



# **Reforming the Victoria Planning Provisions Discussion Paper**

**Submission on behalf of Banyule City Council**

## 1.0 Introduction

On 16 October 2017, The Minister for Planning released a Discussion Paper on Reforming the Victoria Planning Provisions that is part of the State Government's Smart Planning Program.

The Discussion Paper sets out proposed substantial reforms to planning schemes and the planning system to simplify planning rules and make the planning process more efficient, accessible and easier to use.

Banyule City Council welcomes the opportunity to provide feedback on the proposed reforms within the Discussion Paper. The following submission outlines Banyule's response to the key changes proposed in the paper, in particular the PPF structure and how local policy will be integrated into the proposed themes and other parts of the planning scheme, VicSmart changes, drafting and application of planning scheme provisions and future technology requirements of Council.

A response to the reform of specific provisions as set out in Appendix 2 of the Paper is provided. Comment is also made on the implementation process and the importance of providing adequate resources and realistic timeframes for councils to achieve this significant reform.

## 2.0 Proposed Reforms

### 2.1 **Proposal 1: A simpler structure with Vic Smart assessment built in**

- Proposal 1.1 proposes to restructure and reform the particular provisions into categories to make them more understandable. This is supported and would create a more useable and understandable planning scheme. The removal of duplication across the scheme is strongly supported.
- The integration of VicSmart into appropriate particular provisions and overlay schedules to enable simpler assessment pathways is generally supported. Further comments on VicSmart are discussed at 2.3 below.
- Consolidation of all administrative and operational provisions in one place in the planning scheme is supported.

## 2.2 **Proposal 2: An integrated planning policy framework**

- The paper proposes that all state, regional and local policy be grouped in a standardised format by land use themes rather than separated across the SPPF, MSS and local planning policy. The paper flags that the MSS be condensed and integrated into the PPF with a shorter municipal context, vision and framework plan.
- Banyule generally supports this new structure as integration would bring improvements to the current system, such as:
  - Logical grouping of key State, regional and local land use themes and sub-themes together.
  - Ease of navigation across the planning system.
  - Clearer alignment with objectives and strategies from Plan Melbourne.
  - A shorter more concise version of an MSS.
- However, whilst beneficial for components of existing local policies to be included in the structure of the PPF, the translation to the new format should not result in the loss or dilution of existing policy content. Council has committed extensive time and resources into developing a LPPF that not only gives effect to State planning policy, but also effectively responds to the values and interests of the community.
- There will be some provisions in local policies that may not neatly fit within the proposed land use themes or were written to give clarity to guide decision making that is linked with existing permit triggers. Banyule would not support a restructured PPF that resulted in loss of information from existing local policies that guide discretion to assist with planning permit assessment. In particular, Banyule would be seriously concerned if Clause 22.02 Residential Neighbourhood Character Policy was removed and became an 'under the counter' position for neighbourhood character. It is suggested that for policies that may not be able to be fully translated into the proposed land use themes that translations should be enabled into appropriate zone and overlay schedules. Council seeks clarification on

how Clause 22.02 will be catered for and translated into a new PPF and other VPP provisions.

- Council's aspiration for the PPF are that it can include local advocacy statements for future land use and development. This advocacy might relate to future land use and development of Government and Authorities land within the City. Given this, Council requests that future preparation of the PPF give an opportunity for the local government sector to include its advocacy position on important matters of community interest.
- Several of Council's local policies may fit under more than one theme. It is not clear if it would be necessary to split a policy in order for it to fit into the proposed structure. Council would be concerned if splitting a policy across themes weakened its overall meaning and impact.
- Proposed new land use themes relating to settlements, neighbourhoods, local places, climate change and natural hazards, amenity and employment are supported and address current and emerging issues of importance to local government.
- Proposal 2.5 of the paper proposes to set new rules and guidelines for writing policy where tests must be met for whether a matter is appropriate for inclusion in the PPF, and indicates translation guidelines will be prepared to help Council's integrate their LPPF into the PPF. Banyule consider that translation of local policy into the PPF should be undertaken by a state government planning scheme amendment in consultation/partnership with Council.
- If it is expected that Councils undertake translation, then funding or resources should be made available and example policies provided as part of any translation guidelines. Guidance on timing of translation is required with a preference for translation to occur over a two to three year timeframe and in stages. For example translation of the MSS into the municipal context section could occur in Stage 1, with more complex local policy translation occurring over a longer timeframe.

