

Interim provisions for structure plans

Advisory note

March 2007

This advisory note provides information and advice about:

- how to request interim provisions for structure plans
- when the Minister will agree to introduce interim provisions for structure plans
- how interim provisions for structure plans are implemented in the planning scheme.

What are interim provisions for structure plans?

The purpose of interim provisions for structure plans is to assist the management of change in an activity centre or strategic redevelopment site while a planning authority is finalising a structure plan for the area.

Structure planning is a process to develop a framework for the integrated development of an activity centre or strategic redevelopment site.

The aim of structure planning for an activity centre or strategic redevelopment site is to set the strategic framework for change by defining the preferred direction of future growth and articulate how this change will be managed.

Completing the structure planning process can take some time, particularly as it requires consultation with local resident groups, the development industry and the community to determine the best outcome for the centre.

While planning authorities prepare structure plans, development proposals will continue to be

lodged and will have to be dealt with in accordance with the planning scheme provisions. In order to manage change while the structure plan and planning scheme amendment are being prepared, the Minister for Planning will enable planning authorities to introduce interim provisions in planning schemes.

Interim provisions for structure plans can help manage change and protect key features and opportunities in centres while final structure plans are being prepared.

Interim provisions for structure plans will:

- need to provide for housing and economic growth consistent with the aspirations of *Melbourne 2030*
- have a time limit of not more than two years
- be in the form of a local policy in the Local Planning Policy Framework and may include a Design and Development Overlay in some cases
- generally be non prescriptive unless specific circumstances can be justified.

When can interim provisions be introduced?

Interim provisions for structure plans should normally be sought concurrently with the request for authorisation of a planning scheme amendment to implement the statutory outcomes of the structure plan.

However in cases where a level of planning protection or facilitation is required prior to the completion of the structure plan, interim provisions for structure planning will be available for activity centres or strategic redevelopment sites where structure planning is substantially in progress and is at a stage where it:

- identifies key features and opportunities of the study area
- outlines possible future land use and development directions consistent with the housing and economic growth aspirations of *Melbourne 2030*
- identifies interim planning provisions to protect the identified key features and manage the opportunities for development
- has involved an appropriate level of community consultation
- identifies the role of the centre against the State and Local Planning Policy Frameworks and *Melbourne 2030*
- has been endorsed by council.

An appropriate level of community consultation can be achieved in a variety of ways, however the council should be able to demonstrate that all the principal stakeholders including the local community, landowners and developers have been identified and have had an opportunity to comment.

Council endorsement of the plan is required for the introduction of any interim provisions.



Requesting interim provisions

The Minister will consider the introduction of interim provisions for structure plans by a ministerial amendment under Section 20(4) of the *Planning and Environment Act 1987* where:

1. A formal request in writing is received from the planning authority.
2. The planning authority can show that the interim planning provisions:
 - satisfy the requirements of the General Practice Note *Ministerial Powers of Intervention in Planning and Heritage Matters (November 2004)*
 - are based on substantive progress of a structure plan that has involved an appropriate level of community consultation and has been endorsed by council
 - give effect to the objectives of the structure plan and will allow an acceptable level of change sufficient to provide for economic and housing growth consistent with the aspirations outlined in *Melbourne 2030*
 - are consistent with the objectives and strategies of the SPPF (in particular Clause 12) and the LPPF.
3. The planning authority commits to complete structure planning and the necessary planning scheme amendment within a specified time.
4. The planning authority commits to constructively participate in the Regional Housing Working Groups.

When making a request, the planning authority should provide the necessary information to satisfy the above requirements including a draft of the proposed provisions and the draft structure plan on which the provisions are based. They should also identify any current applications or proposals before the planning authority that may be affected by the introduction of the interim provisions.

In some cases the Minister may seek further independent advice to inform his decision, including advice from the Priority Development Panel.

Once the Minister agrees to the request, the planning authority will be asked to prepare and submit the final amendment documentation.

Preparing interim provisions for structure plans

Interim provisions for structure plans should specify the necessary provisions for the management of the area, including opportunities for change and growth, in anticipation of the final structure plan being completed. The interim provisions may also identify preferred land uses and development identified through the planning authority's structure planning work.

