

Summary of submissions to Reforming the Victoria Planning Provisions – A Discussion Paper

March 2018

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Published by
Department of Environment, Land, Water and Planning
8 Nicholson Street East Melbourne Victoria 3002 Australia
Published March 2018

ISBN 978-1-76077-016-7 (PDF)

Accessibility

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Introduction

The Victorian Government's Smart Planning program seeks to deliver long term, transformative change to the planning system, to make it more responsive to the needs of Victorians.

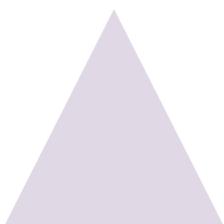
As part of the Smart Planning program, **'Reforming the Victoria Planning Provisions - a discussion paper'** (Discussion Paper) was released on 16 October 2017 seeking comment on proposed changes to the structure and operation of the Victoria Planning Provisions (VPP), and to specific VPP provisions.

The proposals in the Discussion Paper will lay the foundations for further transformation and were built upon feedback and ideas collected from planning system users and past studies looking at various reforms.

Comments were sought on the Discussion Paper between 16 October and 4 December 2017. Participants were invited to submit their feedback via the Engage Victoria website, as well as via direct correspondence. Submissions are available on the **Engage Victoria** website.

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Overview of submissions

Over 250 submissions were received from a wide range of stakeholders. These submissions canvassed a diversity of views and experiences of the VPP and how proposed reforms are likely to impact them.

The below table outlines the breakdown of submissions received:

Group	Submissions
Council	49
Community interest groups	47
Organisations and peak bodies	54
Individuals	85
Government agencies	24

Next steps

Based on the feedback received, the department is now developing an amendment package, for the Minister's consideration in mid-2018. More information on the package will be available on the [Smart Planning website](#).

General feedback

General

Broad support for the objectives and principles, and recognition of the need for reform:

- The majority of submissions provided overall support or conditional support for the proposals, pending further details on the exact nature of the reforms. The majority of submissions also recognised the need for reform of the Victorian planning system while noting that many aspects of the planning system are still effective and ought to be retained.
- Submissions contained general support for the objectives of Smart Planning and for the new principles of a modern planning scheme. Transitioning to a more digitally focused planning interface was considered a high priority.
- Some responses considered that there was a lack of structural reform proposed, indicating further appetite for transformative changes to the planning system.

Proposal feedback

Proposal 1: A simpler VPP structure with VicSmart assessment built in			
Snapshot of views	Agree	Disagree	Unsure
<i>1.1 Restructure and reform the particular provisions</i>	71	21	7
<i>1.2 Integrate VicSmart into appropriate particular provisions and overlay schedules</i>	40	17	6
<i>1.3 Consolidate all administrative provisions</i>	70	15	7
<p>General support for consolidating administrative provisions:</p> <ul style="list-style-type: none"> • Submissions expressed broad support for the consolidation of administrative provisions in the planning scheme, noting that this change is likely to make planning schemes more functional and documents more accessible for end users. 			

Proposal 2: An integrated planning policy framework			
Snapshot of views	Agree	Disagree	Unsure
<i>2.1 Integrate state, regional and local planning policy</i>	78	20	2
<i>2.2 Simplify the Municipal Strategic Statement</i>	73	19	7
<i>2.3 Expand policy themes</i>	70	14	12
<i>2.4 Create a clearer and simpler structure for policy making</i>	72	14	10
<i>2.5 Set new rules and guidelines for writing policy</i>	72	13	7
<p>Support for streamlining and strengthening of the planning policy framework (PPF):</p> <ul style="list-style-type: none"> • Submissions expressed support for strengthening the planning policy framework to consolidate strategic vision and limit policy conflicts through the development of a single planning policy framework. Suggestions were provided regarding new or revised policy themes and nesting. • Submissions noted the need to embed flexibility and adaptability in the new planning policy framework to be able to respond to future needs. Some submissions considered that the planning system has historically been slow to adapt to new issues, and that local policy responding to emerging issues would need a thematic 'hook' in order to be included. • Submissions expressed concerns regarding resourcing issues in translating local policy to the new PPF framework, as well as uncertainty over who would be responsible for the development and maintenance of 'regional' policy and to where it would apply. • This was a particular issue for councils in both urban and rural areas. Suggestions to facilitate the implementation of the new planning policy framework and the translation of existing local policy included an expedited amendment process, additional resourcing support for councils, training and information sessions for council officers, and dedicated liaison officers from DELWP to provide direct assistance to councils. 			
<p>Concern regarding diminished local policy and controls:</p> <ul style="list-style-type: none"> • Some councils and community associations expressed concerns that merging state and local policy may result in the loss or weakening of local policy, as it responds to the unique characteristics of an area, which may not fit within new policy themes despite being strategically justified. Other councils and industry stakeholders expressed support for theme-based policy, provided it allowed for necessary flexibility for councils. • Both regional and metropolitan councils expressed concern about losing their ability to tailor controls to suit their local context, rather than using 'one-size-fits-all' planning controls. Other councils and industry groups noted that clearer guidance regarding the drafting of policy and application of planning controls would improve the integrity of the planning system and provide greater certainty to community members, businesses and developers. 			

