



Victoria Government Gazette

No. S 394 Tuesday 21 November 2017
By Authority of Victorian Government Printer

Planning and Environment Act 1987
VICTORIA PLANNING PROVISIONS
Notice of Approval of Amendment
Amendment VC141

The Minister for Planning has approved Amendment VC141 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:

- Amending Clause 19.01-1 – updating policy guidelines to the revised document Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, November 2017).
- Amending Clause 43.01 – Heritage Overlay, to ensure that an application to subdivide land for a place which is included in the Victorian Heritage Register is referred to the Executive Director under the **Heritage Act 2017**.
- Amending Clause 52.19 – Telecommunications facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government’s Mobile Black Spot Program from the notice and review requirements of the **Planning and Environment Act 1987** (the P&E Act).
- Amending Clause 52.32 – Wind Energy Facilities, to reflect changes proclaimed through the **Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017** in relation to an amendment to a planning permit for a windfarm.
- Amending Clause 66 – Referral and Notice Provisions, to include the Executive Director specified in the **Heritage Act 2017** as a determining referral authority for an application to subdivide a heritage place included in the Victorian Heritage Register.
- Amending the VPP to update the style and format based on the revised Ministerial Direction on the Form and Content of Planning Schemes (updated April 2017) issued under section 7(5) of the P&E Act.

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

JOHN PHILLIPS
Director
Planning Systems
Department of Environment, Land, Water and Planning

SPECIAL

Planning and Environment Act 1987

Section 7(5)

MINISTERIAL DIRECTION

I, 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. On pages 1–4 to the Direction insert new wording as at **Attachment A**.
2. In Annexure 2 to the Direction, replace the template to Clause 37.07 Urban Growth Zone with a new template to Clause 37.07 Urban Growth Zone as at **Attachment B**.
3. In Annexure 2 to the Direction, replace the template to Clause 43.04 Development Plan Overlay with a new template to Clause 43.04 Development Plan Overlay as at **Attachment C**.

HON. RICHARD WYNNE MP
Minister for Planning

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 style guide set out in Annexure 1 and written in plain English.
3. A planning scheme must include a cover page of the planning scheme, a table of contents and the following parts of the Victoria Planning Provisions in the same order:
 - Clauses 1-2 (inclusive)
 - Clauses 9- 10 (inclusive)
 - Clause 11 (as specified in Annexure 4 to this Direction)
 - Clauses 12-19 (inclusive)
 - Clause 20 (if a planning scheme includes a Local Planning Policy Framework)
 - 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 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 - 52 (inclusive)
 - Clause 53 (if a planning scheme covers an area subject to a strategy plan identified in Section 46 Part 3A, Part 3C or Part 3D of the *Planning and Environment Act 1987*)
 - Clauses 54 - 56 (inclusive)
 - Clause 57 (if a metropolitan fringe planning scheme as identified in Part 3AA of the *Planning and Environment Act 1987*)
 - Clause 58 (inclusive)
 - Clauses 60 - 67 (inclusive)
 - Clauses 70 - 74 (inclusive)

- Clause 75
- Clauses 80 - 81
- 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:
 - a) Name of the planning scheme in a header
 - b) Name of the local provision and a page number in a footer
 - c) Date the provision came into operation or was last amended and the corresponding amendment number adjacent to the title of the provision
 - d) 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
 - e) Relevant format and content as specified in Annexures 2 and 3.
7. If a planning scheme includes a provision with a schedule, 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.
8. 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

9. 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.
10. 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 the available space on the page with 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) Have a title, reference number and border
 - d) The image title written as text outside of the image
 - e) Include a legend and source, where applicable

f) Include a north arrow and scale, where applicable.

