

This VPP Practice Note:

- explains the role of schedules in planning schemes
- provides guidance on how schedules should be written
- provides practical examples of the use of schedules.

Introducing schedules

Together with the Local Planning Policy Framework (LPPF), schedules are the means of including local content in planning schemes. They can be used to supplement or 'fine tune' the basic provisions of a State standard clause, zone or overlay in a planning scheme, adapting it to local circumstances and locally defined objectives. This means that schedules are a key tool for implementing objectives and strategies in the Municipal Strategic Statement (MSS). A planning scheme that does not make good use of the local content in schedules is missing an important opportunity to implement its local planning objectives.

Schedules can only be included in a planning scheme where the *Victoria Planning Provisions (VPP)* make provision for them. They must use the format shown in the *Ministerial Direction on the Form and Content of Planning Schemes*.

Schedules must be technically accurate, easy to interpret and easy to apply. They must communicate to the widest possible audience. To achieve these objectives and to write good schedules requires:

- a clear understanding of the objectives of the scheme
- a clear understanding of the tools which implement those objectives
- a clear understanding of the degree to which particular tools may need to be augmented using schedules in order to deliver scheme objectives
- knowledge of the formal requirements for schedules set out in the *Ministerial Direction on the Form and Content of Planning Schemes*
- clarity and precision of expression in writing plain English.

This Practice Note provides generic advice about writing schedules. However, some schedules involve technical issues on which specialist drafting advice should also be sought. More specific advice about writing schedules to specific provisions in the *VPP* may be found in some of the other *VPP* Practice Notes.

What do schedules do?

An overview of the various tasks that schedules perform is provided below. *The Ministerial Direction on the Form and Content of Planning Schemes*, the local provisions template files and the *Table of VPP Schedules* provide more detailed information.

The *Table of VPP Schedules* is available from the DOI Planning Home Page:

<http://www.doi.vic.gov.au/planning>

It lists all *VPP* provisions for which schedules are available, together with a summary of the function of each schedule. It is kept up to date to reflect *VPP* amendments and is a useful supplement to this practice note.

Use controls

Some schedules allow particular requirements about how land may be used to be specified. Schedules to zones typically fall into this category. The requirements can range from setting minimum and maximum floor areas for defined uses to establishing complete tables of uses. Examples of schedules which allow the planning authority to specify permit and other requirements for land use include the business zones, rural zones and the Comprehensive Development Zone.

Subdivision, buildings and works controls

Many schedules allow particular requirements about how land may be developed to be specified. Schedules to overlays typically fall into this category. These schedules can be used to exempt certain forms of development from the need for a permit or to require a permit for certain forms of development. Examples of this type of schedule include the Design and Development Overlay, Environmental Significance Overlay and Vegetation Protection Overlay.

Advertising sign controls

A small number of schedules allow the planning authority to determine advertising sign requirements for a parcel of land or particular land-use activity. The Urban Floodway Zone schedule is an example of this type of schedule.

Statements of significance, objectives and decision guidelines

Some schedules enable the local definition of statements of significance, objectives or decision guidelines for particular areas. These schedules provide the greatest opportunity to adapt the basic provisions of a zone or overlay to recognise the special characteristics of an area. They can also cause confusion to planning scheme users and be easily misinterpreted if poorly written. Examples of schedules that allow the planning authority to specify statements of significance, objectives and decision guidelines include the Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay.

Information about the scheme

Schedules can also provide information about a planning scheme, such as its contents, the name of the responsible authority, the scheme area and the scheme maps. The schedules to Clauses 61 and 81 are examples of these.

Special tasks

Some special and localised tasks are also carried out by schedules, such as the variation of gaming provisions in specific strip shopping centres.

Eight Principles

Eight principles apply to the drafting and use of local content in a schedule, irrespective of the task that the schedule is to perform.

1. Schedules must be read with other planning controls.
2. Local content should help to implement State Planning Policy Framework (SPPF) objectives.
3. Local content should help to implement LPPF objectives.
4. Local content should not duplicate other provisions.
5. Local content can only do what its 'parent provision' enables it to do.
6. Local content should be strategically justified.
7. Local content should have a legally certain meaning.
8. Local content should be easy to read.

The application of these principles is set out below.

1. Schedules must be read with other planning controls

Schedules are additional to the other planning controls that apply to land. It is essential to understand these other controls before attempting to write or use a schedule. Reading a schedule in isolation, or reading other controls without reading a relevant schedule, will give an incomplete picture of the provisions of the scheme.