Proposal 3: Assessment pathways for simple proposals			
Snapshot of views	Agree	Disagree	Unsure
<i>3.1 Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules</i>	66	18	10
<i>3.2 Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners</i>	67	19	11
<p>Mixed support for code assessment pathways and the integration of VicSmart:</p> <ul style="list-style-type: none"> • Submissions generally supported the integration of VicSmart into the Particular Provisions and zones and overlays. Some industry groups and practitioners noted that the current location of the VicSmart provisions limited their uptake and were a common source of confusion. • There was general support for creating expedited code assessment pathways, particularly for temporary retail and cultural uses and cafes, with some questioning whether the benefits outweighed the potential added confusion of a new path. Conditional support was offered for secondary dwellings, with submissions noting that ‘the devil is in the detail’, as drafting would need to ensure that a code assessment pathway for this type of development would not result in ‘tick-box’ design outcomes or undue amenity impacts for neighbouring residents. • Some councils and industry practitioners noted that where objective code assessment pathways could be developed, these would be better implemented through new permit exemptions rather than alternate assessment pathways. Submissions also expressed uncertainty as to what the statutory timeframes for a code assessment pathway would be. • Some resident associations expressed concerns that the development of code assessment pathways would limit residents’ notice and review rights, potentially leading to inappropriate development occurring without adequate oversight. However, industry groups noted that expedited pathways for development could facilitate the supply of dwellings in well-serviced in-fill areas. As mentioned, both groups noted the importance of careful drafting to avoid amenity impacts. Industry submissions considered that exempting low-impact applications from notice and review requirements for minor applications was sensible. 			

Proposal 4: Smarter planning scheme drafting			
Snapshot of views	Agree	Disagree	Unsure
<i>4.1 Create a new VPP user manual</i>	75	12	8
<i>4.2 Establish a business unit dedicated to VPP and planning scheme amendment drafting</i>	62	24	8
<i>4.3 Create an online Victorian planning library</i>	83	6	3
<p>Substantial support for the development of an online planning library and an improved digital interface for users of the planning system:</p> <ul style="list-style-type: none"> • Submissions were supportive of expanding the availability and accessibility of planning documents, as well as improving the digital interface of the planning system. Respondents noted that the unavailability of documents was a frequent source of frustration and delay for planning system users. • Suggestions for further improvements included the development of a 'one-stop-shop' for permit requirements and online lodgement (noting that some councils have already developed similar systems), and the incorporation of 3D modelling and other emerging technologies such as virtual or augmented reality into planning permit applications and assessments to aid understanding. • Councils noted the need to balance the objective of 'slimming down' the planning scheme with the new ability of digital interfaces to provide more targeted policy content for end-users. Submissions noted the capacity of hyperlinks and other functions to allow more effective navigation between different sections of planning schemes and relevant documents. 			
<p>Mixed support for the proposed dedicated drafting unit (for VPP and planning scheme amendments):</p> <ul style="list-style-type: none"> • Submissions expressed substantial support for increased guidance and assistance from DELWP in the drafting and the planning scheme amendment processes through the development of a VPP manual and the proposed drafting unit. • Submissions – particularly from rural and regional councils – expressed concerns over a mandatory service, which was seen to risk de-skilling local planners and detaching the drafting process from local context and knowledge. Suggestions for alternatives to this included making engagement with the business unit optional for councils, and shifting towards a more collaborative process with greater levels of DELWP involvement in the early stage of amendment drafting. • Councils requested further information about where the business unit would fit within the amendment process (relative to authorisation) and how it would be resourced, given existing concerns regarding time frames and the transparency of the amendment process. 			

