

## 92

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VC114

## STATE VICSMART APPLICATIONS

### 92.01

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#### Purpose

This clause:

- Specifies the classes of application that are State VicSmart applications.
- Specifies the provision in Clause 93 that contains the information requirements and decision guidelines applicable to each class of State VicSmart application.

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#### Tables in this clause

The classes of State VicSmart application are listed in three tables to this clause:

- Table 1 lists the classes of State VicSmart application under a zone.
- Table 2 lists the classes of State VicSmart application under an overlay.
- Table 3 lists the classes of State VicSmart application under a particular provision.

Each table in this clause is divided into three columns:

- Column 1 specifies the development.
- Column 2 lists the provision of the scheme that contains the permit requirement applicable to the development.
- Column 3 specifies the information requirements and decision guidelines in Clause 93 applicable to the class of State VicSmart application.

A class of State VicSmart application means a development specified in Column 1 of the table that requires a permit under a provision listed in Column 2 of the table.

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#### Table 1 Classes of application under zone provisions

Class of application	Permit requirement provision	Information requirements and decision guidelines
<b>Residential zones</b>		
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"><li>▪ The area of either lot is reduced by less than 15 percent.</li><li>▪ The general direction of the common boundary does not change.</li></ul>	Clause 32.03-3 (LDRZ) Clause 32.04-4 (MUZ) Clause 32.05-4 (TZ) Clause 32.07-2 (RGZ) Clause 32.08-2 (GRZ) Clause 32.09-2 (NRZ)	Clause 93.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"><li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li><li>▪ An occupancy permit or a certificate of final inspection has been issued under</li></ul>	Clause 32.04-4 (MUZ) Clause 32.05-4 (TZ) Clause 32.07-2 (RGZ) Clause 32.08-2 (GRZ) Clause 32.09-2 (NRZ)	Clause 93.02

Class of application	Permit requirement provision	Information requirements and decision guidelines
the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.		
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>· Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>· Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 32.04-4 (MUZ) Clause 32.05-4 (TZ) Clause 32.07-2 (RGZ) Clause 32.08-2 (GRZ) Clause 32.09-2 (NRZ)	Clause 93.02
Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling.	Clause 32.05-5 (TZ) Clause 32.08-3 (GRZ) Clause 32.09-4 (NRZ)	Clause 93.03
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 32.04-6 (MUZ) Clause 32.05-6 (TZ) Clause 32.07-4 (RGZ) Clause 32.08-4 (GRZ) Clause 32.09-5 (NRZ)	Clause 93.03
Construct a building or construct or carry out works with an estimated cost of up to \$50,000 where: <ul style="list-style-type: none"> <li>▪ The land is not within 30 metres of land (not a road) which is in another residential zone.</li> <li>▪ The building or works is not associated with a dwelling.</li> </ul>	Clause 32.04-8 (MUZ)	Clause 93.04
<b>Industrial zones</b>		
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 33.01-3 (IN1Z) Clause 33.02-3 (IN2Z) Clause 33.03-3 (IN3Z)	Clause 93.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the</li> </ul>	Clause 33.01-3 (IN1Z) Clause 33.02-3 (IN2Z) Clause 33.03-3 (IN3Z)	Clause 93.02

Class of application	Permit requirement provision	Information requirements and decision guidelines
application for a permit for subdivision.		
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>· Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>· Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 33.01-3 (IN1Z) Clause 33.02-3 (IN2Z) Clause 33.03-3 (IN3Z)	Clause 93.02
Construct a building or construct or carry out works with an estimated cost of up to \$50,000 where the land is not: <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 52.10.</li> </ul>	Clause 33.01-4 (IN1Z) Clause 33.02-4 (IN2Z) Clause 33.03-4 (IN3Z)	Clause 93.04
<b>Commercial zones</b>		
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 34.01-3 (C1Z) Clause 34.02-3 (C2Z)	Clause 93.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 34.01-3 (C1Z) Clause 34.02-3 (C2Z)	Clause 93.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>· Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>· Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 34.01-3 (C1Z) Clause 34.02-3 (C2Z)	Clause 93.02

<b>Class of application</b>	<b>Permit requirement provision</b>	<b>Information requirements and decision guidelines</b>
<p>Construct a building or construct or carry out works with an estimated cost of up to \$50,000 where the land is not:</p> <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 52.10.</li> </ul>	<p>Clause 34.01-4 (C1Z) Clause 34.02-4 (C2Z)</p>	<p>Clause 93.04</p>
<b>Capital City Zone</b>		
<p>Subdivide land to realign the common boundary between 2 lots where:</p> <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	<p>Clause 37.04-3 (CCZ) All schedules</p>	<p>Clause 93.01</p>
<p>Subdivide land into lots each containing an existing building or car parking space where:</p> <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	<p>Clause 37.04-3 (CCZ) All schedules</p>	<p>Clause 93.02</p>
<p>Subdivide land into 2 lots if:</p> <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> <li>· Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>· Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	<p>Clause 37.04-3 (CCZ) All schedules</p>	<p>Clause 93.02</p>
<p>Construct a building or construct or carry out works with an estimated cost of up to \$50,000 and the land is not used for a purpose listed in the table to Clause 52.10.</p>	<p>Clause 37.04-4 (CCZ) All schedules</p>	<p>Clause 93.04</p>
<b>Docklands Zone</b>		
<p>Subdivide land to realign the common boundary between 2 lots where:</p> <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	<p>Clause 37.05-3 (DZ) All schedules</p>	<p>Clause 93.01</p>
<p>Subdivide land into lots each containing an</p>	<p>Clause 37.05-3 (DZ)</p>	<p>Clause 93.02</p>

