Dear Sir/Madam,

Thank you for the opportunity to provide a submission on the proposed reforms to the Victorian Planning Provisions.

The VPPs are due for review and update and the City supports the principles of the proposed reforms including the two additional principles of ‘digital first’ and ‘proportional’.

In considering the proposed changes we offer the following observations for your consideration:

1. Integrated planning framework

We support the principle of the proposed integration of state, regional and local planning policy into a thematic based structure. The proposal has significant resource implications for both the Department and councils. The drafting of the new provisions will need to be carefully considered to ensure unintended consequences do not occur where policy that wasn’t intended to apply inadvertently applies. Or even worse that local policy or place based policy that councils have gone to significant time and cost to implement is lost or watered down.

Consideration should be given to the potential overlap in the new clause 11.04-1 and 12.02-2 that both apply to coastal settlements.

In addition, a policy neutral translation would be a missed opportunity to improve the planning policy framework. An example of this is clause 15 – sustainable development. This clause should be widened or integrated into existing policy to standardise incorporation of ESD assessment into the planning system to avoid councils pursuing their own approaches.

2. VicSmart and code assessment provisions

We support the integration of the VicSmart provisions into overlays and particular provisions. A thorough assessment of what triggers a VicSmart permit should be undertaken. If a proposal requires a VicSmart or code assessment permit planners should be adding to value to the outcome or have a role in ongoing compliance.

A current example of this is the permit trigger in the SBO when the flood level is sought by the applicant from the flood plain manager. The VicSmart permit process results in a permit
with the flood level and no other conditions. The planning system does not add value in the 10 day processing time and this matter could be addressed between the flood plain manager and the building surveyor.

The same principle of ‘adding value’ to the outcome applies to the proposed code assessed permits. We request that the new code assessment provisions be tested thoroughly with councils on real applications before being rolled out.

3. Digital content

We support the enhancement of the online and interactive nature of planning schemes and the creation of an online Victorian planning library.

Maintaining access to all reference and incorporated documents is an ongoing challenge for councils and hyperlinks within the planning scheme would assist in this task.

One example is the access to heritage studies and citations. Direct links to HERMES/Victorian Heritage Database and where necessary heritage studies should be provided from the online planning library.

In addition, consideration should be given to overhauling the HERMES/Victorian Heritage Database/Heritage Inventory to make it more interactive and relevant to the heritage overlay. This includes the provision of all fields of information provided in local government heritage studies, such as (but not limited to): histories, comparative analyses, heritage overlay numbers, heritage precinct names in addition to the current information.

4. Specific provisions

The list of specific provisions for consideration is extensive and there is significantly more work to do to progress many of the investigations. Priority areas for review should be clause 54, 55 and 56, uses with adverse amenity potential and the land use terms.

More information is provided on three matters:

**ID 44: Definitions**
We support the ongoing review of the VPPs to ensure the provisions remain contemporary. Of particular importance is the update of land use definitions. One specific issue is that the definition of a camping and caravan park does not identify a duration of stay for users which has seen a number of caravan parks in our municipality converted to retirement villages outside of settlements.

The revised definitions should be tested with councils on existing applications before changes are made to the VPPs to ensure there aren’t unintended consequences or further improvements.

**ID 14: Heritage overlay**
A review of existing permit exemptions at Clause 43 is supported in principle and the list of exemptions should be clear and concise. Further clarification on the extent of permit exemptions for “certain minor buildings and works” is required. The City of Yarra’s Incorporated Plan for permit exemptions (2014) provides a solid basis for a state-wide exemption document. However, more documentation is required in providing safeguards to ensure that the purpose of the heritage overlay is not undermined. In particular, defining repairs and routine maintenance, and ensuring that alterations do not diminish the three dimensional integrity and significance of heritage buildings is essential. Furthermore, exemptions for the construction of front fences should be avoided.
ID 11: Urban growth zone

Whilst the timely application of the applied zones is desirable for non-professional users of the planning scheme the application of the applied zones at the same time as the PSP is gazetted would not be workable and is not supported.

The principle of the schedule to the UGZ and PSP allows for ultimate zone boundaries to be determined through the subdivision process. This process allows sufficient flexibility to resolve site specific issues and final land use boundaries when the more detailed planning is completed. Although it would add an administrative burden on the Department if end users of the scheme are the priority a more workable solution would be a series of 20(4) amendments once lots are created out before build out of the entire PSP area to implement the applied zones.

There is an opportunity to remove some of the complexity in the UGZ schedule by including some standard provisions in the zone ordinance or including standard conditions in the PSP guidelines.

Conclusion

This is an ambitious and timely program of reform being put forward and we commend DEWLP for embarking on the project. The proposed reforms have significant resource implications on councils to implement and the ongoing operation of the approvals system. We respectfully request that:

- If councils are asked to implement any components then consideration is given to the resources required and funding made available to assist.
- Any proposed changes are put out for feedback and tested with real planning applications to identify any unintended consequences.
- Clear guidance is made available at the time of any change and DELWP resources are available to clarify any matters of interpretation.