

Summary

Knox City Council (KCC) appreciates the opportunity to have input into the changes proposed Discussion paper: Reforming the Victoria Planning Provisions. Generally, KCC views the changes proposed by the program as a positive step towards Planning reform, however, there are some areas that KCC believes needs further investigation and further amendments to allow the new Planning Policy Framework to better serve the community, allow better assessment of applications, and to allow better outcomes. This submission is provided in three sections, the first relates to Proposals 1-4, the second is a detailed response to Proposal 5 of the discussion paper, in table form for clarity (given the technical content), and the third part contains other issues that need consideration as part of the program.

Proposal 1: A simpler VPP Structure with VicSmart assessment built in

1.1: Restructure and reform the particular provision

KCC supports these proposed changes.

1.2: Integrate VicSmart into appropriate particular provisions and overlay schedules

KCC supports these changes. The proposal to integrate VicSmart into particular provisions and overlay schedules will be much more user friendly, easier to interpret, and allows the VicSmart provision to be read in conjunction with the policy/controls that are relevant.

1.3: Consolidate all administrative provisions

KCC supports these proposed changes. It is considered that these changes will aid in the usability of the Knox Planning Scheme.

Proposal 2: An integrated planning policy framework

2.1: Integrate state, regional and local planning policy

KCC supports these proposed changes. The concept of having one Planning Policy Framework is a positive change, and the inclusion of regional policy is strongly supported. Council's recent planning scheme re-write (Amendment C150) was drafted in anticipation that this reform would be progressing. It is considered that much of Council's MSS can be translated into the proposed PPF structure.

2.2: Simplify the Municipal Strategic Statement

KCC supports these proposed changes.

2.3: Expand policy themes

KCC supports these proposed changes

2.4: Create a clearer and simpler structure for policy making

KCC does not support all of the changes outlined in this section. KCC strongly suggests that social issues be better represented in Appendix 2 to the discussion paper. The change in direction to a more land based and built form PPF framework is considered counterintuitive the social issues that should also be considered as part of any planning assessment. It should also be noted that the assessment of social impacts are now part of the Planning and Environment Act, and therefore Council must consider these as part of the assessment process. Policy in this regard is lacking in the proposed PPF.

2.5: Set new rules and guidelines for writing policy

KCC supports new rules and guidelines for the writing of policy, and should lead to more consistency between planning schemes throughout Victoria. However, KCC is concerned with the proposal to have a new department dedicated to the writing of policy. Council is concerned that this may lead to policies being written that lose the local intent of such policies, whilst leading to policies which are generic, and do not achieve the outcomes originally intended by Council.

Proposal 3: Assessment pathways for simple proposals

3.1: Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules

KCC supports these proposed changes. However, Council believes that this program should also look at further red tape reduction, where the planning process adds little value to the assessment of applications. As an example, for VicSmart applications for land in a Special Building Overlay, if the applicant already has the flood levels and recommended finished floor levels from Melbourne Water, why is there any need for planning permit process. This could be done under the Building Permit Process, skipping the need for a planning permit, where no value is added by the Responsible Authority.

3.2: Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners

KCC generally supports these proposed changes. The idea of developing small lot standards, along with reducing the permit trigger from 500 down to 300m² for single dwellings is supported. The idea of 'home occupation plus' in mixed use areas is supported. The Café code concept is supported, however KCC considers that thought needs to be given as to how would this work with regards to car parking. Often, car parking required for cafes exceeds the car parking provision for shop/retail uses, and can be problematic.

Proposal 4: Smarter planning scheme drafting

4.1: Create a new VPP user manual

KCC supports these proposed changes.

4.2: Establish a business unit dedicated to VPP and planning scheme amendment drafting

As stated earlier, KCC is concerned that this proposed change will lead to a loss of local policy intent, and may lead to generic policies which do not appropriately cater for local needs. However, having further support for KCC’s strategic planners to guide in the development of policy is seen as a positive.

4.3: Create an online Victorian planning library

KCC supports these proposed changes. The mapping of site specific inclusions, which sometimes are overlooked and not ‘discoverable’ to future purchases of the land, will lead to more transparent and accessible access to information. Also, if these documents are cross referenced on a site by site basis, both from a mapping and a planning scheme/information viewpoint, then there is less chance of important planning information being missed or overlooked. Also, such a library would cut down the time it takes to find specific inclusions for each site.

