A permit to subdivide land must meet the following requirements:

- [insert specific requirement/s].”

5.0 Buildings and works

01/03/2021

Where no requirements are specified insert “None specified.”

or

Where permit requirements are specified insert specific permit requirements that must be met such as “A permit is required to construct a building or construct or carry out works associated with a ...].

Where specific buildings and works requirements are specified insert “The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

- [insert requirements as required].”

6.0 Application requirements

01/03/2021

Where no requirements are specified insert “None specified.”

or

Where application requirements are specified insert “The following application requirements apply to an application for a permit under Clause 44.08, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- [insert requirements as required].”

7.0 Exemption from notice and review

01/03/2021

Where no exemption is specified insert “None specified.”

or

Where an exemption from notice and review is specified insert the precise wording of the exemption from notice and review such as: “An application for construction of a building or to construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.”

8.0 Decision guidelines

01/03/2021

Where no decision guidelines are specified insert “None specified.”

or

Where decision guidelines are specified insert “The following decision guidelines apply to an application for a permit under Clause 44.08, in addition to those specified in Clause 44.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [insert decision guidelines].”

See 44.08-7 for relevant provisions.

Planning and Environment Act 1987
VICTORIA PLANNING PROVISIONS
Notice of Approval of Amendment
Amendment V10

The Minister for Planning has approved Amendment V10 to the *Victoria Planning Provisions*.

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

The Amendment changes the *Victoria Planning Provisions* by: introducing a new Buffer Area Overlay at Clause 44.08.

The Amendment is available for public inspection on the Department of Environment, Land, Water and Planning (DELWP) website www.planning.vic.gov.au/public-inspection

PHILLIP BURN
Director
Planning Systems
Department of Environment, Land, Water and Planning

This page was left blank intentionally

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2021

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order



**Retail &
Mail Sales**

Victoria Government Gazette

Ground Floor, Building 8,
658 Church Street,
Richmond 3121

DX 106 Melbourne



Telephone

(03) 8523 4601

email

gazette@ivegroup.com.au

Price Code A