2. Local content should help to implement SPPF objectives

A schedule should not contain material that is in conflict with the SPPF. Some clauses in the SPPF (for example, Clause 16.04-2) contain specific guidance with which the content in a schedule must be consistent.

It is normally the role of the MSS to demonstrate how State policy will be implemented in the local area. If this task has to be carried out in a schedule, the MSS may be deficient and need to be reviewed.

3. Local content should help to implement LPPF objectives

Schedules are a key tool to adapt the provisions of zones and overlays to implement the strategy contained in the MSS. Schedule provisions should have a strategic justification in the MSS and must not conflict with MSS objectives. The MSS should also contain an implementation statement that identifies a need for the zone or overlay for which the schedule is being drafted.

When drafting a schedule, look at the MSS objectives, strategies and implementation statement. Ask how these apply to the land that will be subject to the schedule. Ask how they can be implemented on this land and whether they need the specific controls offered by the schedule.

If a schedule cannot be used to 'fine tune' discretion to meet MSS objectives, a Local Planning Policy may be appropriate.

4. Local content should not duplicate other provisions

When drafting a schedule, the other provisions (zones, overlays, particular and general provisions) applying to its area should be considered with care. If they contain controls that already meet the planning authority's objectives for the schedule area, the schedule should not duplicate these.

If a zone or overlay states that a permit is required for particular buildings and works, this permit requirement need not be repeated in the schedule. Various buildings and works which are exempt from requiring a permit in Clause 62.02 (general exemptions) do not need to be exempted again in the schedule. Objectives or decision guidelines contained within a control do not need to be repeated in the schedule.

5. Local content can only do what its 'parent provision' enables it to do

A schedule can only do those tasks defined for it by its 'parent provision'. Trying to use a schedule for a broader function that has not been defined in its 'parent provision' is beyond the power of the schedule.

As a general rule, zones control use and development while overlays control only development, however there are some exceptions to this. A zone 'parent provision' may restrict the subject matter of the schedule to one minor aspect of use or development. For example, in the Industrial 1 Zone, the only reference to a schedule to the zone is in the condition relating to 'Restricted retail premises' in the table of uses. This enables a schedule to specify minimum leasable floor areas. The zone does not define any other tasks for the schedule, which therefore cannot address any other aspect of use or development. In contrast, the schedules to the Heritage, Incorporated Plan, Development Plan and Airport Environs Overlays contain 'parent provisions' enabling their schedules to address use as well as development. Read the 'parent provision' carefully to identify those parts of it that define the scope of the schedule and to ensure that the schedule responds to those requirements.

6. Local content should be strategically justified

Local content in schedules can change the provisions in a scheme if the 'parent provision' enables this to happen and there is sufficient strategic justification.

For example, a schedule to the Design and Development Overlay can specify that a permit is not required to construct a building or construct or carry out works because Clause 43.02-2 in the Design and Development Overlay specifically allows for this.

Such changes must have a strategic justification. The planning authority must be able to demonstrate that the change that they propose addresses clearly identified planning objectives.

Changes should be enabling rather than prescriptive. The creation of a new discretion or the removal of a permit requirement where proposals of a particular type meet defined planning objectives can be valid and justified uses of a schedule. The use of a schedule to prohibit uses or developments over and above those prohibited by the 'parent provision' will seldom be justified.

7. Local content should have a legally certain meaning

Care is required with the use of words and terms that are intended to have a particular meaning in a schedule. Where an appropriate term is already defined in the planning scheme or legislation, a schedule must not replace it with a new term. Clauses 71 to 75 of a planning scheme set out the meanings of terms used or defined in the scheme, some terms are also defined in the *Planning and Environment Act 1987* (the 'Act') or the *Interpretation of Legislation Act 1984*: such terms will take their legislative meanings unless the scheme defines them differently. A schedule must not attempt to impose a new meaning on a term that is already defined in the scheme. Terms that are not defined in the planning scheme or legislation take their ordinary meanings. Always check that the dictionary meaning of an undefined term is in accordance with the intentions of the planning authority. Using a term that is new to the scheme may make the meaning of a schedule uncertain, causing disputes and leading to delay and expense if the term has to be legally interpreted.

8. Local content should be easy to read

Schedules should be drafted using plain English principles. Detailed guidance on plain English is found in the *Manual for the Victoria Planning Provisions* and reference books such as *Writing in Plain English* by R D Eagleson, Commonwealth of Australia, 1990.