Planning authorities will need to prepare the planning scheme amendment for the interim provisions. The requirements would usually take the form of a policy statement in the Local Planning Policy Framework and may include a Design and Development Overlay (DDO) in some cases.

The preferred form of interim control is a policy statement in a local policy. A local policy can set out the land use and development objectives for the centre, performance-based policy statements and decision guidelines.

If a DDO is proposed, prescriptive provisions such as a maximum height limit would not generally be acceptable as an interim provision unless specific circumstances can be justified and is supported by policy.

The area to which the interim provisions apply should be clearly defined and have a clear relationship to the protection of the activity centre or strategic redevelopment site. A plan can be included in the local policy that identifies the area the interim control applies to and development precincts if needed.

Interim provisions should not be lengthy or complicated and should provide protection for key features or opportunities without unreasonably limiting new development opportunities.

The interim provisions can contain policies relevant to activity centre or strategic redevelopment site but need not duplicate the guidelines contained in the *Activity Centre Design Guidelines (2005)*.

How long will the interim provisions apply?

The interim provisions must include a sunset clause so that the provisions expire not more than two years from their introduction.

Relationship between interim and final provisions

The planning provisions that give effect to the final structure plan will update or replace the interim provisions and provide more precise provisions for the centre.

The selection of the final planning provisions will vary according to the strategic outcomes the planning authority wants to achieve. The choice of provisions may differ from those introduced with the interim provisions.

The introduction of the final structure planning provisions will need to follow the normal amendment process.

Obtaining assistance

Planning authorities are encouraged to work with the DSE to establish suitable interim provisions and obtain early feedback on the consistency of proposed provisions with *Melbourne 2030*.

Various planning practice notes are available to assist in the development of structure plans and interim provisions, particularly:

- *Structure Planning for Activity Centres (December 2003)*
- *Urban Design Frameworks (September 2002)*
- *Writing a Local Planning Policy (December 1999)*
- *Incorporated & Reference Documents (August 2000)*

Example

GUMNUT PLANNING SCHEME

22.04

23/03/06
C16

GUMNUT SHOPPING VILLAGE POLICY

This policy applies to all applications for use and development in the Gumnut Village as shown on the map forming part of this policy.

22.04-1

Policy basis

This policy:

- Implements the activity centre and housing strategies of Clause 12.01.
- Implements the activity centre objectives in Clause 21.XX.

22.04-2

Objectives

- To encourage the development of under-utilised sites for mixed-use activities.
- To encourage an increase of housing in a variety of forms in the Gumnut Village.
- To ensure that new development complements the scale and character of the Gumnut Village.
- To improve accessibility within the Gumnut Village, the quality of the pedestrian environment and links with public transport.

22.04-3

Policy

In addition to the *Activity Centre Design Guidelines (DSE 2005)* it is policy to:

- Encourage new retail development to locate in the Gumnut Village retail precinct identified on the map forming part of this policy.
- Encourage new multi-storey development to provide a mix of activities with retail, service industry or entertainment uses located on ground level to provide active street frontage.
- Ensure new development does not exceed six storeys unless it can be shown that:
 - the height of the new development respects the scale of existing development.
 - the new development does not visually dominate the streetscape.
- Encourage high density residential development. Residential development in the retail precinct is encouraged to locate above ground level.
- Encourage the provision of new pedestrian paths, as shown on the map forming part of this policy, to create links to public transport stops and to the retail precinct.

22.04-4

Decision guidelines

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

- Whether the design and scale of the proposed development is in keeping with the character of adjacent buildings, streetscape and surrounding area.
- Whether the design of the proposed development protects the amenity of adjoining residential properties.
- Whether the new development improves the attractiveness of the Gumnut Village.
- Whether the new development enhances the public realm and improves the walkability of the centre.

22.04-5

Expiry

This policy expires on 1 February 2008.

Gumnut Village Boundary and Key Features



ISBN 1 74152 080 0

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Authorised by the Victorian Government, 8 Nicholson Street, East Melbourne.

Printed by Hampton Press, Unit 7, 677 Springvale Road, Mulgrave VIC 3170

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