Proposal 5: Improve specific provisions

5.1: Improvements to specific provisions

5.2: Update the Definitions section of the VPP

| ID. No. Zones | Clause No. | Name | Supported Yes/No | Discussion |
|--------------------|------------------|-------------------------------|------------------|---|
| ID. No. Zones 1 | Clause No. 30 | Name All zone schedules | Supported Yes | |
| ID. No. Zones 2 | Clause No. 30 | Name All zones | Supported Yes | Discussion It is considered the changes away from numerical zone heading is positive. Amendment C149 (adopted by Council) proposes to delete the PDZ and the Activity Centre Zone does not apply in Knox, so the changes to the ACZ and PDZ are considered positive. |
| ID. No. Zones 3 | Clause No. 32 | Name All Residential Zones | Supported Yes | Discussion The change from 500sqm to 300sqm permit trigger for single dwellings is positive. These can be regulated under the Building Regulations. Having Child Care Centre uses as of right within the Residential Growth Zone (subject to size) makes planning sense. |

| ID. No. Zones | Clause No. | Name | Supported Yes/No | Discussion |
|------------------------|---------------------|--|-------------------------------------|--|
| ID. No. Zones 4 | Clause No. 32.04 | Name Mixed Use Zone | Supported Yes | Discussion Providing a greater range of land use exemptions (subject to conditions) in the Mixed Use Zone would be more consistent with the purpose of the zone, and will better support small businesses. |
| ID. No. Zones 5 | Clause No. 33.01 | Name Industrial 1 Zone | Supported Yes | Discussion Making 'Motor Repairs' and 'Convenience Shop' Section 1 (as of right) land uses is considered positive, and both uses are appropriate for the zone. |
| ID. No. Zones 6 | Clause No. 33.03 | Name Industrial 3 Zone | Supported Yes | Discussion There are currently no Industrial 3 Zoned Land in Knox. However, provided that these zones are not located in areas of high economic and employment generating context, these changes are considered consistent with the zone. |
| ID. No. Zones 7 | Clause No. 34.02 | Name Commercial 2 Zone | Supported Yes | Discussion 'Convenience Restaurant' and 'Manufacturing Sales' are both land uses that are in keeping with the purpose of the zone. |
| ID. No. Zones 8 | Clause No. 35 | Name All rural zones | Supported Yes | Discussion |
| ID. No. Zones 9 | Clause No. 35.07 | Name Farming Zone | Supported Yes | Discussion This change would support a use that compatible with agricultural land uses. |
| ID. No. Zones 10 | Clause No. 37.03 | Name Urban Floodway Zone | Supported Yes | Discussion Provided that flood risk is still taken into consideration, this change is considered positive. |
| ID. No. Zones 11 | Clause No. 37.07 | Name Urban Growth Zone | Supported Not applicable to Knox | Discussion |
| ID. No. Overlays 12 | Clause No. 40 | Name All overlays | Modification Supported Yes | Justification There is strong support for changes to terms such as 'generally in accordance', which causes some grief as such terms are interpretational. |
| ID. No. Overlays 13 | Clause No. 42 | Name Environmental and landscape overlays | Supported Yes | Discussion This change will take some of the confusion out of when a planning permit is required to remove vegetation or not dependent on fire risk. |
| ID. No. | Clause No. | Name | Supported | Discussion |

| ID. No. Zones | Clause No. | Name | Supported Yes/No | Discussion |
|------------------------|---------------------|--|------------------------|---|
| Overlays 14 | 43.01 | Heritage Overlay | Yes | Having increased exemptions for minor buildings and works which do not impact on heritage significance is considered positive. |
| ID. No. Overlays 15 | Clause No. 43.04 | Name Development Plan Overlay | Supported Yes | |
| ID. No. Overlays 16 | Clause No. 43.05 | Name Neighbourhood Character Overlay | Not applicable to Knox | |
| ID. No. Overlays 17 | Clause No. 44 | Name Land management overlays | Supported Yes | Discussion Council believes that there is a further question as to whether a planning permit is even needed if applicants/owners already have flood levels and finished floor levels defined by Melbourne Water. This could be dealt with directly by the Building Regulations. This would cut down a need for planning permits that add little value during the assessment process. |
| ID. No. Overlays 18 | Clause No. 44.01 | Name Erosion Management Overlay | Not applicable to Knox | |
| ID. No. Overlays 19 | Clause No. 44.02 | Name Salinity Management Overlay | Not applicable to Knox | |
| ID. No. Overlays 20 | Clause No. 44.03 | Name Floodway Overlay | Supported Yes | Discussion Provided that flood risk is not compromised as a result of these changes, then this proposal is considered positive. |
| ID. No. Overlays 21 | Clause No. 44.04 | Name Land Subject to Inundation Overlay | Supported Yes | Discussion Provided that flood risk is not compromised as a result of these changes, then this proposal is considered positive. |
| ID. No. Overlays 22 | Clause No. 44.05 | Name Special Building Overlay | Supported Yes | Discussion Provided that flood risk is not compromised as a result of these changes, then this proposal is considered positive. |

