

This VPP Practice Note provides guidance about the appropriate use of the Special Use Zone in new format planning schemes.

The function of zones in new format schemes is different from that in previous schemes. The new zones are more flexible in that they allow a wider range of discretionary uses. They can no longer be used to give a direct indication of the existing land use, nor are they intended to be used for the identification of uses on the land.

What are the principles applying to the use of the Special Use Zone?

When considering the application of the Special Use Zone, the following principles need to be understood:

- The complexity of planning requirements is reduced by keeping the number of zones used to a minimum.
- Planning scheme maps identify the statutory requirements which apply to land, not the particular land uses which happen to exist there.
- Detailed and complex site specific zones are discouraged in preference for clear policy guidelines as the primary tool for decision making on planning matters.
- The planning permit should be the principal method for land use or development approval.

Where should the Special Use Zone be applied?

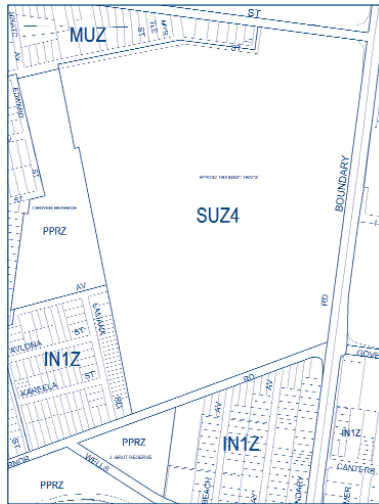
A Special Use Zone can be considered when either:

- An appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements.
- The site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.

Application of the Special Use Zone is not appropriate when an alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.

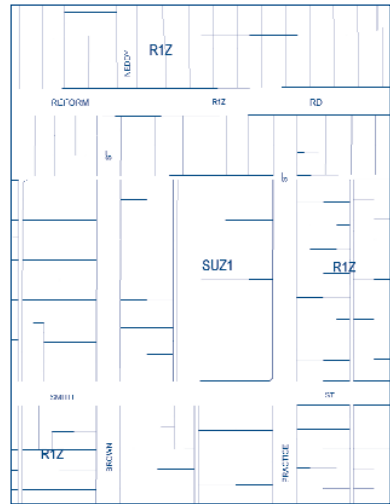
Examples of an appropriate and inappropriate use of the Special Use Zone are set out below.

APPROPRIATE USE



Appropriate because it is not possible to decide which alternative zone is appropriate for the site.

INAPPROPRIATE USE



Inappropriate because the adjoining zone can give effect to the desired objectives and requirements for the site.

What should a Special Use Zone contain?

The *Ministerial Direction on the Form and Content of Planning Schemes* includes requirements and a schedule that must be followed for the Special Use Zone. The *Manual for the Victoria Planning Provisions* also provides guidance for writing schedules (page 16). It is important with each schedule that the purpose of the zone is clearly identified and the outcomes sought are clear. If detailed development conditions are necessary, they should be set out in permits rather than in the scheme. The schedule should include decision guidelines where relevant which reinforce the achievement of the purpose in decisions about applications.

The prescribed schedule provides adequate flexibility to cater for a wide variety of land uses that may justify the Special Use Zone.

The Ministerial Direction also includes a specific schedule to the Special Use Zone to provide for the use and development of land for extractive industry. This schedule should be used only if the surrounding zoning is not suitable. (See the VPP Practice Note *Extractive Industry*.)

What are the alternatives to the Special Use Zone?

Use the discretion in the zone provisions

Given that the zones in new format schemes are more flexible, in most instances this should make the surrounding zoning, or one of the surrounding zones, a suitable alternative to the Special Use Zone.

Apply a Local Policy

Local policies should be used to guide or promote decisions about specific uses or locations without the need to apply the Special Use Zone.

The first stated purpose of every zone is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

This is intended to emphasise the importance of the policy framework, in particular the Local Planning Policy Framework, as the key driver of the decision-making process for permit applications. The Municipal Strategic Statement and local policies carry great weight in the decision-making process. Consideration of uses consistent with a local policy is a clear purpose of every zone. This is consistent with the approach of allowing wider discretion within the zones themselves and relying on the Local Planning Policy Framework to guide decision-making towards the outcomes sought to be achieved by the planning authority.

Master planning for sites

The Special Use Zone is not necessary to require or give effect to master plans for uses such as schools and hospitals.

The Incorporated Plan Overlay or the Development Plan Overlay is the appropriate tool to encourage master planning and to provide exemptions from third party notice and review for permit applications which are generally consistent with the incorporated plan or the approved development plan.