

1 December 2017

Department of Environment, Land, Water and Planning
Smart Planning
8 Nicholson Street
East Melbourne VIC 3002

To whom it may concern,

Re: Submission to Reforming the Victorian Planning Provisions Discussion Paper

1 INTRODUCTION

Mesh Planning lodges this submission in respect to the discussion paper on *Reforming the Victorian Planning Provisions (VPPs)*. We thank the Department and Smart Planning team for the opportunity to comment on the proposed changes and new initiatives for Victoria's planning system. Further to this, we acknowledge and appreciate the work that has been done to date in reviewing the VPPs and exploring alternative structures and operative components to delivering a more efficient planning system.

Mesh understands this reform to be the first considerable change to the VPPs since 1997 and welcomes modifications that will create a more effective and simplified planning system. However, we also support and advocate for Victoria's planning system to have a focus on implementation and a platform where diverse and innovative outcomes are supported and expedited.

We acknowledge that the technological component of the reforms is a key initiative to improving usage and accessibility, in addition to reducing the mass of documentation that comprises the Scheme. However, we submit on the primary basis that the Victorian planning system should create a platform where planners are able to be innovative and forward thinkers. A system which encourages planners to make balanced decisions that are grounded in consideration of risk, impacts, value and ultimately; net community benefit. We believe the changes proposed in the discussion paper establish a basis for this vision, but more could be done to achieve this.

We have submitted on specific changes outlined in the discussion paper as well as some additional suggestions for the Department to consider as a means of achieving the aspiration above. The submission summary is below:

Urban Growth Zone – applied zone changes

- The proposed changes fail to recognise these are places of significant transformation.

Clause 54, 55 and 56

- Residential subdivision provisions stifle creativity, diversity and differentiation of place; and
- Residential development and subdivision provisions are outdated and should be completely recast to reflect current government policy.

VicSmart + code assessment

- Supportive of the principle, however current VicSmart and code assessment (SLHC) are complex.

VPP user manual

- Guidance for strategic work to update VPPs; and
- Review of internal referral process.

Innovation

- Create policy objectives that enable planners to consider applications in terms creativity, innovation and excellence and give policy weight to these objectives in a balanced planning assessment.

2 SUBMISSION ISSUES

Urban Growth Zone – Applied Zone Changes

The discussion paper briefly alludes to a review of the UGZ in respect to the applied zone concept and PSP implementation.

It is proposed to review Urban Growth Zone having regard to the following:

- a) Upon gazettal of a precinct structure plan, land is rezoned to the applied zones specified within the zone, with the PSP implemented using existing VPP tools, and therefore eliminating the concept of applied zones and removing the need for a later planning scheme amendment
- b) Reduce the complexity of future UGZ schedules through a more limited and rigid structure.

Context

The UGZ was introduced in March 2008 to give guidance to land identified for urban development and to create a greater emphasis on the use of Precinct Structure Plans (PSPs) as a holistic, strategic plan to guide growth. The UGZ schedule gives effect to the PSP as a primary land use plan to guide the development of the area. This removes the need for additional approvals, thus creating a one step process for developers, landowners and responsible authorities.

Translation of the PSP into applied zones is provisional and as alluded to in Practice Note 47, the applied zones are to be translated into zones as the PSP area matures; the timing surrounding rezoning is at the discretion of the Department.

The current PSP process is inclusive and allows landowners to be involved in the PSP process with a fair degree of understanding of what is proposed on their land with opportunity to appeal. While the process could be improved in respect to timing, the process is complex, and the panel process alone requires consideration of a number of competing interests, risks, aspirations and technical knowledge.

We urge the Department to recognise that growth areas are subject to substantial transformation and that the zoning system in this context is not the most suitable approach.

Submission issues

1. Impact on flexibility and “generally in accordance” approach

The Practice Note is clear about the PSP and UGZ schedule providing the responsible authority with the flexibility to consider proposals that are “generally in accordance” with the PSP. Rezoning land from UGZ to their respective “applied zones” removes the flexibility given to developers, landowners and responsible authorities. This is seen to potentially impede innovation and creativity and restrict best practice outcomes.

At the time of the Cranbourne West PSP – Amendment C102, where the UGZ was first considered by a Panel, it was recommended that the UGZ and PSP maintain “a reasonable balance between prescription and flexibility”. This proposal removes the flexible nature and creates hard zoning boundaries that confine development outcomes. This creates additional problems should issues arise as development proposals advance in the planning permit process.

2. Rigid zoning boundaries increases planning scheme amendments

As mentioned, rigid zoning boundaries will impact on creative and best practice development outcomes and create an additional planning process should zoning boundaries need to be amended. The number of planning scheme amendments in respect to PSP areas will increase thus adding time, cost and administrative burdens for landowners and Council.

