

Proposal 1 – A simpler VPP structure with VicSmart assessment built in

Proposal	Background	Officer Assessment
1.1 Restructure and reform the particular provisions	Zones and overlays in Planning Schemes provide guidance in relation to land use and development. Other planning requirements may apply to particular uses or development, these are captured by Particular Provisions. Particular Provisions are located between Clauses 50 and 57 in the planning scheme and include requirements around advertising signs, car parking as well as specific uses such as apartment developments. Currently particular provisions are listed individually (for example Clause 52.06 Car Parking); this proposal is seeking the provisions be placed into groups under proposed assessment pathways.	Agree that the particular provisions should be reviewed and the proposed assessment pathways are logical. Require clarification on how the provisions would be allocated under each of the assessment pathways and their format.
1.2 Integrate VicSmart into appropriate particular provisions and overlay schedules	VicSmart is a streamlined assessment process for straightforward planning permit applications. Classes of application are identified in the planning scheme as being VicSmart and have specific requirements for information, assessment processes and decision guidelines. A VicSmart application is a 10 day permit process and the application is not advertised. Currently applications that fall under the VicSmart planning assessment are at Clauses 90 to 94 of the Planning Scheme. Therefore when an application is assessed, the zones and overlays are referred to and the planner must also check a different part of the scheme to check whether the application is classified as VicSmart. This proposal is seeking the VicSmart trigger be integrated into the relevant overlays and particular provisions throughout the Planning Scheme.	Agree as this would streamline the process as it is currently time consuming and illogical to look in multiple locations. Suggest the reference to the VicSmart triggers be provided in the overlays' header clause rather than in the schedules. Typically, permit triggers are listed in the header and given further effect in the schedule.
1.3 Consolidate all administrative provisions	Currently administrative provisions are scattered throughout the planning scheme and include provisions such as: • Clause 61 – Admin of this scheme • Clause 66 – Referral and notice provisions • Clause 81 – Incorporated documents The proposal seeks to consolidate all these provisions in one location in the General Provisions section.	Agree as it makes sense to have all the documents in one place.

Specific Question from the DELWP online feedback form

What other changes to the VPP structure do you think should be considered?

No further suggestions in addition to what is proposed in the discussion paper.

Proposal 2 – An integrated Planning Policy Framework (PPF)

Proposal	Background	Officer Assessment
2.1 Integrate state, regional and local planning policy	The current policy structure in the Planning Scheme consists of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF). The SPPF includes a number of state provisions including policy on housing, environment and transport as well as regional policies at Clause 11 (Settlement). The LPPF contains the Municipal Strategic Statement (MSS) as well as individual local policies on specific matters. For instance, the Whitehorse Planning Scheme has specific local policies on tree conservation, student accommodation and activity centres. Currently the local and state policies sit separately and are clearly defined in the planning scheme. The proposal seeks to integrate state, regional and local policies into a single Planning Policy Framework (PPF).	Disagree for the following reasons: • This change will diminish and dilute the presence and comprehensiveness of local policy. • Concerned this will result in a loss of local identity in the planning scheme. • The current policy structure provides a snapshot of an area by looking in one place; this will be removed by the proposal. • Concerned that not all of Council's local policy will fit appropriately in the reformed structure. • Require clarification on what happens to aspects of policy that do not have an appropriate place in the reformed structure. However, officers agree with making the distinction between state and regional level policy.
2.2 Simplify the Municipal Strategic Statement (MSS)	The MSS sits in the Local Planning Policy Framework (LPPF) section of the Planning Scheme. The MSS provides the broad local policy basis for making decisions under a planning scheme. The Whitehorse MSS provides guidance on the following topics: • Municipal profile • Key issues • A vision for the City of Whitehorse • Strategic Direction • Environment • Housing • Economic Development • Infrastructure • Monitoring and Review This proposal will reduce the current Whitehorse MSS content down to a 'municipal context and vision' with the remaining content to be integrated into the PPF structure.	Disagree for the following reasons: • Require clarification on what the specific format of the revised MSS will be and the guidelines for its contents. • Concern regarding oversimplification of the MSS and loss of local content. • Local policy guidance is critical in determining locally important issues, which was a key element to the current format of the VPP. • The commitment to the current format was given when the VPP were implemented to ensure the removal of local municipal planning schemes did not translate to 'one size fits all' planning. This issue remains; local policy contributes to the local nuances that make individual places. Clarification is required as to whether Section 7 and 12A of the <i>Planning and Environment Act (1987)</i> will be amended to address these proposed changes to the format of the MSS.
2.3 Expand policy themes	The current state policy framework contains broad themes around housing, transport and environment. This proposal seeks to expand upon these to ensure there is a place for current and future policy in the proposed PPF structure.	Agree that expanded policy is required to support the proposed PPF structure. Importantly, the themes need to be flexible enough to capture existing and future specific local policy content. There is concern that without this flexibility a statewide amendment to add themes and inclusion of specific local policy content will be unreasonably restricted.