### **2.3 Proposal 3: An assessment pathway for simple proposals**

- Proposals 3.1 and 3.2 discuss broadening the application of VicSmart by embedding a VicSmart assessment pathway in appropriate particular provisions and overlay schedules to identify more exempt and codifiable permit classes.
- Council supports these changes in principle to simplify assessment of planning permit applications and to create efficiencies, but would require more detail about the additional permit classes to be included, information requirements and proposed timelines in order to respond in more detail to these proposals.
- Councils manage multiple approval processes associated with property development. A more effective customer experience would be enabled if the Government gave funding and resourcing support for Councils to look at coordinating these approval processes. A way forward might be enabled if the Smart Planning process identified further IT system and provided opportunities to help Councils manage their customer interface for approvals processes, which may include a portal for planning permit applications to be compiled, lodged, managed, referred, approved and tracked online. These opportunities could then be considered by the Government, before the Smart Planning initiative is wound-up.
- Whilst improvements to VicSmart are generally supported there are no suggested reforms relating to the ongoing management of planning permits once approved. This includes approval of and amendment to plans requiring endorsement under conditions of a permit, or more significant amendments to permits that may be sought. Council suggests that opportunities for reforms to enable more efficiencies in on-going permit management should be considered as part of the Smart Planning initiatives.

### **2.4 Proposal 4: Smarter planning scheme drafting**

- Proposals 4.1 and 4.2 discuss creating a new VPP user manual that includes business rules for the drafting and application of planning scheme provisions, and creating a business unit dedicated to planning scheme amendment drafting.

- These proposals appear to indicate that officers of State Government within a dedicated unit would be responsible for the drafting of planning scheme provisions under instruction from Council's and others. Whilst clearer guidelines and greater involvement from DELWP in refining draft planning scheme provisions in a timely manner prior to authorisation is welcomed, it is considered that local government planners are generally better placed in terms of local knowledge of the planning scheme, and skill level to draft local planning scheme provisions. Advice from DELWP in recent years on draft planning scheme provisions has been inconsistent across different units, lacks statutory understanding and is largely untimely due to resourcing issues and other priorities. Consequently, instead of setting up a dedicated unit within DELWP an alternative approach would be to provide a funding opportunity for Planning Authorities to enhance resourcing and improve skill-sets for preparing planning scheme amendments.
- It is also unclear what role the 'centre of excellence' has if a conflict arises with councils on the content of draft provisions and VPP tool selection. Will the unit have a role to play in authorisation of amendments? Beyond resourcing and skilling up staff it is unclear what role the unit will have in carrying out the statutory requirements of the Planning and Environment Act 1987 relating to authorisation, exhibition and approval of planning scheme amendments. Further discussion is needed with the local government sector, before the 'centre of excellence' concept is pursued.
- The creation of an online Victorian planning library for all planning scheme documents including incorporated documents, approved development plans, heritage citations etc. is supported. Other improvements through a planning scheme information management system, Victorian planning portal, property dashboard and online amendment template improvements are also welcomed. However further online processes should be developed specifically for use and for the benefit of Council's for integrating planning scheme triggers/business rules/automated systems with Council's responsible authority needs that will ultimately improve efficiencies. In particular for planning permit applications and planning scheme amendments - to assist with exhibition of an amendment and consideration of submissions. This may include for example a standard template for making a submission to a planning scheme amendment or a programs to

assist with summarising submissions. Consideration should also be given how information is provided to Planning Panel's Victoria for Panel hearings. The current practice of providing multiple hard copies of documents related to a planning scheme amendment is outdated and resource intensive.

## **2.5 Proposal 5: Improvements to specific provisions**

- Proposal 5 and Appendix 2 set out a number of improvements to specific provisions such as adding or expanding building and works exemptions, adding more as of right uses, making more prohibited uses permissible, reducing referral requirements, removing or amalgamating similar zones and overlays and removing duplication and updating the definitions section of the VPP for land uses terms.
- These changes are welcomed in principle, however further detail is needed around many of the changes proposed, in particular those relating to more section 1 (as of right) uses, zone changes, overlay permit exemptions, decision guidelines and section 173 agreement improvements. Table 1 provides Council's response on the specific provision reforms.
- Regularly review and monitoring of the VPP's is supported along with the register of reforms.

## **3.0 Conclusion**

Overall, Council supports many of the proposed reforms and considers it would bring some improvements such as a clearer approach to land use policy through the integration of state, regional and local policies and create efficiencies in considering planning permit applications.

Other specific reforms proposed within Appendix 2 to the Discussion Paper are largely supported in principle subject to further details and clarification.

Banyule's main concern is with the implementation process. Appropriate funding, guidance and timeframes will be critical for an effective translation of Banyule's local policies into the new PPF structure, in particular Council Neighbourhood Character Strategy.

Banyule requests a further opportunity to give feedback on any drafted changes to the VPPs, before they come into operation.