The PSP process up to Planning Panels phase is lengthy and complex. We believe the rezoning of land will create greater pressure during the Panel process from landowners, developers and Council, as each proponent will push for their interests to be recognised and reflected in the gazetted PSP to avoid proceeding with additional planning scheme amendments following PSP gazettal.

The NSW Government delivers what is called Indicative Layout Plans (ILP) for growth areas which takes a similar form to PSPs. However, through the development of the ILP, land uses zones are implemented which create firm zoning boundaries. In our experience, with this system, we see it as an inefficient approach to growth area planning that increases timeframes and creates unnecessary costs as applicants are required to go back to State Government to resolve issues.

3. Impacts on development extent in an area designated for significant growth

A key purpose of the UGZ is “to safeguard non-urban land from use and development that could prejudice its future urban development”. Mesh understands the justification put forward in the discussion paper and appreciates the ambiguity that may be caused by the use of applied zones for non-planners. However, rezoning is not the appropriate solution for the issue presented in the discussion paper. Rezoning land may prevent the extent of urban development that is achieved in a high change area and will reduce the weight given to PSPs as the primary land use plan.

We appreciate and understand the objective to give landholders clear information, but we consider that a simple zone map misrepresents the scale of transformation and the intended holistic outcomes. Aurora in Whittlesea is an example of a planned growth area prior to the UGZ. It was incorporated into the planning scheme through rezoning land from Rural Zone to Comprehensive Development Zone which then required the implementation of a Comprehensive Development Plan. The process relied on the zoning system to guide the holistic transformation of the area. This is an example of where the UGZ would have improved the process and outcomes delivered.

Suggested Approach

Given the objective of the VPP Reforms to digitalise aspects of the scheme, we see an opportunity to incorporate an additional layer to VicPlan to display strategic documents / plans that can be viewed spatially. The layer will be generalised so not to create property specific implications but to create an accessible platform that will inform landowners of information relating to their property that is not easily translated into zones and overlays.

This layer could be accompanied by hyperlinks and other interactive button keys to enhance accessibility and knowledge of documents such as PSPs. This could also be adopted for Development Plans, Neighbourhood Character Studies, Growth Area Framework Plans and the like.

Nevertheless, we welcome a review of the UGZ provisions, including the provisions for advertising signage within the schedule. Since the introduction of the UGZ into the VPPs, many PSPs have been prepared and many UGZ schedules. We believe there are lessons to be learnt and improvements to be made to improve the process and outcomes.

Clause 54, 55 and 56

The discussion paper discusses a review of Clause 54, 55 and 56:

It is proposed to review Clause 54, 55, 56 and 58 having regard to the following:

- a) Clarify the relationship between the standards and objectives, and particularly whether full compliance with the standard means that the objective is also met.

Context

The residential development and subdivision provisions, “ResCode” was implemented in 2001 and requires wholesale casting to reflect current policy.

Submission Issues

Mesh welcomes the proposed review to Clauses 54, 55 and 56, however it is believed that this review should delve deeper than merely the association between standards and objectives. A thorough analysis should be undertaken to deliberate on the type of outcomes that are being created by conformance with these provisions.

A review should consider the policy directions established in Plan Melbourne and test whether the current standards achieve the objectives of this document.

In particular, Clause 56 does not create provision for diverse streetscapes, housing diversity, and other measures to genuinely differentiate places. It creates a focus on streets for cars rather than as key components of the public realm.

Some of the policies outlined in Plan Melbourne would not be achievable to a standard of excellence through ResCode compliance. These include:

- Priority should be given to pedestrian movements in neighbourhoods. Continuous, high-quality walking routes need to be developed and streets need safe, pleasant and attractive walking routes;
- Strengthen Melbourne's network of boulevards; and
- Integrate place-making practices into road space management.

Suggested Approach

The residential development and subdivision provisions should be completely modified. In depth analysis and testing should be undertaken to determine the appropriate controls that will deliver best practice outcomes, in alignment with State policy that supports the following:

- Housing diversity;
- Streetscape diversity and placemaking;
- Active transport such as walking, cycling and public transport; and
- Best practice sustainable neighbourhoods.

The Liveable Neighbourhoods Initiative is an operational policy prepared by the Western Australian Planning Commission to guide subdivision design and provide a framework for delivering neighbourhoods that are sustainable. This is a best practice example of the type of policy change that is required in replacement of ResCode to encourage more innovative neighbourhood solutions that genuinely achieve the outcomes listed above. The Liveable Neighbourhoods initiative encourages innovation and establishes a model that intends to create outcomes that surpass conventional planning outcomes.

VicSmart and Code Assessment

A core proposal of the discussion paper relates to the VicSmart provisions.

