

Evaluating Victoria's Planning Reforms (VC148)

The small print you didn't see

Presented by



- 1. State Planning Policies & Programs
- 2. State Decision Rules

- 1. Council Planning Policies & Programs
- 2. Overriding State Decision Rules



The Smart Planning program seeks to make Victoria the most **efficient and transparent state** in the country **for planning, and drive investment.**



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Version Update

Presentation changes as a result of community reviews

Version	Presented	Date
Version 1	First VC148 Education Forum	Wed 8 Sep 2021
Version 2	Second VC148 Education Forum	Sat 11 Sep 2021
Version 3	Distributed to attendees	Sat 12 Sep 2021



RATEPAYERS VICTORIA INC.

Lower Rates, Less Waste, More Accountability

Transparency



RATEPAYERS VICTORIA INC.

Lower Rates, Less Waste, More Accountability

Accountability



RATEPAYERS VICTORIA INC.

Lower Rates, Less Waste, More Accountability

Sustainability

A Civil Society Organisation Advocating for Ratepayers, Residents & Business in Municipal Matters

- Advocate for local groups, residents and businesses in municipal matters
- Aim for better local government efficiency, community & service relevance for lower rates & commitment to decision transparency and accountability
- Assist with complaints, enquiries and referrals to councils, Ombudsman, Auditor General, etc.
- Meet regularly with Local Government Minister and team to address & resolve transparency, accountability, sustainability and security risks, issues & opportunities
- Non-partisan and volunteer based professional peak body for ratepayers, residents and businesses

Reforming the Victoria Planning Provisions

<https://engage.vic.gov.au/reform-victoria-planning-provisions>

A recent discussion paper released by the Smart Planning program put forward proposals to reform the structure and operation of the Victoria Planning Provisions (VPP).

+ Follow

Amendment VC148

Business Case Drivers

1. A clearer, fairer and **faster** planning system
2. Provide **Market Certainty** – timeframes and pathways
3. Increase Community **Confidence** in the system
4. Ensure **integrity** in the process

SOUNDS GREAT RIGHT?




Did you know?

Reforming the Victoria Planning Provisions <https://engage.vic.gov.au/reform-victoria-planning-provisions>
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Business Case Drivers

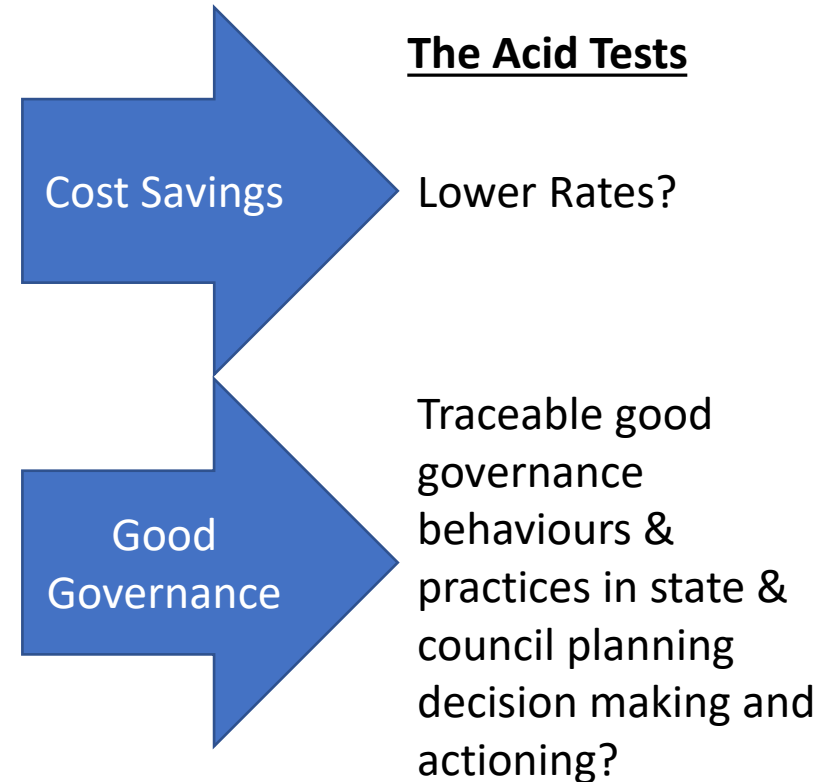
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SOUNDS GREAT RIGHT?