Proposal 5: Improve specific provisions			
Snapshot of views	Agree	Disagree	Unsure
<i>5.1 Improvements to specific provisions</i>	<u>See Appendix 2 of the summary of submissions</u>		
<i>5.2 Update the Definitions section of the VPP</i>	79	10	5
<i>5.3 Regularly review and monitor the VPP</i>	75	7	2
<p>Broad support for a major review of definitions; car and bicycle parking rates; flooding risk management; and managing uses with adverse amenity impacts:</p> <ul style="list-style-type: none"> • Substantial support was received for a major review of land use terms and definitions, noting that this should be done in consultation with councils to ensure that it did not result in uses being permitted in inappropriate locations. • There was widespread support for a review of car and bicycle parking rates. In relation to car parking rates, most wanted a lessening of rates, stating that these contributed to a culture of car-dependency and acted as a barrier to innovative development outcomes. • However, submissions highlighted of the differing impacts in regional and metropolitan areas, with access to high quality public transport services varying across the state, and in particular between inner-metropolitan and rural areas. • Further proposed reforms to create exemptions from parking requirements (in certain zones for Section 1 uses) in existing buildings where the floor area is not increased, received mixed support, with some councils wanting this subject to a cap, or restricted to solely commercial zones. • Submissions supported a review of land management overlays in collaboration with key stakeholders – primarily Melbourne Water and Catchment Management Authorities – to provide more targeted controls for flooding risk, including the risk of coastal flooding from sea level rise. • Submissions from councils and industry bodies also expressed support for a review of Clause 52.10 ('Uses with Adverse Amenity Potential'), as well as broader reform of how the planning system manages buffers and issues of reverse amenity impacts. 			

General support for reforming liquor licensing and gaming provisions; reviewing heritage controls; clarifying the roles of mixed-use, commercial and industrial zones; reviewing the requirements of Clause 52.29; and clarifying the relationship between standards and objectives:

- Submissions expressed broad support for reforming the interaction of the planning system and the liquor and gaming licensing system; however, submissions expressed a clear preference for planning to maintain a role given its ability to properly consider amenity impacts, as well as incorporating notice and review rights for local residents.
- There was general support among submissions for reform of the Heritage Overlay in line with the **2007 Advisory Committee** recommendations (**Review of Heritage Provisions in Planning Schemes**), although it was generally noted that this work would need to be updated to ensure it remained relevant and that this would require significant consultation with key stakeholders. Some councils and community groups also expressed concerns regarding the proposal to exempt further minor works from permit requirements, while being supported by industry groups.
- Submissions provided conditional support for further land use exemptions in the Mixed Use Zone, the Commercial 2 Zone, and industrial zones, noting that these would benefit from broader review to clarify their purpose and provide greater control over the mix of residential and commercial land uses. Support was often provided on the basis that permit exemptions would contain conditions to ensure that interface and amenity issues were considered, and that land uses would contribute to the strategic purpose of the zone. Further suggestions to reform zones emphasised the need for planning controls to better regulate a mix of land uses in activity centres. Submissions also supported the proposed amalgamation of the Comprehensive Development Zone and the Priority Development Zone.
- Submissions were generally supportive of reviewing the requirements of Clause 52.29 - Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road. Among submissions, the option to clarify permit triggers, particularly whether an alteration of access can refer to a change in use as well as a physical alteration was a high priority. Councils and community members were generally supportive of reducing referrals to VicRoads for low risk applications.
- Submissions noted that the relationship between standards and objectives in Clause 54, 55, 56 and 58 were a common point of confusion, and that clarification would be widely appreciated.