Writing Schedules

Is a schedule needed?

The *Ministerial Direction on the Form and Content of Planning Schemes* provides that where a planning scheme includes a provision with a schedule, the schedule must be included in the planning scheme. This requirement applies, even if the planning authority does not wish to use the schedule to specify any local content to the clause. The reason for this is so that it is always clear to the user where a schedule applies and what its content is.

In practical terms, this requirement means that a schedule must always be included as a local provision on a separate page immediately following the clause or provision to which it relates, even if it has no local content.

Form

The *Ministerial Direction on the Form and Content of Planning Schemes* includes directions on the form of schedules. It provides schedule templates that give effect to these directions. Electronic copies of these schedule templates can be found on the CD-ROM version of the VPP, in the folder called 'Local Provisions Templates'. The *Manual for the Victoria Planning Provisions* also contains advice on the form of schedules and is available from the DOI Planning Home Page.

The Ministerial Direction provides that schedules take two forms.

- *Fully Specified Schedules.*

No local changes are possible to the form of the schedules, but local content can be inserted.

- *Partly Specified Schedules.*

The schedule must contain the specified content but other content can also be included.

The *Table of VPP Schedules* from the DOI Planning Home Page itemises all schedules and states which are fully specified and which are partly specified. When using the schedule templates note that:

- *Plain text headings* indicate that these headings must be included in a schedule and must be followed by text relating to the heading. Most tables are in plain text and the same rule applies to them. If no information is to be included under a plain text heading or table, the words 'None specified' must be included where appropriate to make the planning authority's intention clear. Plain text headings and tables to schedules must not be left without content.
- *Italicised text headings* indicate that these headings are optional. If they are used then they must be followed by text relating to the subheading. If *some information* is to be included, then the heading and the associated text must be converted to plain text. If *no information* is to be included then the heading must be removed from the schedule.

Example 1 shows a schedule (in this case a table) where the form is *fully specified*. **Examples 2 and 3** show schedules where the form is *partly specified* with advice on how to complete the schedule.

Common components of schedules

Although there are many different types of schedules, the following common components can be identified that raise specific drafting issues.

Schedule numbers

Many zones and overlays enable the creation of more than one schedule to respond to different local circumstances. If more than one schedule is used, each schedule is given a number. It is recorded in the scheme and on the maps with the appropriate designation followed by its number. For example, Schedule 1 to the Special Use Zone will be shown as SUZ1. Schedule 4 to the Vegetation Protection Overlay is shown as VPO4.

Schedule names

Often, a schedule will make provision for a name. The name can help to identify the geographical scope of the schedule. For example, a schedule to the Environmental Significance Overlay could be called the '**BRISBANE RANGES**' schedule. A name can also encapsulate the objective that the schedule serves. For example, a schedule in the Vegetation Protection Overlay could be called the '**COASTAL HEATH PROTECTION**' schedule. The name should be short and descriptive. It should not include the word '**OVERLAY**'.

Tables

Defining land areas and specifying conditions

Many schedules use tables to define particular land and specify conditions that relate to the defined land. More than one area of land can usually be defined. The conditions that can apply are varied. They include minimum or maximum floor areas for specified uses, minimum lot sizes, permit requirements for specified buildings and works where a condition is or is not met, or the nature of the controls that apply to a heritage place.

Tables can be used to apply carefully crafted requirements to specific areas of land. **Example 4** shows the table in the schedule to the Rural Living Zone being used to define different minimum lot sizes for different areas of a municipality in order to recognise different land capabilities. Large lot sizes have been targeted to areas where a land capability study identified factors such as low rainfall, poor soil quality, salinity or erosion. More intensive (small lot) residential development has been targeted to areas where factors such as poor vegetation cover, moderate soil quality and medium rainfall were identified.

In order for such an approach to be used, each land area must be defined in the table. Where land areas are large, written definitions (such as lists of titles or a boundary defined by roads or other equivalent features) are likely to be complex and difficult to understand. A map to the schedule can overcome this problem. The ways of using a map to define land in a schedule is described in a later section.

Tables of uses

Schedules to the Special Use, Comprehensive Development, Capital City and Docklands Zones enable the planning authority to construct tables of uses, as shown in **Example 5**. Like tables of uses in zones, schedule tables divide land uses into three sections and provide for the inclusion of conditions.