| ID. No. Zones | Clause No. | Name | Supported Yes/No | Discussion |
|--|----------------------------|--|---|--|
| ID. No. Overlays 23 | Clause No. 45.02 | Name Airport Environs | Not applicable to Knox | |
| ID. No. Overlays 24 | Clause No. 45.07 | Name City Link Project | Not applicable to Knox | |
| ID. No. Particular Provisions 25 | Clause No. 52.03 | Name Specific Sites and Exclusions | Not applicable to Knox currently | . |
| ID. No. Particular Provisions 26 | Clause No. 52.06 | Name Car Parking | Supported Yes, subject to further analysis. | <p>Discussion</p> <p>KCC is concerned about applications in Industrial 1 Zones for change of use applications where the footprint of the building is not changing. Some of the car parking rates for uses other than for warehouse/industry can be much higher than those sunstantive uses, however this approach may be more appropriate in Commercial zones, where other uses generally have higher car parking ratios.</p> <p>Also, KCC requests that the car parking ratios for child care centres be refined, as changes to legislation in that industry have meant that higher numbers of staff are required per child. This is also important as some child care centres may be as of right uses under the SMART Planning program.</p> |
| ID. No. Particular Provisions 27 | Clause No. 52.08 | Name Earth and Energy Resources Industry | Supported Yes | <p>Discussion</p> <p>Removing conflict between planning permits and extractive industry permits is considered a positive change.</p> |

| ID. No. Zones | Clause No. | Name | Supported Yes/No | Discussion |
|--|----------------------------|---|--|--|
| ID. No. Particular Provisions 28 | Clause No. 52.10 | Name Uses with Adverse Amenity Potential | Supported Yes, but definitions within this clause need to be updated and need to be clearer. | Discussion This Clause definitely needs revision. The terms used to describe those of adverse amenity potential are not clearly defined, are dated, and do not accurately describe the uses that this clause is trying to control. This causes a lot of trouble at the planning permit stage. Also, reverse amenity and landfill buffers etc. should be reviewed as part of this program. This part of planning is very difficult to interpret in current form, which could lead to further reverse buffer issues into the future. Whilst this is a difficult issue, KCC requests that this issue be included in the SMART Planning reform. Clarity to this issue is also important to the community, as members of the public will not know under the current system if their property has reverse buffer issues that will need to be addressed. |
| ID. No. Particular Provisions 29 | Clause No. 52.12 | Name Service Stations | Supported Yes | Discussion This update would improve the effectiveness of this provision and better align the provision's purpose with the explicit numerical requirements. |
| ID. No. Particular Provisions 30 | Clause No. 52.13 | Name Car Wash | Supported Yes | Discussion The updating of this provision is required. The current controls are outdated, and most service station designs fail to comply with the requirements of this clause. |
| ID. No. Particular Provisions 31 | Clause No. 52.14 | Name Motor Vehicle, Boat or Caravan Sales | Supported Yes | Discussion The updating of this provision is required. The current controls are outdated, and most service station designs fail to comply with the requirements of this clause. |
| ID. No. Particular Provisions 32 | Clause No. 52.19 | Name Telecommunications Facility | Supported Yes | Discussion The updating of this provision is required. The current controls are outdated, and most service station designs fail to comply with the requirements of this clause. |
| ID. No. Particular Provisions 33 | Clause No. 52.27 | Name Licensed Premises | Supported No | Discussion If enacted, this would remove Local Licensed Premises Policy in the planning schemes, taking away Council's ability to challenge an application based on local concerns and preferences. Applicants would be able to obtain a liquor license through the VCGLR which is a less rigorous process and unlikely to take into account the specific local contexts. In addition it would undermine Councils capacity to plan for safe and liveable communities. |

| ID. No. Zones | Clause No. | Name | Supported Yes/No | Discussion |
|--|--|--|-------------------------|---|
| ID. No. Particular Provisions 34 | Clause No. 52.28 | Name Gaming | Supported No | Discussion If enacted this would remove Local Gaming Policies in the planning schemes, taking away Council's ability to challenge an application based on local concerns and preferences. Applicants would be able to obtain a liquor license through the VCGLR which is a less rigorous process and unlikely to take into account the specific local contexts. In addition it would undermine Councils capacity to plan for safe and liveable communities. |
| ID. No. Particular Provisions 35 | Clause No. 52.29 | Name Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road | Supported Yes | Discussion These changes are all considered positive, and address Council's current concerns with this provision. |
| ID. No. Particular Provisions 36 | Clause No. 52.34 | Name Bicycle Facilities | Supported Yes | Discussion With an increase in the popularity of cycling, the revisions to this provision are supported. |
| ID. No. Particular Provisions 37 | Clause No. 52.37 | Name Post Boxes and Dry Stone Walls | Not applicable to Knox | |
| ID. No. Particular Provisions 38 | Clause No. 54, 55, 56 and 58 | Name Residential | Supported Yes | Discussion This change is considered a positive change. |
| ID. No. Particular Provisions 39 | Clause No. 57 | Name Metropolitan Green Wedge Land | Supported Yes | Discussion These changes are considered positive. Protecting Green Wedge Land is important, and more transparent controls will aid this. This Clause should also be updated following on from the Green Wedge Review currently being undertaken by DEWLP. |
| ID. No. General Provisions 40 | Clause No. 60 | Name General Provisions | Supported Yes | Discussion These changes are positive, and will aid in determining planning permit exemptions under this clause, which currently are hard to read and to decipher. |
| ID. No. General Provisions 41 | Clause No. 65 | | Supported Yes | Discussion These changes are positive, and should lead to less duplication in decision guidelines, which can be very repetitive. |

