



28 November 2017

Department of Environment Land Water & Planning
8 Nicholson Street
MELBOURNE VIC 3000

Dear Sir/Madam,

**Submission to Reforming the Victoria Planning Provisions – A Discussion Paper
October 2017**

The Dennis Family Corporation (DFC) makes a submission in relation to *Reforming the Victoria Planning Provisions* Discussion Paper, which is currently out for public consultation. The Dennis Family Corporation and its related entities, is a long standing and major Victorian greenfield and commercial developer and has had extensive experience in navigating planning processes.

DFC welcomes the initiative to improve, reform and transform the Victorian Planning Provisions into an easier to understand and efficient planning system. We make the following observations and comments on the contents of *Reforming the Victoria Planning Provisions* Discussion paper:

Proposal 1: A simpler VPP structure with VicSmart assessment built in

Proposal 1 provides:

- Restructure and reform the particular provisions;
- Integrate VicSmart into appropriate particular provisions and overlay schedules; and
- Consolidate all administrative provisions.

Comment

Planning provisions have expanded significantly over the last 20 years or so and have been included in planning schemes in a somewhat uncoordinated manner. Restructuring and consolidating existing provisions is timely and appropriate.

The incorporation of VicSmart provisions into the relevant zoning and overlay controls is appropriate as is the consolidation of references to incorporated documents and operational provisions into the General Provisions section of planning schemes.

Proposal 2: An integrated planning policy framework

Proposal 2 provides:

- Integrate State, Regional and Local planning policy;
- Simplify the Municipal Strategic Statement;
- Expand policy themes;
- Create a clearer and simpler structure for policy making; and
- Set new rules and guidelines for writing policy.

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Comment

The integration of State, Regional and local policy into a single policy source (to be called the Planning Policy Framework (PPF)) is sound and should make for better coordinated policy interpretation and application.

Improved local policy transparency is proposed with the introduction of a “policy application” element which explains where a policy is to be applied and a “policy context” element which gives a background to the policy. This is considered appropriate.

The provision of policy presentation in a nested format is a desirable outcome.

Proposal 3: Assessment pathways for simple proposals

Proposal 3 provides:

- Embed a VicSmart assessment pathway in appropriate particular provisions and overlay schedules; and
- Introduce new code-based assessment provisions for simple proposals to support small business, industry and homeowners.

Comment

The integration of VicSmart application matters into relevant zone and overlay provisions is commended as is the proposition of identifying more exempt and codifiable permit classes. Such action will enable better use of the resources of the planning system.

The report notes (P26) that increasing the number of VicSmart applications may have operational impacts for councils by increasing the number of applications that need to be decided in a short timeframe. In this regard, it gives no consideration of the opportunity to appoint suitably accredited external certifiers (as is the case with building applications) to assess and approve such applications.

Proposal 4: Smarter planning scheme drafting

Proposal 4 provides:

- Create a new VPP user manual;
- Establish a business unit dedicated to VPP and planning scheme amendment drafting; and
- Create an online Victorian planning library.

Comment

It is noted that the Discussion Paper identifies that Victorian Planning Schemes currently include:

- 798 local policies;
- 448 residential zone schedules;
- 627 environment and landscape schedules;
- 797 design and development overlay schedules; and
- 651 development plan overlay schedules.

Twenty years on this is a situation not dissimilar to which was the genesis of the current VPPs. It is notable that in his statement to Parliament, the then Planning Minister Robert Maclellan (Dec 1996) stated:

“...there are 67 000 pages of planning documents and maps in the State of Victoria, and that number is rapidly growing. Anyone who believes that a planning system needs 67 000 pages or the equivalent of planning bumf is seriously misinformed about how planning should be organised.”

Clearly, there should be an ongoing awareness of appropriately maintaining the planning system and ensuring that correct procedures are established to minimise the risk of the same situation recurring over the course of the next 20 years.

Proposal 5: Improve specific provisions.

Proposal 5 provides:

- Improvements to specific provisions;
- Update the Definitions section of the VPP; and
- Regularly review and monitor the VPP.

Comment

Review of definitions and undertake amendments as necessary is commendable and should be an ongoing practice.

The identification of the requirements for fewer permits and for more exemptions and placing a focus on more significant applications and matters is supported.

It is interesting to note that that there has not been any periodic review process for the VPPs whilst it has been a requirement for Council's to review and update the MSS on a periodic basis.

The discussion paper presents many initiatives to restructure planning provisions in planning schemes. Of relevance but not addressed are the matters of timing and resourcing.

As stated previously the review gives no consideration for the opportunity to create a system to appoint suitably accredited external certifiers (as is the case with building applications) to assess and approve applications. Given the intent to codify many uses and developments, it is considered opportune to explore this issue further.

We reaffirm our support for a review of the Victorian Planning Provisions and are more than willing to expand on the comments made in this brief submission. [REDACTED]

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