

Purpose

This clause sets out the planning assessment process for a VicSmart application.

Scope

An application is a VicSmart application if all of the following requirements are met:

- The application is in a class or classes listed in Clause 92 or the schedule to Clause 94.
- A permit is required only under the provisions of this scheme that are listed in Clause 92 or the schedule to Clause 94, and not under any other provision of this scheme.
- Nothing authorised by the grant of a permit would result in a breach of a registered restrictive covenant.
- If the application requires referral to a referral authority under Clause 66, the referral requirements in Clause 91 are met.

Operation

Despite any other provision of this scheme:

- A VicSmart application is exempt from the requirements of the Act and scheme specified in this clause.
- The responsible authority must assess a VicSmart application in accordance with the requirements of this clause.

If there is any inconsistency between the requirements of this clause and another provision of this scheme, this clause prevails.

Referral requirements

If an application requires referral to a referral authority under Clause 66:

- The application must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority; and
- The referral authority must have stated in writing that it does not object to the granting of the permit for the proposal.

Information requirements

A VicSmart application must be accompanied by the information requirements specified for the relevant class of application in Clause 92 or the schedule to Clause 94. The information requirements of the relevant zone, overlay or particular provision do not apply unless the information requirements in Clause 93 or the schedule to Clause 95 specify otherwise.

If in the opinion of the responsible authority an information requirement is not relevant to the evaluation of a VicSmart application, the responsible authority may waive or reduce the information requirement.

Exemption from notice and review

A VicSmart application is exempt from:

- The notice requirements of Section 52(1)(a), (b), (c) and (d) of the Act.
- The decision requirements of Section 64(1), (2) and (3) of the Act.
- The review rights of Section 82(1) of the Act.

Matters to be considered

In deciding a VicSmart application, the responsible authority:

- Must only consider the decision guidelines specified for the relevant class of application in Clause 92 or the schedule to Clause 94.
- Is exempt from considering the following matters:
 - The requirements of Section 60(1)(b), (c), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
 - The State Planning Policy Framework and the Local Planning Policy Framework unless the decision guidelines in Clause 93 or the schedule to Clause 95 specify otherwise.
 - The decision guidelines of the relevant zone, overlay or particular provision unless the decision guidelines in Clause 93 or the schedule to Clause 95 specify otherwise.
 - The decision guidelines in Clause 65.
- In deciding an application for review in relation to a VicSmart application, the Tribunal is exempt from the matters specified in Section 84B(2)(b) to (g) and (i) to (ja) of the Act.

Decision guidelines

Before deciding a VicSmart application, the responsible authority must consider the decision guidelines specified in Clause 92 or the schedule to Clause 94 for the relevant class of application unless in the opinion of the responsible authority a decision guideline is not relevant to the evaluation of the application.