Uses should only be made 'as of right' by inclusion in Section 1 where they address the purpose of the schedule, are unlikely to require later detailed appraisal or cause significant off-site impacts or conflicts. Uses should only be prohibited where they conflict with, or are irrelevant to, the purpose of the schedule and the consideration of permit applications would waste the resources of the proponent and the responsible authority. Other uses should normally fall within Section 2, enabling the responsible authority to exercise discretion. Where a land-use term is not listed in the table, it is automatically in Section 2 and can be the subject of a permit application.

Tables of uses should use the land-use terms and follow the nesting diagrams in Clauses 74 and 75. If the head of a nested group of land-use terms is intended to be a Section 2 use and there are no exemptions anywhere else in the table, then it does not need to be listed.

Conditions can be used to fine tune a defined land-use term. If a condition is included opposite a term, the table can also specify what happens if the condition is not met. For example, a condition in Section 1 may specify that there must be only one 'Dependent person's unit' on a residential lot. The use would only need to be mentioned in Section 2 if a further condition was proposed. If it is intended that the use be prohibited if the Section 1 condition is not met, the use must be listed in Section 3 with the provision '- if the Section 1 condition is not met'.

Where a schedule contains a table of uses, the Ministerial Direction sets out a number of requirements: several drafting conventions help to make the meaning of a table more certain. **Example 5** explains these requirements and conventions.

Setting minimum and maximum floor areas

The schedules to industrial and business zones allow the planning authority to specify the maximum or minimum combined leasable floor area for a range of uses. These controls have a valid use to support strategic objectives, for example, to safeguard the function of an established office node in a retail area. However, the use of any such control should have a strategic justification in the MSS. Controls should not become effective prohibitions on uses without good reason. **Example 6** discusses this issue.

Statements of significance

Some schedules to overlays require a 'statement of significance' to be inserted. This is a statement of the significance of the identified land or asset that the overlay is seeking to manage and protect. It should be based on a summary of the essential elements that define the significance of the overlay area. Where possible, it should be based on study findings that clearly demonstrate the values that make the area special, and show how those values relate to the purposes of the chosen overlay. For example, a landscape study might provide the analysis from which to draw the statement of significance for the schedule to the Significant Landscape Overlay. It may be appropriate to reference such studies as background material, but it should not be necessary to refer to them in order to understand what the real significance of the place is. The reader of a statement should be able to understand why an area is special from the statement alone.

Heritage Overlay

While the Heritage Overlay can apply a wide range of controls to heritage places, it does not establish the significance of any particular heritage place. Heritage statements of significance are found outside the overlay. A statement for a heritage precinct may be found in the LPPF, although it will have originated in a heritage study. A statement for an individual place is likely to be found in a heritage study.

Objectives

Some schedules to overlays also require objectives to be inserted. These objectives are specific aims or ambitions for the use, development, management or conservation of an identified area. The objectives apply in addition to any objectives elsewhere in the scheme.

Schedule objectives flow from three sources:

- the objectives and strategies of the MSS
- the purpose of the zone or overlay
- where one is present, the statement of significance in the overlay.

Objectives are key to the interpretation and application of the discretion created by the zone or overlay. All decisions will be tested against them.

Objectives should begin with the infinitive form of the verb, for example 'to promote the appropriate reuse of historic commercial buildings.'

Good objectives have a number of characteristics. They:

- avoid what is self-evident and go beyond bland statements that nobody can disagree with
- point the way to decision outcomes
- are not outcomes in themselves, but can be achieved through a variety of outcomes
- respond to significance with local colour and distinctiveness
- are grounded in reality, not wishful thinking
- do not contradict or confuse other objectives in the planning scheme
- have one idea for each objective, not a complex set of ideas.

It is quite probable that a schedule may need to refer to more than one idea in its objective. In such a case it is preferable to include multiple objectives in a schedule rather than to include a single complex objective or to split an overlay for the same area and significance into two schedules with single objectives.

Permit requirements

Permit requirements in a schedule should be supplementary to those in the other controls that apply to the land.

Permit requirements in a schedule may state that a permit is required. For example, the schedules to the rural zones state that a permit is required for certain buildings or works above thresholds defined in the schedules. Permit requirements can also state that a permit is not required. For example, the schedules to the public land zones state that a permit is not required to use land, to construct a building or to carry out works provided that any condition in the schedule is complied with.

