

VICTORIA PLANNING PROVISIONS

AMENDMENT VC183

EXPLANATORY REPORT

Who is the Planning Authority?

This amendment has been prepared by the Minister for Planning.

The Minister for Planning is the planning authority for this amendment.

What the amendment does

The amendment introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions (VPP) and all planning schemes by:

- introducing new state planning policy for live music to recognize the social, economic and cultural benefits of live music and encourage, create and protect opportunities for the enjoyment of live music;
- updating the heading to Clause 53.06 from *Live Music and Entertainment Noise* to *Live music entertainment venues*;
- adding a purpose to Clause 53.06 to encourage the retention of existing and the development of new live music entertainment venues;
- allowing the delineation of areas where live music venues are encouraged and noise sensitive residential development must be carefully evaluated;
- including an application requirement that requires an assessment of the impact of a proposal on the functioning of live music venues; and
- adding new decision guidelines requiring consideration of the social and economic significance of an existing live music entertainment venue and the impact of a proposal on the functioning of live music venues.

Strategic assessment of the amendment

Why is the amendment required?

The live music industry makes a significant contribution to Victoria's social and cultural landscape and its support will benefit all Victorians.

The new state planning policy Clause 13.07-3S (Live Music) and changes to Clause 53.06 (Live Music Entertainment Venues) are required to support Victoria's live music venues which face great challenges because of the impact of Covid19 social distancing restrictions.

The live music industry has been severely affected by measures to limit the spread of Covid19 with venues being forced to close. The impact on musicians, technicians, venue owners and hospitality employees has been significant with many losing employment and income. Covid19 restrictions have increased the prospect of live music venue tenants being evicted and the potential for venues to permanently change to alternate land uses.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives in section 4 of the *Planning and Environment Act 1987* (the Act).

The introduction of new state policy for Live Music and changes to Clause 53.06 support objectives to:

- to provide for the fair, orderly, economic and sustainable use, and development of land; and
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The new state policy recognizes the social, economic and cultural benefits of live music and aims to encourage, create and protect opportunities for the enjoyment of live music. In support of this objective the amendment also makes changes to Clause 53.06 to encourage the retention of existing and the development of new live music entertainment venues. These measures include allowing the delineation of areas where live music venues are encouraged and the social and economic significance of an existing live music entertainment venue can be considered. This enables the ready identification of where the potential impact of the noise sensitive residential development on opportunities for live music is managed.

How does the amendment address any environmental, social and economic effects?

The amendment will generate positive environmental, social and economic effects.

The live music industry makes a significant contribution to Victoria's social and cultural landscape. The amendment introduces the ability to consider that contribution and require measures to protect the viability of live music venues from noise sensitive residential uses on a precinct basis.

Does the amendment address relevant bushfire risk?

The amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with all Ministerial Directions issued under section 12 of the Act.

The amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* issued under section 7(5) of the Act and makes consequential changes where required.

It also complies with Ministerial Direction 11 Strategic Assessment of Amendments.

How does the amendment support or implement the Planning Policy Framework (PPF)?

The amendment introduces a new state planning policy Clause 13.07-3S (Live Music) to recognize the social, economic and cultural benefits of live music and encourage, create and protect opportunities for the enjoyment of live music. The changes to Clause 53.06 (Live Music Entertainment Venues) assist to implement the new planning policy.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the *Victoria Planning Provisions* (VPP) through appropriate PPF and particular provision updates.

How does the amendment address the views of any relevant agency?

The amendment is unlikely to have a significant impact on any relevant agency.

Does the amendment have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The Transport Integration Act 2010 recognises that land-use and transport planning are interdependent. The amendment is unlikely to have a significant impact on the transport system as it focuses on live music.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

This amendment will not have a significant impact on the resource use and administrative costs of responsible authorities.

The amendment does not add any additional planning permit triggers and simply enables the consideration of the social, economic and cultural benefits of live music. When planning permit applications for noise sensitive residential uses fall within precincts they may be required undertake an assessment of the impact of the proposal on the functioning of live music venues, however the delineation of precincts is yet to occur. Where precincts are identified the planning scheme will need to be amended and the amendment process will enable relevant planning issues to be ventilated.

Where you may inspect this amendment

A copy of the amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at the following Department offices:

Barwon South West Region

Geelong office

Level 4
30-38 Lt Malop Street
GEELONG VIC 3220

Barwon South West Region

Warrnambool office

78 Henna Street
WARRNAMBOOL VIC 3280

Gippsland Region

71 Hotham Street
TRARALGON VIC 3844

Grampians Region

Level 3, 402-406 Mair Street
BALLARAT VIC 3350

Hume Region

Level 1, 62 Ovens Street
WANGARATTA VIC 3676

Loddon Mallee Region

Cnr Midland Hwy and Taylor Street
EPSOM VIC 3551

The Amendment is also available for public inspection at www.planning.vic.gov.au/public-inspection