		Suggest Clause 15 Built Environment and Heritage and Clause 16 Housing be moved to the front of the proposed PPF structure as the most commonly used Clauses should be at the beginning.
2.4 Create a clearer and simpler structure for policy making	The current policy structure in the planning scheme generally contains objectives, strategies and policy guidelines. This structure is intended to be utilised in the proposed PPF with an additional 'policy document' section. Additionally the local section of the PPF is proposed to contain a 'policy application' and 'policy context' heading.	Unable to comment. Clarification is required on what aspects of Council's policy will be allowed in the new structure under the proposed headings.
2.5 Set new rules and guidelines for writing policy	Rules about drafting policy in planning schemes are currently available via Planning Practice Notes and other resources provided by the Department of Environment, Land, Water and Planning (DELWP). This proposal is to provide clearer drafting rules and rules of entry to ensure policy in the proposed PPF has a land use or development focus and directly relates to discretion within the planning scheme.	Agree with this principle in general, however there is insufficient information provided to comment at this stage. Clarification is required on what the rules and guidelines for writing policy will be. Concerned those elements of local policy that do not strictly fit the rules and guidelines will be removed. Council's often have local policy that provides further local direction and context on a state level issue, and this should not be lost via the proposed changes.

Specific Question from the DELWP online feedback form

Are there any themes that should be added to the proposed Planning Policy Framework (PPF) thematic framework to ensure it covers all required policies?

Council is concerned there does not appear to be an appropriate location in the proposed PPF structure for the following local policies currently in the Whitehorse Planning Scheme:

- Clause 22.04 Tree Conservation
- Clause 22.12 Former Brickworks Site, 78 Middleborough Road, East
- Clause 22.13 14 Federation Street, Box Hill
- Clause 22.17 Gaming

What else could be done to make planning policy easier to apply and understand?

There is a concern that the proposed PPF structure will put more of an emphasis on State Planning Policy and detract from the Local Policies that characterise the municipality and provide guidance on important local matters. The ability to quickly grasp an understanding of the local issues of an area is a positive aspect of the current VPP structure, and Council is concerned the proposed structure will remove this feature.

What will be needed to support a transition to a new PPF format?

Council requires the following further information in order to understand the transition to the proposed PPF format:

- An understanding of the scale and timelines for this process, particularly as Council's MSS review is currently underway.
- In indication of the 'rules of entry' for the new PPF format.

- There will be a significant amount of work and resources required to re-draft provisions to ensure they fit into the proposed PPF structure, including distributing some current policies across a number of Clauses. For example, there will be aspects of Council's current Clause 21.08 Housing that will belong in the following proposed Clauses - *Context and vision, Planning and Places, Heritage and Housing*.
- Determining where particular Clauses sit and ensuring there is no duplication or fragmentation across themes will be a time consuming task. DELWP will need to consider this in the timeframes for the process and in the resourcing and guidance it provides Councils to complete this task.

