Date: 24 November 2017

Dear Sir/Madam,


Reforming the Victoria Planning Provisions
Submission by the Goulburn Broken Catchment Management Authority

The Goulburn Broken CMA congratulates the timely initiative to carry out major reforms to the Victoria Planning Provisions, since its introduction some 20 years’ ago. The Goulburn Broken CMA acknowledges the ambitious substantive reforms will ultimately bring efficiencies and more user friendly provisions for all users.

The Goulburn Broken CMA submission is largely around floodplain management matters. Comments have been presented under each of the five reform proposal headings. Firstly, the Goulburn Broken CMA wishes to make some general comments.

General Comments
The Goulburn Broken CMA supports and welcomes the reforms in principle.

The Goulburn Broken CMA acknowledges that there is a significant amount of detail that needs to be investigated and reviewed to bring about specific parts of the reform, such as new code-based assessment provisions, VicSmart assessment: pathway, and exemptions.

The Goulburn Broken CMA agrees with the concept of ‘proportionality’ where the regulatory burden should be commensurate with the environmental and/or ‘flood’ risks.

In terms of floodplain management, the Goulburn Broken CMA would be pleased to assist with the relevant investigations and review process (work program) to ensure a balanced is struck between removing unnecessary permit requirements whilst allowing appropriate resources for ‘complex’ permit applications. However, inappropriate exemptions, or code-based assessments, if not carefully drafted, could lead to unintended consequences. For example, setting a state-wide exemption within Land Subject to Inundation Overlay to allow a construction of a new dwelling subject to a floor height, could place significant risks to health, life and safety if the depth of flooding via accessways is significant.

Proposal 1: A simpler VPP Structure with VicSmart assessment built in
Proposal is supported. However, if objectives and performance standards (Proposal 1.1) are proposed for floodplain management, a review of unintended consequences must be carefully examined to ensure no unreasonable exposure for flood hazards occur.
Proposal 2: An integrated planning policy framework

Proposal is supported. The integration of the three tiers of policy will provide efficiencies for users. Resources and time commitments will be required, including CMAs, to ensure the translation and integration process does not lose important policies.

The objectives and guiding principles contained in the Climate Change Act 2017 should be considered and integrated into the new Planning Policy Framework that applies state-wide and not just focussed on sea level rise.

Proposal 3: Assessment pathways for simple proposals

In terms of Proposal 3.1, the Goulburn Broken CMA wishes to be involved in developing possible exempt use and development, codes and performance standards for ‘simple proposals.’

In relation to a secondary dwelling (‘granny flat’) standards in Proposal 3.2, the Goulburn Broken CMA wishes to point out that flood hazard must be considered, and wishes to be consulted during the drafting of this matter.

The Goulburn Broken CMA has in past years put forward an approach to allow a subdivision of land that is entirely within the Floodway Overlay if it meet specific requirements, i.e., no increase in flood risk, e.g. two existing dwellings on a single residential lot. The Goulburn Broken CMA would like an opportunity to discuss this matter further with your team.

In terms, of a decision maker having no opportunity to request information beyond what was set out in the provision must ensure the required information provided is legible/readable.

Proposal 4: Smarter planning scheme drafting

Creating a business unit dedicated to VPP and planning scheme amendment drafting (Proposal 4.2), will require significant commitment and resources. Discussions at an information session in Benalla expressed issues around local and regional matters being correctly articulated in a timely manner. Suggestions around a vetting role instead by the Department could be an alternatively to improve efficiency and timeliness.

Proposal 4.3 is considered a sound initiative having access to relevant documents such as incorporated documents. Please add to the digital library all Agreements made between the responsible and referral authorities under the provisions.

Proposal 5: Improve specific provisions

Proposal 5.1 includes removal or amalgamation of zones and overlays where purposes are duplicated or where need has changed. Appendix 2 outlines possible reforms of specific provisions.

This part of the reform must include a sound of the purposes of the zones and overlays and its application, and gain an understanding of the consequences of any changes. Again the Goulburn Broken CMA is happy to assist in this process. The following highlights the Goulburn Broken CMA’s areas of concern in relation to Appendix 2 using the Table ID’s.
**ID 17: Land Management Overlays (LSIO, SBO, FO together with UFZ).**
At this point of time, the Goulburn Broken CMA views the differentiating between LSIO and FO is important to keep, for a number of reasons, including transparency for users of the planning scheme around relative hazard. The UFZ, which is intended to be applied in urban areas, is important to ensure the floodplain functions do not ‘further diminish.’ In other words, further encroachment in UFZ is almost likely to increase flood risks to surrounding areas. Possible name changes may be appropriate, particularly the SBO. The use of the Building Act 1993 is considered somewhat simplistic on a state-wide basis and will need to be discussed further. At this stage, the Building Act 1993 would be more effective to local areas.

**ID 20 and 21: FO and LSIO**
The Goulburn Broken CMA sees that there are opportunities for state-wide permit exemptions, which need to be deemed ‘unnecessary’ and not lead to unintended consequences leading to possible adverse exposure to flood hazard.

**ID 27 Earth and Energy Resources Industry:**
Currently, the floodplain management authorities are a referral authorities under the Mineral Resources (Sustainable Development) Act 1990, where the likelihood and consequences of quarries needs to be carefully considered to avoid irreversible environmental damage, etc. ‘Rationalising’ the permit triggers will need to be thought through in close consultation with all CMAs.

**ID 42 Referral and Notice Provision:**
The Goulburn Broken CMA support the use of standard agreements. Such agreements should be transparent and available in the proposed digital library.