Some schedules create an additional permit requirement, where there was none before. This is sometimes referred to as scheduling in. Such a requirement can add to the permit requirements of the other provisions applying to the land. It can also remove all or part of the general exemption from a permit for minor works set out in Clause 62.01. This ability is particularly relevant to environmental management overlays. If land has a particular character or significance that justifies the application of the overlay and is reflected in its objectives, then buildings or works that may not meet the overlay objectives should always require a permit.

Alternatively, some schedules remove the need for a permit in circumstances where the other provisions applying to the land contain a permit requirement, making a proposal as of right. This is sometimes referred to as scheduling out. It can be a useful method of locally defining a performance basis for decision-making on a particular theme or area in a planning scheme. The MSS, a Local Planning Policy or the schedule itself can define objectives and conditions to be met. If a proposal meets these, it can be exempted from the need for a permit. Scheduling out removes the political and community accountability that would normally apply to a use or development. It should not be used in cases where the planning authority takes the view that the loss of this accountability would give rise to significant issues of third party or community conflict or detriment.

Decision guidelines

Many schedules can include decision guidelines that require the responsible authority to give specific consideration to a particular issue or fact, in addition to any relevant decision guidelines elsewhere in the scheme. They should be 'neutral'. **Example 7** demonstrates this point.

Decision guidelines gain direction from the zone or overlay and schedule objective under which they serve and from a statement of significance for an overlay area, if one is present. They may refer to documents, but should do so only where the document, or better still, a defined part of it can be referred to with precision to support the purpose of the zone or overlay, or the overlay objectives (if present).

Special referral requirements

Schedules to overlays that respond to particular technical requirements such as the safeguarding of airports (Airport Environs Overlay) or mineral resources (State Resource Overlay) include special referral requirements for applications.

Advertising

Some schedules enable the advertising sign provisions that apply to land to be varied. This should be done only if the existing advertising sign provisions do not respond to the purpose of the overlay, or the overlay objectives (if present).

Maps

Where land is defined in a schedule, unless a clear and succinct description of the land can be given in words, a map should normally be used to define it. If there is already a map in the scheme that defines the land the schedule can refer to this. However, where a new map is required, this should normally be on a scaled map base and should show distinctive or named geographic features that enable the land to be identified with certainty. The use of diagrammatic or sketch maps can lead to uncertainty.

There are four ways of using a map to define land in a schedule:

- If multiple schedules to an overlay can be used, the overlay on the planning scheme map must be annotated to show that it relates to a particular schedule. For example, Schedules 1 to 4 to the Vegetation Protection Overlay are shown as **VPO1** to **VPO4** on the map. Further mapping will not be needed. Where possible, this is the preferred method of mapping schedules.
- If only one schedule can be used but the schedule applies different controls to different parcels of land, the geographical scope of the schedule can be mapped on the planning scheme map and a separate map, showing the 'break down' of where the different controls apply, can be included in the body of the schedule. This separate map should be headed 'Map number to the Schedule to Clause number' and placed into the schedule after the last text. It does not need to be referred to as an incorporated document in Clause 81 of the scheme. Because the map is in the ordinance, it should be designed so that it can be easily stored in an electronic format and reproduced by A4 black and white printers or photocopiers.
- Alternatively, the planning scheme map can be annotated to show that different controls in a schedule apply to different parcels of land. For example, different height controls applied to four different areas in a schedule to the Design and Development Overlay are shown as **DDO1-A1**, **DDO1-A2**, **DDO1-A3** and **DDO1-A4**.
- If none of the above methods can be used, a map to a schedule can be an incorporated document in Clause 81 of the scheme. If a map is an incorporated document, the schedule must refer to it as such.

For more information about how to prepare maps for planning schemes, refer to the DOI's VPP Practice Note *Using Maps in Planning Schemes*.

Plan requirements

A number of schedules to special use zones and built form overlays allow the incorporation of, or reference to, a plan. Some specify particular issues that the plan must address. Some determine whether a permit can be granted for development that is not in accordance with the plan. Some provide for proposals that comply with the plan to be exempt from normal notice and appeal rights.

Incorporated and reference documents

Where possible, the provisions set out in a schedule should be self-contained. They should be capable of being understood without having to refer to any other documents.

Incorporated and reference documents can be used in schedules where:

- A map to a schedule is too large to be included in the schedule. This map can be an incorporated document instead.
- A study that provides the justification for a statement of significance used in a schedule needs to be cited as a reference document. Where the conditions or assumptions used in such a study are subject to change, the responsible authority should bear in mind that this will imply the need to review the study and to review any overlay that has been based on its findings.
- Decision guidelines refer to a strategy document where the document is clearly relevant to the implementation of the provision. The document should be an incorporated document. The document should be a published and publicly available document and preferably should be subject to an approval process that takes public comments into consideration.