Proposal 3 - Assessment pathways for simple proposals

Proposal	Background	Officer Assessment
3.1 Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules	Same as proposal 1.2 VicSmart is a streamlined assessment process for straightforward planning permit applications. Classes of applications are identified in the planning scheme as being VicSmart and have specific requirements for information, assessment processes and decision guidelines. A VicSmart application is a 10 day permit process and an application is not advertised. Currently applications that fall under the VicSmart planning assessment are at Clauses 90 to 94 of the planning scheme. This proposal is seeking the VicSmart trigger be integrated into the relevant overlays and particular provisions.	Agree, this would streamline the process as it is currently time consuming having to look in multiple locations. Suggest the VicSmart trigger be provided in the overlays header Clause rather than in the schedules. Typically, permit triggers are listed in the header and given further effect in the schedules.
3.2 Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners	The VicSmart process is a code-based assessment process, as it provides the ability for a planning scheme to confine the assessment of certain classes of permit application to a specified set of criteria. Therefore it provides an ability to focus the discretion of a decision maker on considering whether an objective set of criteria (a code) are met, and enables a code assessment pathway. The proposed code-based assessment provisions would be developed specific to particular applications, and would require a permit to be issued if this code was met. The example provided in the discussion paper is a café in an existing commercial area, under the Commercial 1 Zone a 'small café code' could be developed with a number of objectives, if all of these objectives are met a permit would be granted in 10 days.	An example of a café in an existing commercial building is provided, however it would seem more appropriate for this example, and potentially others that may be code-assessable, to not require a permit. Permit exemptions could be broadened if certain criteria are met. The secondary dwelling standards are not supported unless ResCode requirements are broadened to ensure certainty of outcomes.

Specific Question from the DELWP online feedback form

What other matters do you think are suitable for code-based assessment?

The code-based assessment could be broadened to consider applications for pop-up type activities, as well as temporary structures associated with events or festivals.

Proposal 4 – Smarter planning scheme drafting

Proposal	Background	Officer Assessment
4.1 Create a new VPP user manual	The current user manual, the <i>Manual for the Victoria Planning Provisions 1997</i> has never been updated and currently refers to provisions that no longer exist. This proposal intends to create a new VPP user manual to ensure it reflects the proposed changes.	Agree with the principle, however further information on the user guide's content is required before comment can be provided. The user manual would need to be regularly updated to avoid the current situation where 20 years on, the VPP has not been reviewed.
4.2 Establish a business unit dedicated to VPP and planning scheme amendment drafting	There are existing units in DELWP that review planning scheme amendment drafting, however this new unit is proposing to formalise and strengthen this.	Agree in principle, however further information on the structure of this business unit is required. This unit would need to be well resourced to keep pace with the significant number of amendments submitted by Councils in Victoria.
4.3 Create an online planning library	There is currently no online planning library that DELWP manages for planning resources. The proposed library may include incorporated documents, approved development plans, reference documents, historic planning documents and heritage citations.	Agree, it makes sense to have all resources in one place for Councils and the community to easily access.

Specific Question from the DELWP online feedback form

What are the key matters you think a VPP user manual should include?

No further suggestions in addition to what is proposed in the discussion paper.

What planning documents or information do you think should be included in a Victorian planning library?

The following documents should be included in a Victorian planning library; historic planning schemes, incorporated documents, reference documents, heritage citations, significant tree statements, approved development plans, technical documents that have supported amendments, approved Master Plans.

An easy to navigate search engine should be implemented to ensure this library is accessible for all.

Are there any ways the drafting and consistency of planning scheme provisions could be improved?

It is important to ensure local policy is emphasised and kept at the forefront of planning schemes and within the proposed PPF format.

The discussion paper states *there may be some loss of flexibility in the drafting of local provisions, however more concise and precisely expressed planning controls can only improve their effectiveness*. There is a concern that if flexibility is removed the ability to adapt the VPP to future requirements will be lost. Also, the ability to characterise the VPP with important local content will be jeopardised. Whilst end users of the planning scheme always seek certainty, they also seek a planning scheme that provides them with an ability to negotiate outcomes, particularly in circumstances where uses or development are not well captured by the scheme.