Class of application	Permit requirement provision	Information requirements and decision guidelines
existing building or car parking space where:	All schedules	
<ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>		
Subdivide land into 2 lots if:	Clause 37.05-3 (DZ) All schedules	Clause 93.02
<ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> <li>· Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>· Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>		
Construct a building or construct or carry out works with an estimated cost of up to \$50,000 and the land is not used for a purpose listed in the table to Clause 52.10.	Clause 37.05-4 (DZ) All schedules	Clause 93.04

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**Table 2 Classes of application under overlay provisions**

Class of application	Permit requirement provision	Information requirements and decision guidelines
<b>Environmental Significance Overlay</b>		
Construct a fence.	Clause 42.01-2 (ESO)	Clause 93.05
Remove, destroy or lop one tree.	Clause 42.01-2 (ESO)	Clause 93.06
<b>Vegetation Protection Overlay</b>		
Remove, destroy or lop one tree.	Clause 42.02-2 (VPO)	Clause 93.06
<b>Significant Landscape Overlay</b>		
Construct a fence.	Clause 42.03-2 (SLO)	Clause 93.05
Remove, destroy or lop one tree.	Clause 42.03-2 (SLO)	Clause 93.06
<b>Heritage Overlay</b>		
Any of the following classes of development:	Clause 43.01-1 (HO)	Clause 93.07
<ul style="list-style-type: none"> <li>▪ Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the</li> </ul>		

Class of application	Permit requirement provision	Information requirements and decision guidelines
<p>common boundary does not change.</p> <ul style="list-style-type: none"> <li>▪ Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>· The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>· An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul> </li> <li>▪ Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>· The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>· The construction or carrying out of the approved building or works on the land has started lawfully.</li> <li>· The subdivision does not create a vacant lot.</li> </ul> </li> <li>▪ Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is identified in the schedule to the Heritage Overlay.</li> <li>▪ Demolish or remove a fence unless the fence is identified in the schedule to the Heritage Overlay.</li> <li>▪ Externally alter a non-contributory building.</li> <li>▪ External painting.</li> <li>▪ Construct a fence.</li> <li>▪ Construct a carport, garage, pergola, verandah, deck, shed or similar structure.</li> <li>▪ Construct and install domestic services normal to a dwelling.</li> <li>▪ Construct and install a non-domestic disabled access ramp.</li> <li>▪ Construct a vehicle cross-over.</li> <li>▪ Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.</li> </ul>		

Class of application	Permit requirement provision	Information requirements and decision guidelines
<ul style="list-style-type: none"> <li>▪ Construct a rainwater tank.</li> <li>▪ Construct or display a sign.</li> <li>▪ Lop a tree.</li> <li>▪ Construct or install a solar energy facility attached to a dwelling.</li> </ul>		
<b>Design and Development Overlay</b>		
Construct a fence.	Clause 43.02-2 (DDO)	Clause 93.05
<b>Neighbourhood Character Overlay</b>		
Remove, destroy or lop one tree.	Clause 43.05-2 (NCO)	Clause 93.06
<b>Special Building Overlay</b>		
Construct a building or construct or carry out works.	Clause 44.05-1 (SBO)	Clause 93.08
Any of the following classes of subdivision:	Clause 44.05-2 (SBO)	Clause 93.08
<ul style="list-style-type: none"> <li>▪ Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.</li> <li>▪ Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>• The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>• An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul> </li> <li>▪ Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>• The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>• The construction or carrying out of the approved building or works on the land has started lawfully.</li> <li>• The subdivision does not create a vacant lot.</li> </ul> </li> </ul>		
<b>Parking Overlay</b>		
Reduce the required number of car parking spaces specified in the schedule to Clause 45.09 by no more than 5 car parking spaces.	Clause 52.06-3	Clause 93.10

**Table 3 Classes of application under Particular Provisions**

<b>Class of application</b>	<b>Permit requirement provision</b>	<b>Information requirements and decision guidelines</b>
<b>Advertising sign</b>		
Display an advertising sign in an Industrial 1, Industrial 2, Industrial 3, Commercial 1, Commercial 2, Capital City or Docklands Zone if: <ul style="list-style-type: none"> <li>▪ The sign is not within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated, floodlit, electronic or animated.</li> <li>▪ The total display size of the sign does not exceed 10 square metres.</li> </ul>	Clause 52.05-1	Clause 93.09
<b>Car parking</b>		
Reduce the required number of car parking spaces by no more than 5 car parking spaces.	Clause 52.06-3	Clause 93.10
<b>Loading and unloading of vehicles</b>		
Reduce or waive the requirements for loading and unloading vehicles.	Clause 52.07	Clause 93.11