Conditions and requirements for permits

Schedules to the Incorporated Plan, Development Plan and Development Contributions Plan Overlays can include conditions or requirements that granted planning permits or classes of granted planning permits must contain. This function can be of particular value where the schedule has been applied to deal with a site or development that involves a wide range of uses. Conditions applying to particular uses in particular locations can assist in reducing or eliminating concerns at the boundary with another sensitive use. For example, conditions could relate to noise emissions or hours of operation, where commercial premises are proposed to be located next to a future residential area.

Examples

Example 1: Fully specified schedule

Example 2: Template for partly specified schedule

Example 3: Template for partly specified schedule

Example 4: Table defining land areas

Example 5: Table of Uses

Example 6: Table setting floor areas

Example 7: Decision guidelines

Example 1: Fully specified schedule

LOCAL PROVISION

[NAME] PLANNING SCHEME

SCHEDULE TO THE INDUSTRIAL 1 ZONE

Land	Minimum leasable floor area (m ²) for lighting shop.	Minimum leasable floor area (m ²) for restricted retail premises (other than equestrian supplies, lighting shop and party supplies).
None specified		

This example shows the form a schedule should take when the planning authority wishes to use the Industrial 1 Zone but does not propose to set minimum leasable floor areas.

Other than completing the table, no additional local content can be added to the schedule. If no local content is required, the table must record 'None specified'.

DEVELOPMENT PLAN OVERLAY - SCHEDULE [NUMBER]
[DATE TO BE INSERTED BY DOI]
PAGE 1 OF 1

Example 2: Template for partly specified schedule

[NAME] PLANNING SCHEME

LOCAL
PROVISION

SCHEDULE NUMBER TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO number**

A number can, and should, be included if the overlay has been used more than once in the scheme. If used, convert to plain text. If not used, delete.

NAME OF DEVELOPMENT PLAN

Even though the schedule to the Development Plan Overlay does not make provision for the insertion of a name, if a name is helpful for defining the geographical scope of the overlay one can be inserted. The name must be in plain, bold text.

1.0 Requirement before a permit is granted

The overlay (in clause 43.04-1) enables the schedule to specify that a permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority. If it is appropriate for certain uses, buildings or works to be specified, these can be included here in plain text. If it is not appropriate, delete this heading.

A schedule must not be used to do something that the overlay does not allow it to do. For example, the schedule to the Development Plan Overlay cannot be used to exempt a use, building or works from the requirement for a planning permit. Similarly, the schedule cannot be used to apply the notice requirements of Section 52(1)(a), (b) and (d) of the Act to an application that is generally in accordance with the relevant development plan.

2.0 Conditions and requirements for permits

The overlay (in clause 43.04-1) also enables the schedule to specify conditions or requirements that a permit granted must include. If these are needed they can be included here in plain text. If not, delete this heading.

Care is required with specifying conditions and requirements in the schedule because once any are specified they can only be changed by a planning scheme amendment. Therefore, if the conditions or requirements are of a general nature or are likely to change over time, it may be better to include them in the development plan itself.

If the conditions or requirements relate only to a certain part of the development plan area or a certain type of use, building or works, the schedule should be drafted to make it clear that they must only be included on permits granted for that specific area, use or development. Otherwise, the conditions or requirements may have to be included on every permit granted.

3.0 Requirements for development plan

The overlay (in clause 43.04-3) enables requirements for the development plan to be specified. If any requirements need to be specified they can be included here in plain text. If not, delete this heading.

4.0 Decision guidelines

The schedule to the Development Plan Overlay does not make provision for the insertion of decision guidelines. However, if decision guidelines will assist the responsible authority in deciding whether a development plan should be approved, or whether a permit should be granted, they should be inserted here under a separate heading, and in plain text.

Example 3: Template for partly specified schedule

[NAME] PLANNING SCHEME

LOCAL
PROVISION

SCHEDULE NUMBER TO THE SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO**number

A number can, and should, be included if the overlay has been used more than once in the scheme. If used, convert to plain text. If not used, delete.

NAME OF SIGNIFICANT LANDSCAPE AREA

The significant landscape area should be given a short descriptive name. If used, convert to plain text. If not used, delete.

