

2.01 HOW DO I USE THIS PLANNING SCHEME?

28/03/2018
VC145

2.01-1 The planning scheme map

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The planning scheme map shows how land is zoned and whether it is affected by an overlay. This information is indicated by a letter and number code that is explained on the front page of each map: For example, C1Z stands for Commercial 1 Zone.

To find out the effect these requirements have on your land, it is necessary to refer to the written document.

2.01-2 The written document

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Policy frameworks (Clauses 9 to 22)

The State and Local Planning Policy Frameworks contain the long term directions and outcomes sought by this scheme. These are implemented through the Zone, Overlay and Particular provisions requirements. It is important to refer to both frameworks when considering the requirements of the scheme.

Zone requirements (Clauses 30 to 37)

A zone controls land use and development. Each zone includes a description of its purpose and the requirements that apply regarding land use, subdivision and the construction and carrying out of buildings and works.

Each zone lists land uses in three sections:

Section 1: Uses that do not require a permit

Section 2: Uses that require a permit

Section 3: Uses that are prohibited

Uses that are not specifically mentioned are covered by a reference to 'any other use'. This is usually found in *Section 2*, but is occasionally found in *Section 3*.

Sometimes a use in *Section 1* or *Section 2* must meet specified conditions. If these are not met, the use may require a permit or may be prohibited.

Note that the three sections refer to the *use* of land, not to the *development* of land.

Development of land includes the construction of a building, carrying out works (such as clearing vegetation), subdividing land or buildings, or displaying signs. The zones indicate whether a planning permit is required to construct a building or carry out works. Some buildings and works, such as fences and underground services, usually do not require a permit. These are listed in *Clause 62* of the scheme under *Uses, buildings, works, subdivisions and demolition not requiring a permit*.

Overlay requirements (Clauses 40 to 45)

Overlays affect subdivisions, buildings and works. They operate in addition to the zone requirements and generally concern environmental, landscape, heritage, built form, and land and site management issues. It is essential to check whether an overlay applies to your land before commencing any use or development.

Particular provisions (Clauses 50 to 57)

Other planning requirements may apply to particular uses or development. These may be advertising signs, car parking or specified types of use. Such requirements are listed under *Particular provisions*. It is essential to check whether any of these requirements apply to your land before commencing any use or development.

General provisions (Clauses 60 to 67)

The general provisions provide information on:

- The administration of this scheme.
- The operation of existing uses and land used for more than one use.
- Uses, buildings, works, subdivisions and demolition not requiring a permit.
- Matters that Council must consider before deciding on a proposal under this scheme.

Definitions (Clauses 70 to 75)

Words used in this scheme have their common meaning unless they are defined in the scheme, the *Planning and Environment Act 1987* or in other relevant legislation. The purpose of defining a word is to limit its meaning to a particular interpretation or to explain the meaning of a word or phrase peculiar to this scheme. You should check whether any word or term is defined to ensure you understand its meaning within the context of the scheme.

If in doubt about the meaning of a word that is not defined, ask a Council planning officer for assistance.

VicSmart planning assessment provisions (Clauses 90 to 95)

VicSmart is a fast-track permit application process for assessing VicSmart applications within 10 business days of lodgement.

The VicSmart planning assessment provisions set out:

- The planning assessment process for VicSmart applications.
- The classes of application that are VicSmart applications.
- The information requirements and decision guidelines for each class of VicSmart application.

An application is a VicSmart application if:

- The application is for a permit under a provision listed in Clause 92 or the schedule to Clause 94.
- All the permit triggers for the application are listed in Clause 92 or the schedule to Clause 94.
- Any permit issued will not result in a breach of a registered restrictive covenant.
- Where referral is required under Clause 66, the application:
 - has been considered by the referral authority within three months prior to the application being made to the responsible authority; and
 - the referral authority has stated in writing that it does not object to the granting of the permit for the proposal.