What these means are:

1. Better planning process efficiency
2. Planning project management quality
3. Establishing community trust in planning decisions & delivery
4. Ensure integrity in planning



1

Timeline

- ✓ **Review of prior reports and recommendations**
June - September 2017
- ✓ **VPP online survey - 688 submissions received**
July 2017
- ✓ **Discussion paper consultation**
October - December 2017
- ✓ **Reviewing consultation responses and prioritising actions**
December 2017 / January 2018
- ✓ **Release of consultation summary**
Early 2018
- ★ **Engagement with Advisory Group and Technical Reference Groups**
Ongoing to mid 2018
- **Proposed gazettal**
Mid 2018

3

Institutional stakeholders, many councils, **BUT** no local community peak-bodies

Who was consulted & provide inputs?
 Click [here](#) to find out

4

The Acid Test:

1. Better planning process efficiency
2. Planning project management quality
- ☹ 3. Establishing community trust in planning decisions & delivery
- ☹ 4. Ensure integrity in planning

- [Planning Advisory Note 71 - Planning Policy Framework \(PPF\) \(PDF, 558.4 KB\)](#)
- [Planning Advisory Note 72: Amendment VC148 \(PDF, 234.9 KB\)](#)
- [A Practitioner's Guide to Victorian Planning Schemes \(PDF, 1.6 MB\)](#)

Page last updated: 14/07/21

2018 Gazetted

2021: Rollout Guides

2

1. Permit Applicant
2. Local Community
3. Local Council
4. State Government

Each has very different priorities

Permit Applicant – Time and money. Applications take time and may require money to comply with directions. (ie. Environmental impact statements, shadow diagrams, etc.)

Community – Livability & 3 Pillars Sustainability. How will the land use change impact me and my neighbourhood AND my CIV rates?

Council – Time, Money and Transparency. If you speed up the process you need more staff to process applications more quickly or risk not meeting the statutory clock requirements. Transparency is compromised if you change advertising requirements as the community has less ability to participate and express their views.

State – Economic development. Building and development has a positive financial multiplier effect on the economy. The State Govt is also a developer and undertakes major public investment in infrastructure projects.

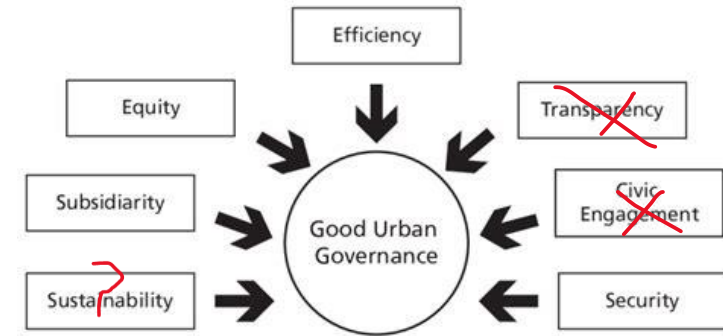
What about LG Act 2020 Governance Compliance & Oversight?

1. Permit Applicant
2. Local Community
3. Local Council
4. State Government

Different
 Stakeholders'
 Priorities

How do State & Council Permit Decision Making Process explicitly handle the different priorities in manners that comply with good governance principles, especially those already legislated in the LG Act 2020?

Where are the public documents?
 What LG Act 2020 governance compliant procedures prevail and where is the info?



Who Benefits?

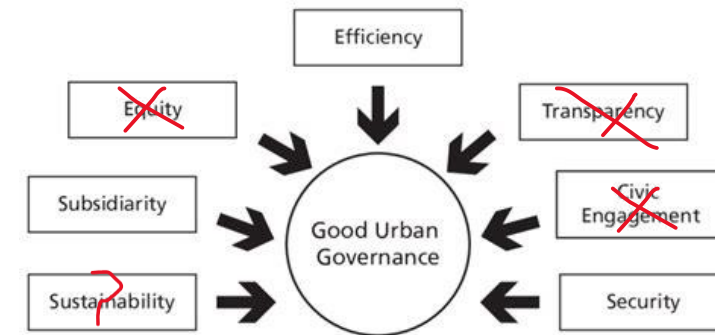
Time & \$\$\$
 Economic Dev

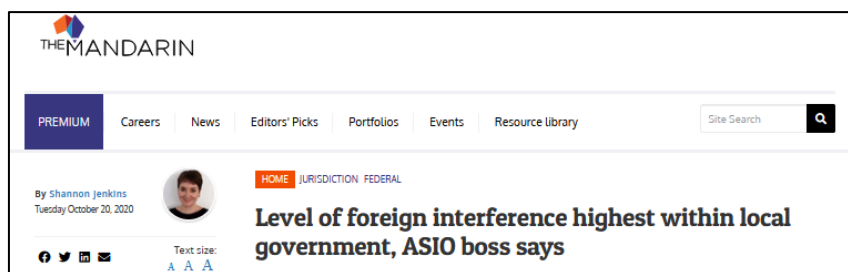
Liveability
 Sustainability

Transparency



There is equity and fairness for all?
 What LG Act 2020 governance compliant procedures prevail and where is the info?





AUSTRALIAN CYBERSECURITY LAWS

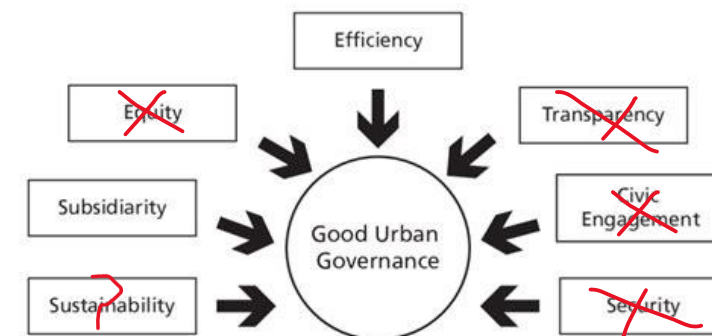
Australia do not have one cybersecurity law, but several laws put together to address the legality of cybersecurity obligations & violations handling.