1.0 Statement of nature and key elements of landscape

The overlay (in clause 42.03-1) requires a statement to be made about the nature and key elements of the landscape. The statement should clearly and concisely describe the essential elements that underlie the significance of the landscape.

2.0 Landscape character objective to be achieved

The overlay (in clause 42.03-1) also requires a landscape character objective to be inserted. The objective should explain the planning scheme's aim for development in the overlay area based on the significance and special qualities of the landscape.

3.0 Permit requirement

The overlay (in clause 42.03-2) enables the schedule to specify that a permit is not required to construct a building or construct or carry out works. If this is needed it can be included here in plain text. If not, delete this heading.

The overlay also enables the schedule to introduce a permit requirement to remove, destroy or lop any vegetation. If this is not needed it can be included here in plain text. If not, delete this heading.

4.0 Decision guidelines

The overlay (in clause 42.03-1) also enables the schedule to introduce additional decision guidelines. If these are needed they can be included here in plain text. If not, delete this heading.

The local content in a schedule should not duplicate the requirements of the 'parent provision'. For example, it is not necessary to include as a decision guideline that the responsible authority must consider the landscape character objective specified in clause 2.0 of the schedule as this is already a requirement in the overlay (clause 42.03-3).

Example 4: Table defining land areas

GUMNUT PLANNING SCHEME

LOCAL PROVISION

SCHEDULE TO THE RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ**

	Land	Hectares/Dimensions
Minimum subdivision area (hectares). If none specified, each lot must be at least 8 hectares.	All land defined on Map 1 to the Schedule to Clause 35.03	30 ha
	All land defined on Map 2 to the Schedule to Clause 35.03	15 ha
	All land defined on Map 3 to the Schedule to Clause 35.03	6 ha
Minimum area for which no permit is required to use land for a Living Zone can be used. dwelling (hectares). If none specified, the lot must be at least 8 hectares.	All land defined on Map 1 to the Schedule to Clause 35.03	30 ha
	All land defined on Map 2 to the Schedule to Clause 35.03	15 ha
	All land defined on Map 3 to the Schedule to Clause 35.03	6 ha
Outbuildings (dimensions).	All land defined on Map 3 to the Schedule to Clause 35.03	200 sq m
	All land subject to Schedule 3 to the Significant Landscape Overlay (Volcanic Cones Landscape Area) SLO3	100 sq m
	All other land	None specified

Note:

This example uses a single schedule to set provisions for three land capability areas.

If a larger number of land capability areas were to be used, the schedule could become too complex. In these circumstances, more than one schedule to the Rural Living Zone can be used.

Maps 1 to 3 to the schedule are land capability maps. They define land areas subject to different minimum lot sizes in the zone.

In this example, the maps cover all land in the Rural Living Zone. However, if not all land in the zone was covered it would be necessary to insert 'All other land' in the 'Land' column of the table, and 'None specified' in the 'Hectares/Dimensions' column opposite. The minimum subdivision area for the land not covered by the maps would be 8 ha.

If a map that is already in the scheme defines a land area to which a condition applies, it can be used.

The SLO3 map is used here to introduce a permit requirement for outbuildings greater than 100 m² in area because the MSS includes a strategic objective to 'safeguard the landscape interest of volcanic cone slopes'.

If a land area can be simply defined in words then a written definition should be used.

Here, there is no permit requirement for outbuildings in the Rural Living Zone outside the areas defined by Map 3 or SLO3.

Example 5: Table of Uses

LOCAL PROVISION

GUMNUT PLANNING SCHEME

SCHEDULE 1 TO THE SPECIAL USE ZONE

Scheme map as **SUZ1**

If a nested land use term is used in a Section, the head of the nest and an exemption must also be listed in the table. For example:

- 'Marina' (other than 'Mooring pole') is included in Section 1.
- 'Marina' is included in the 'Pleasure boat facility' nest of terms. The term 'Pleasure boat facility' is at the head of this nest. 'Pleasure boat facility' has purposefully been included in Section 3 to avoid discretion being created to use land for a 'Boat launching facility'.
- 'Mooring pole' is included within the term 'Marina'. It has been specifically excluded in Sections 1 and 3, but specifically included in Section 2, to enable a permit application for this use to be considered.