Proposal 3: Assessment pathways for simpler proposals:

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

Context

Mesh appreciates the purpose of VicSmart is to create a streamlined pathway for simple proposals to reduce the administrative burden, timeframes and cost to smaller assessments. Given the location of VicSmart in the VPPs, Mesh supports the proposal to embed VicSmart into particular provisions and overlay schedules to give better effect to their use for simple planning assessments.

Submission Issues

1. Lengthy, complex decision guidelines requiring internal referral

The current VicSmart provisions should be reviewed in respect to the decision guidelines in place that guide a planner's decision. Some of the decision guidelines in the VPPs that exist are lengthy, complex and exceed a planner's area of expertise, thus requiring a Council planner to internally refer the application to better understand the impacts and issues associated with areas including land capability impacts, biodiversity, engineering and the like.

We believe this defeats the purpose of VicSmart and the intent to assess applications in 10 business days. The process of internally referring applications is lengthy and begins to complicate the proposal and the decision that the planner needs to make.

2. Code assessments and responsibility

Mesh supports the proposal to introduce code based assessments to support and streamline simpler proposals however, the Small Lot Housing Code is an example that we see has not created an efficient process. The responsibility is placed on the building surveyor to assess applications against the Small Lot Housing Code and they are simply not trained or understand the code they are to assess against.

Suggested Approach

We submit that decision guidelines should be reviewed or that planners are supplied with suitable information in an easy way to access and format to assist with decision making. Code assessment pathways should be implemented with manuals and additional training to support planners.

VPP User Manual

Mesh supports the proposal to create a new VPP user manual that will create consistency across the board and support and give guidance to planners at different stages of the planning process.

Proposal 4: Smart planning scheme drafting

Proposal 4.1 – Create a new VPP user manual

In addition to this proposal, we would like the user manual to address the following issues and recommendations:

Translation of strategic documents into the planning scheme

In addition to the items listed as a focus for the VPP user manual, we see this to be an opportunity to provide guidance to planners on the type of strategic work that could be required to update the VPP. This is an opportunity to create a clarity about what strategic work is required to achieve intended outcomes and amendments to policy.

Internal referral process and role of the planner.

More authority to be given to Council planners to collate internal referrals and come to a Council position.

Council departments and planners overtime have had significant amount of pressure placed on them as planning becomes more complex, onerous and an administrative burden. A planner's role has begun to blur as we are expected to have an in depth understanding of the issues associated with engineering, environmental considerations, landscape architecture and urban design. The internal referral process assists with this transfer of information and provides planners with an appreciation for the type of issues that a planner must have regard to in coming to a decision.

However, the complexity of the process results in planners collating extensive comments and conditions per application, often without a single clear Council position. They tend to demonstrate competing arguments and complicate the decision-making process.

Recommendations

It is suggested that authority and guidance should be given to the Council planner to collate internal comments and conditions into a single Council position and determine the key issues and conditions that must be considered by the applicant to achieve high quality outcomes.

The Council planner must put forward a Council position that will provide an applicant with certainty and remove the ambiguity associated with merely assembling comments from various departments and presenting them to an applicant to decipher.

We see this being achieved through a user manual that will provide support and guidance to Council planners. We see this as a way of improving how planners are using the system and ultimately enhancing their skills in problem solving, negotiation and collaboration, and ultimately empower them to think more broadly. As part of this suggested approach to managing the internal referral process, support in terms of training should be provided to planners, particularly as issues become more complex and contentious.

Innovation

This is a matter that is not addressed in the VPP reforms discussion paper, however we believe there is merit in seriously considering how to create a platform where planning proposals that demonstrate their attempt to achieve innovative and creative outcomes are rewarded.

Create policy objectives that enable planners to consider applications that achieve excellence in planning.

The VPPs give little opportunity to demonstrate innovation, creativity and excellence in planning, for both applicants and Councils. Planning is inherently complex, political and the VPPs present competing objectives that through the planning process, when managing these complexities, innovation and creativity is runner up. Establishing creative, high quality and excellence in outcomes is not given priority in the Victorian planning system.

In view of the period we are currently living in whereby climate change, population growth and digital disruption is a genuine reality, Victoria's planning system must step up and create a system that addresses these issues and drives economic growth, high quality communities with improved housing choices, jobs and liveable neighbourhoods.

Suggested Approach

The VPPs should provide a platform upon which genuinely innovative outcomes are given policy weight even where they do not necessarily meet other objectives. Policy support should be given for Council planners, developers, landowners and the community to recognise quality outcomes, that deliver a net community benefit and creativity. We believe this would drive innovation and encourage new and innovative ways to create diverse housing opportunities, public space and amenity and high quality urban design.

3 CONCLUSION

Thank you for the opportunity to review and provide a submission in respect to the Victorian Planning Provisions Reforms discussion paper. This submission supports the changes proposed to the VPP in addition to detailing a range of issues that we believe should be addressed within this reform process.

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