



Victoria Government Gazette

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Planning and Environment Act 1987

Section 7(5)

MINISTERIAL DIRECTION

I, Sonya Kilkeny, 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. In Annexure 2 to the Direction
 - 1.1 In the template Schedule to clause 37.04 Capital City Zone, remove the land use condition for Container deposit scheme centre as shown in Attachment A.

HON. SONYA KILKENNY MP
Minister for Planning

SPECIAL

Attachment A

13/12/2023

SCHEDULE [NUMBER] TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as **CCZ[number]**.

NAME OF SCHEDULE

Purpose

[Insert purpose(s)]

Insert a maximum of 5 purposes

1.0

Table of uses

19/07/2024

Section 1 - Permit not required

Use	Condition
Ensure that uses listed have a basis in a strategic document related to the Capital City Ensure that uses are defined terms at Clause 73.03	Ensure that conditions against uses listed have a basis in a strategic document related to the Capital City
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Any use listed in Clause 62.01 See Section 1 of 37.04-1 for relevant provisions	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Ensure that uses listed have a basis in a strategic document related to the Capital City Do not separately list uses if no conditions are included; they can be included in the requirement: "Any other use not in Section 1 or 3"	Ensure that conditions against uses listed have a basis in a strategic document related to the Capital City Ensure that conditions against uses listed seek to achieve a specific strategic outcome, as failure to meet the relevant condition results in the use being prohibited
Container deposit scheme centre	
Any other use not in Section 1 or 3 See Section 2 of 37.04-1 for relevant provisions	

Section 3 - Prohibited

Use

Ensure that uses listed have a basis in a strategic document related to the Capital City
See Section 3 of 37.04-1 for relevant provisions

2.0

Use of land

13/12/2023

Where no requirements are specified insert “None specified.”

or

Where use requirements are specified insert specific use requirements such as “A permit is not required to use land for the purpose of [insert specific requirement/s]” or add other requirements relating to the use of land.

Where application requirements are specified insert “The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- [insert application requirements].”

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 the use of land 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.”

Where decisions guidelines are specified insert “The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [insert decision guidelines].”

See 37.04-2 for relevant provisions.

3.0

Subdivision

13/12/2023

Where no requirements are specified insert “None specified.”

or

Where subdivision requirements are specified insert specific subdivision requirements such as “A permit is not required to subdivide land for the purpose of [insert specific requirement/s]” or add other requirements relating to the subdivision of land.

Where application requirements are specified insert “The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- [insert application requirements].”

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 the subdivision of land 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.”

Where decisions guidelines are specified insert “The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [insert decision guidelines].”

See 37.04-3 for relevant provisions.

4.0

13/12/2023

Buildings and works

Where no requirements are specified insert “None specified.”

or

Where permit exemptions are listed insert: “No permit is required to construct a building or construct or carry out works for the following:

- [insert exemptions].”

Where a permit is required for the demolition or removal of a building or works insert: “A permit is required for the demolition or removal of a building or works...”

If conditions are required to be included for any permit granted insert: “A permit granted for the construction of a building or to construct or carry out works must include the following conditions:

- [insert conditions].”

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

- [insert requirements].”

Where application requirements are specified insert “The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- [insert application requirements].”

Where an exemption from notice and review is specified insert the precise wording of the exemption from notice and review such as: “An application to construct a building or 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.”

Where decisions guidelines are specified insert “The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [insert decision guidelines].”

See 37.04-4 for relevant provisions.

5.0

13/12/2023

Signs

Where no requirements are specified insert “None specified.”

Or

Note: Clauses 52.05-11 to 52.05-14 (Category 1 – 4 sign requirements) do not apply in the Capital City Zone.

Where sign requirements are specified insert “A permit is required to construct and display a sign except for:

- [insert exemptions].”

Where an exemption from notice and review is specified insert the precise wording of the exemption from notice and review such as: “An application to construct and display a sign

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.”

See 37.04-5 for relevant provisions.

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