| ID. No. Zones | Clause No. | Name | Supported Yes/No | Discussion |
|--------------------------------------|-------------------|--|------------------|---|
| ID. No. General Provisions 42 | Clause No. 66 | Name Referral and Notice Provisions | Supported Yes | Discussion Taking the referral provisions out of other parts of the planning scheme, and having them all under Clause 66 will reduce the risk of referrals being missed, and will allow for easier determination of referral authorities. |
| ID. No. General Definitions 43 | Clause No. 72 | Name General Terms | Supported Yes | Discussion These terms are common sources of confusion and dispute, and further clarity will be welcome. |
| ID. No. General Definitions 44 | Clause No. 74 | Name Land Use Terms | Supported Yes | Discussion KCC supports the updating of the land use terms. |
| ID. No. General Definitions 45 | Clause No. 74 | Name Land Use Terms | Supported Yes | Discussion N/A |
| ID. No. General Definitions 46 | Clause No. 75 | Name Nesting Diagrams | Supported Yes | Discussion KCC requests that all nesting diagrams be updated as needed, due to changes to land use definitions of Clause 74. |
| ID. No. Incorporated Documents 47 | Clause No. 81 | Name Incorporated Documents | Supported Yes | Discussion Updating the incorporated documents, and changes to digital formats for these documents will make these documents far more accessible and usable. |
| ID. No. Other 48 | Clause No. N/A | Name Practice Notes | Supported Yes | Discussion Updating the practice notes is long overdue. Having contemporary practice notes is vitally important. These should also be regularly updated. |
| ID. No. Other 49 | Clause No. N/A | Name Technology and the availability of documents | Supported Yes | Discussion The digitization of the planning system is a welcome and supported change. The reform in this regard should go further and be structured so that (for example) you can type your property address in and rather than a map and links to the Planning Scheme, it actually 'pops up' only relevant sections of the scheme and perhaps FAQs that assist the user. |
| ID. No. Other 50 | Clause No. N/A | Name Section 173 agreements | Supported Yes | Discussion Providing standard agreement templates is a welcome proposal. It will allow KCC to focus on the outcomes of the agreement, rather than the format of the agreement. This would also mean that agreements are more uniform across Victoria. |

5.3: Regularly review and monitor the VPP

KCC supports the regular review of the VPP. This should occur on a much more regular basis, as technology changes at a rapid pace, and the VPP becomes dated quickly.

Other Areas that Require Attention as part of the SMART Planning Program

Red Tape Reduction – A missing piece in the program is genuine red tape reduction. The program should focus specifically on reviewing the extent of overlays and more importantly how the schedules are drafted. This work, while resource intensive initially, will significantly reduce the number of permits being triggered. Knox has recently completed a large piece of work to reduce unnecessary permit triggers in a number of overlay schedules. This work also included redrafting ESO / VPO and SLO schedules to ensure consistent exemptions across these three schedules. Another example is SBOs. For most SBO applications, no value is added to the process, other than the Melbourne Water flood levels and finished floor levels. This could be incorporated into the Building Regulations, and bypass the planning permit stage all together.

Review of Commercial/Industrial Zones - What are the distinguishing factors between the three Industrial Zones and the Commercial 2 Zone? The purpose of each zone are very similar. Also KCC believes that there is a need for some kind of core industrial/manufacturing zones where a range of non-productive uses are prohibited (eg place of worship and gyms) to protect core employment areas for their intended purpose.

NBN requirements and the subdivision process – The current process is not functional and is not leading to the intended outcomes. There is confusion as to how the process works, both at Officer level, with applicants, and developers. This process needs a substantial review.

Multiple VicSmart timeframes - KCC does not support the suggestion for multiple VicSmart timeframes. VicSmart should be kept simple and clear with one timeframe for all VicSmart applications.

Driverless Cars - Is DELWP considering driverless cars as part of this program? Driverless cars will likely have implications in the future for car parking requirements, the use/need for car parks, and the ability for car parks to be adapted in the future to useable floor space.