11. A planning scheme must not include a schedule for any provision for which a schedule is not provided in the Victoria Planning Provisions as shown in the following table:

VPP Clause or Sub-clause	Schedule (Y/N)	Number of Schedules	VPP Clause or Sub-clause	Schedule (Y/N)	Number of Schedules
9	N	N/A	43.03	Y	1 or more
10	N	N/A	43.04	Y	1 or more
11	N	N/A	43.05	Y	1 or more
12	N	N/A	44.01	Y	1 or more
13	N	N/A	44.02	Y	1 or more
14	N	N/A	44.03	Y	1 or more
15	N	N/A	44.04	Y	1 or more
16	N	N/A	44.05	Y	1 or more
17	N	N/A	44.06	Y	1 or more
18	N	N/A	44.07	Y	1 or more
19	N	N/A	45.01	Y	1
21	Y	1 or more	45.02s1	Y	1
22	Y	1 or more	45.02s2	Y	1
32.03	Y	1 or more	45.05	Y	1
32.04	Y	1 or more	45.06	Y	1 or more
32.05	Y	1 or more	45.08s1	Y	1
32.07	Y	1 or more	45.08s2	Y	1
32.08	Y	1 or more	45.09	Y	1 or more
32.09	Y	1 or more	45.10	Y	1 or more
33.01	Y	1	52.01	Y	1
33.02	Y	1	52.02	Y	1
33.03	Y	1	52.03	Y	1
34.01	Y	1	52.05	Y	1
34.02	N	N/A	52.16	Y	1
35.03	Y	1 or more	52.17	Y	1
35.04	Y	1 or more	52.27	Y	1
35.05	Y	1 or more	52.28	Y	1
35.06	Y	1 or more	52.32	Y	1
35.07	Y	1 or more	52.37	Y	1
35.08	Y	1 or more	52.43	Y	1
36.01	Y	1	52.44	Y	1
36.02	Y	1	52.48	Y	1
36.03	Y	1	53.01	Y	1
37.01	Y	1 or more	53.02	Y	1
37.02	Y	1 or more	53.03	Y	1
37.03	Y	1	57.01	Y	1
37.04	Y	1 or more	61.01	Y	1
37.05	Y	1 or more	61.02	Y	1
37.06	Y	1 or more	61.03	Y	1
37.07	Y	1 or more	61.04	Y	1
37.08	Y	1 or more	66.04	Y	1
42.01	Y	1 or more	66.06	Y	1
42.02	Y	1 or more	81.01	Y	1
42.03	Y	1 or more	94	Y	1

43.01	Y	1 or more
43.02	Y	1 or more

95	Y	1
----	---	---

12. 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 State 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.”
13. If a planning scheme includes a Municipal Strategic Statement or a Strategic Statement the planning scheme must include the relevant clause and format specified in Annexure 3.
14. If a planning scheme includes a Local Planning Policy in clause 22 the clause must be in the format specified in Annexure 3.
15. 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.
16. 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 81.01.
17. 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 81.01.
18. 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.
19. 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.
20. Where a Clause, Sub-Clause or Section contains no information the words “[no content]” must be included in that Clause, Sub-Clause or Section.
21. Provisions are to be structured in the following hierarchy:
- Victoria Planning Provisions and Local Planning Policy Framework provisions: Clause (XX), Sub-Clause (XX.XX), Section (XX.XX-X), Sub-Section (XX.XX-X.X), Sub-Sub Section (XX.XX-X.X-X). Annexure 1 provides a sample layout.
 - Schedules: Schedule Sub-Clause (Schedule Heading), Schedules: Schedule Section (X.X), Schedule Sub-Section (X.X) and Schedule Sub-Sub Section (X.X-X). Annexure 1 provides a sample layout.
 - With no more than three levels of bullets or numbering within a Clause, Sub-Clause or Section.

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

Attachment B**SCHEDULE [NUMBER] TO CLAUSE 37.07 URBAN GROWTH ZONE**Shown on the planning scheme map as **UGZ[number]**.**NAME OF PRECINCT STRUCTURE PLAN**

[Insert name of precinct structure plan]

(Note: Also include reference to the plan in Clause 81.01)

1.0 The Plan

Insert plan of precinct structure plan area as follows: "Plan 1 shows the future urban structure proposed in the [Insert Name] Precinct Structure Plan."

Base on guidance provided from the Precinct Structure Plan Guidelines and Planning Practice Note 47 Urban Growth Zone.**2.0 Use and development****2.1 The Land**

[Insert the land affected by the precinct structure plan]

2.2 Applied zone provisions

Include applied zone provisions to land using zones from the Victoria Planning Provisions that will apply to land within the precinct structure plan area as follows:

"The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule."