Requirements of the Ministerial Direction on the Form and Content of Planning Schemes:

- The table must be consistent in format with a zone Table of uses in the VPP.
- The table must not contain any provision that is inconsistent with the SPPF. For example, the land use term 'Accommodation' is a Section 2 use. The condition opposite states that Accommodation 'Must not be used as shared housing or crisis accommodation'. This condition would breach the requirements of the Ministerial Direction because Clause 16.04-2 of the SPPF states that 'Planning schemes must not require a planning permit or prohibit the use of a dwelling as shared housing or crisis accommodation'.
- Any schedule which contains a Table of uses must include land use terms and conditions in the sections specified in the Ministerial Direction.

USE	CONDITION
Mining	Must meet the requirements of Clause 52.08-2.
Search for stone	Must not be costeaning or bulk sampling.
Section 2 - Permit required	
USE	CONDITION
Accommodation	Must not be used as shared housing accommodation.
Mooring pole	
Shop	Must be located in accordance with the Resort incorporated plan.
Section 3 - Prohibited	
USE	
Agriculture (other than Apiculture)	
Marina (other than Mooring pole) – if the Section 1 condition is not met	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Pleasure boat facility (other than Marina)	Exemptions must be listed alphabetically
Rail premises (other than Shop)	

Do not put a full stop at the end of the land use terms.

All land use terms must be listed alphabetically.

All land use terms, whether or not they have a defined meaning in the table to Clause 74, are in bold text.

When a land use term (including any exemptions) uses more than one line in a table, the second and subsequent lines must be indented slightly so that it can be clearly seen as an independent term.

A thin line must be placed above and below any land use that is subject to a condition, to make it clear where the condition applies.

All conditions must end with a fullstop.

The term ' – if the Section X condition is not met' is part of the appropriate land use term. It is not a condition.

BUSINESS 2 ZONE - SCHEDULE
25 MARCH 1999
PAGE 1 OF 1

Example 6: Table setting floor areas

GUMNUT PLANNING SCHEME

LOCAL PROVISION

SCHEDULE TO THE BUSINESS 2 ZONE

Land	Maximum combined leasable floor area (m ²) for office.	Maximum combined leasable floor area (m ²) for shop.
All land.	500 m ² per lot.	0 m ² except for a Convenience shop. 80 m ² per lot if a Convenience shop.

This planning scheme has set the maximum combined floor area for a Shop in a Business 2 Zone at 0 m², effectively prohibiting most retail uses in its office areas. An exemption has been made for the nested Retail premises land use 'Convenience shop', but even this is subject to a minimum floor area of 80 m², three times smaller than the maximum floor area of 240 m² provided for in the definition of this land use term in Clause 74 of the scheme. Such a low figure is likely to act as a prohibition to all but the most minor activity.

The restriction imposed in this schedule also overlooks the fact that the responsible authority has an unfettered discretion in relation to other non-office Retail land uses that are also in Section 2 of the Business 2 Zone, such as Food and drink premises, Market, or Trade supplies. It can consider a permit application for these uses for any floor area.

A better and less prescriptive approach in this case would be to set a higher minimum floor area for a Shop to enable the responsible authority's consideration of a realistic range of small-scale retail development. The responsible authority's new discretion could then be guided by a strategic objective in the MSS and maybe a Local Planning Policy that addressed the need to safeguard the basic office function of the area. Such a policy could also make provision for the scale of Retail premises that are not Shops and may prove to be a better office safeguarding tool.

4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The impact of the development on scenic coastal vantage points.

This is a decision guideline. It is neutrally expressed and it requires the responsible authority to consider something.

- The siting, shape, height and appearance of any buildings or works must not detrimentally affect the landscape qualities of the area.

This is not a decision guideline. It is not neutral. It is probably an objective.

- The views of the Central Coastal Board (if any) about the development.

Decision guidelines can supplement referral requirements or special notice requirements. These should be used sparingly and only with the support of the body concerned. Notice provisions (under section 52 of the Planning and Environment Act 1987) are more flexible and preferable to referral provisions (under section 55 of the Act).

- The impact of the development on Key Landscape Areas identified in the “Coastal Heath Landscape Survey” (September 1990).

In a schedule with a statement of significance, the relevant parts of a document that identify the significance may be referred to.

- The performance of the development against the Cultural and Aesthetic Guidelines set out in section 3.2 of “Siting and Design Guidelines for Structures on the Victorian Coast”, VCC (May 1988).

Other documents may be relevant: for example the relevant part of an adopted State strategy that has not been incorporated into the scheme.

Victoria Planning Provisions