Table 1: Applied zone provisions

Land shown on map 1 of this schedule Residential	Applied zone provisions Clause 32.08 – General Residential 1 Zone
Land shown on map 1 of this schedule Mixed use	Applied zone provisions Clause 32.04 – Mixed Use Zone
Land shown on map 1 of this schedule Industrial	Applied zone provisions Clause 33.01 – Industrial 1 Zone
Land shown on map 1 of this schedule Business / Retailing / Commercial	Applied zone provisions Clause 34.01 – Commercial 1 Zone
Land shown on map 1 of this schedule Employment / Commercial	Applied zone provisions Clause 34.02 – Commercial 2 Zone
Land shown on map 1 of this schedule Arterial Road	Applied zone provisions Clause 36.04 – Road Zone 1 or 2

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

Attachment B**2.3 Specific provisions – Use of land**

Where no requirements are specified insert “None specified.”

or

Where a table of uses is specified detail as follows:

Section 1 - Permit not required

Use	Condition
Ensure that uses listed have a basis in the precinct structure plan	Ensure that conditions against uses listed have a basis in the precinct structure plan
Ensure that uses are defined terms at Clause 74	
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Ensure that uses listed have a basis in the precinct structure plan	Ensure that conditions against uses listed have a basis in the precinct structure plan
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”	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Ensure that uses listed have a basis in the precinct structure plan
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.
See 37.07-9 for relevant provisions.

2.4 Specific provisions - Subdivision

Where no requirements are specified insert “None specified.”

or

Where subdivision requirements are specified insert specific subdivision requirements that must be met such as “A permit to subdivide land must meet the following requirements:

- [insert specific requirement/s].”

See 37.07-10 for relevant provisions.

2.5 Specific provisions - Buildings and works

Where no requirements are specified insert “None specified.”

or

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

Attachment B

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

- [insert exemptions/permit triggers].”

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].”

See 37.07-11 for relevant provisions.

3.0 Application requirements

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 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- [insert application requirements].”

See 37.07-12 for relevant provisions.

4.0 Conditions and requirements for permits

Where no requirements are specified insert “None specified.”

or

Where conditions and requirements for permit are specified, determine the specific permit class affected and insert specific conditions and requirements for permits.

- [insert conditions and requirements for permits].”

See 37.07-10 and 37.07-11 for relevant provisions.

5.0 Exemption from notice and review

Where no requirements are 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 [insert type of application broken into specific paragraphs based on the application class: use of land, construct a building or construct or carry out works and/or subdivision] is not 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.”

Note: Exemption from notice and review applies to all applications generally in accordance with the precinct structure plan applying to the land unless specified otherwise by the schedule to the zone.

See 37.07-13 for relevant provisions.

6.0 Decision guidelines

Where no requirements are specified insert “None specified.”

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

Attachment B

or

Where decisions guidelines are specified insert “The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [insert decision guidelines].”

See 37.07-14 for relevant provisions.

7.0 Advertising signs

Where no requirements are specified insert “None specified.”

or

Where advertising sign requirements are specified insert “Advertising sign requirements are at Clause 52.05. All land located within [insert land/area/precinct] is in Category [insert advertising signage category]. All other land is in Category 3.

See 37.07-16 for relevant provisions.

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

Attachment C**SCHEDULE [NUMBER] TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

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

Name of Development Plan**1.0 Requirement before a permit is granted**

Where no requirements are specified insert “None specified.”

or

Insert the following words: “A permit may be granted for use or to subdivide land or to construct a building or to construct or carry out works that is not in accordance with the development plan.

See 43.04-1 for relevant provisions.

2.0 Conditions and requirements for permits

Where no requirements are specified insert “None specified.”

or

Where conditions and requirements for permit are specified, determine the specific permit class affected and insert specific conditions and requirements for permits and insert “The following conditions and/or requirements apply to permits:

- [insert conditions and requirements for permits].”

See 43.04-1 for relevant provisions.

3.0 Requirements for development plan

Include requirements for a development plan with the following words: “A development plan must include the following requirements:

- [insert requirements].”

See 43.04-3 for relevant provisions.

bluestar  **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2017

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

**Fax**

(03) 9600 0478

email

gazette@bluestargroup.com.au

Price Code A