As in 2020, the following legislation frameworks set the scope of Australia's cybersecurity laws:

- Various Commonwealth and state level data protection and privacy acts
- The Australian Crimes Act 1914
- **The Security of Critical Infrastructure Act 2018**
- The Telecommunications (Interception and Access) Act 1979.

Other law amendments in 2020 include:

- Metadata & data encryption law
- The ASIO Amendment Act (2020)
- The Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020.



Have you seen the Victorian Planning's Cybersecurity Policies, or those of your council, especially about local infrastructure security and cybersecurity supply chain risk management?

The Acid Test:

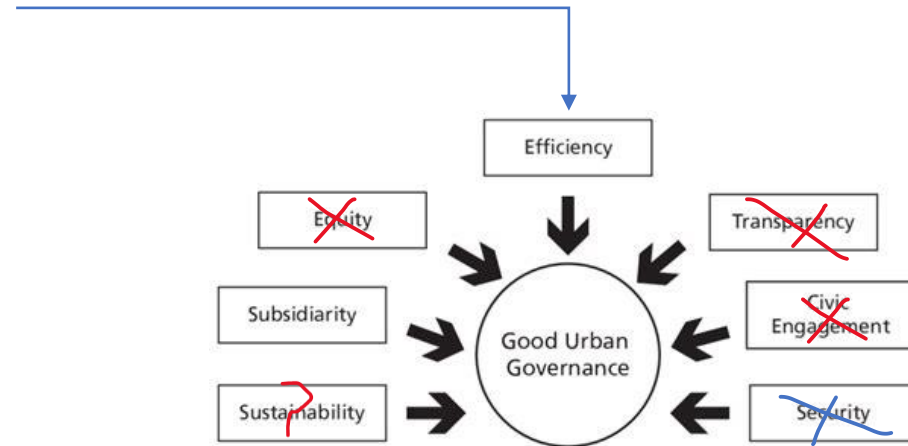
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2018 Planning Reforms gazetted prior to passing LG reform bill in 2020 → implementation policies & resources ignores LG Act 2020 compliance

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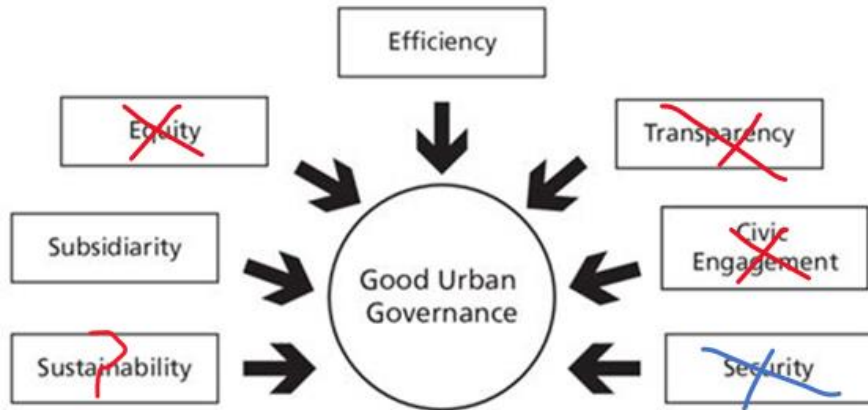
Cybersecurity laws, especially the Security of Critical Infrastructure Act (2018) and national security guidelines



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We live in a **COMMUNITY** and **NOT** just an “Economy”?

The State (of whichever political party) holds all power.

The State Govt can amend the Planning and Environment Act **which controls what Councils can and cannot do**. The process for amending the Act should be conducted in a clear and transparent manner.

Public Accountability must be the hallmark of our political systems



“Sunlight is the greatest disinfectant”
Deborah Glass - Ombudsman

CLEARER

The community will be given less opportunity to be informed.

- The Statutory Clock will be wound back. The Community will have less time to object
- Advertising Requirements will change. Public Notice will be published on Council's websites NOT newspapers

FAIRER

The Planning Reform changes favours Developers over the Community

FASTER

Less community voice and objections

CERTAINTY

This shifts the balance because applicants will have quicker outcomes as the changes will reduce Council's powers and the communities' ability to have their say.

COMMUNITY CONFIDENCE

Applicants can be more confident in getting a preferred outcome. The community can be more confident they will not be HEARD

INTEGRITY

1. The lack of integration with the Vic Building Regulations means we have a DUAL system. Large developments are now exempt from Planning Regulations and DON'T GO THROUGH LOCAL PLANNING.
2. State Govt is exempting itself from SCRUTINY
3. Planning Reform changes designed to undermine TRANSPARENCY AND SCRUTINY by the community

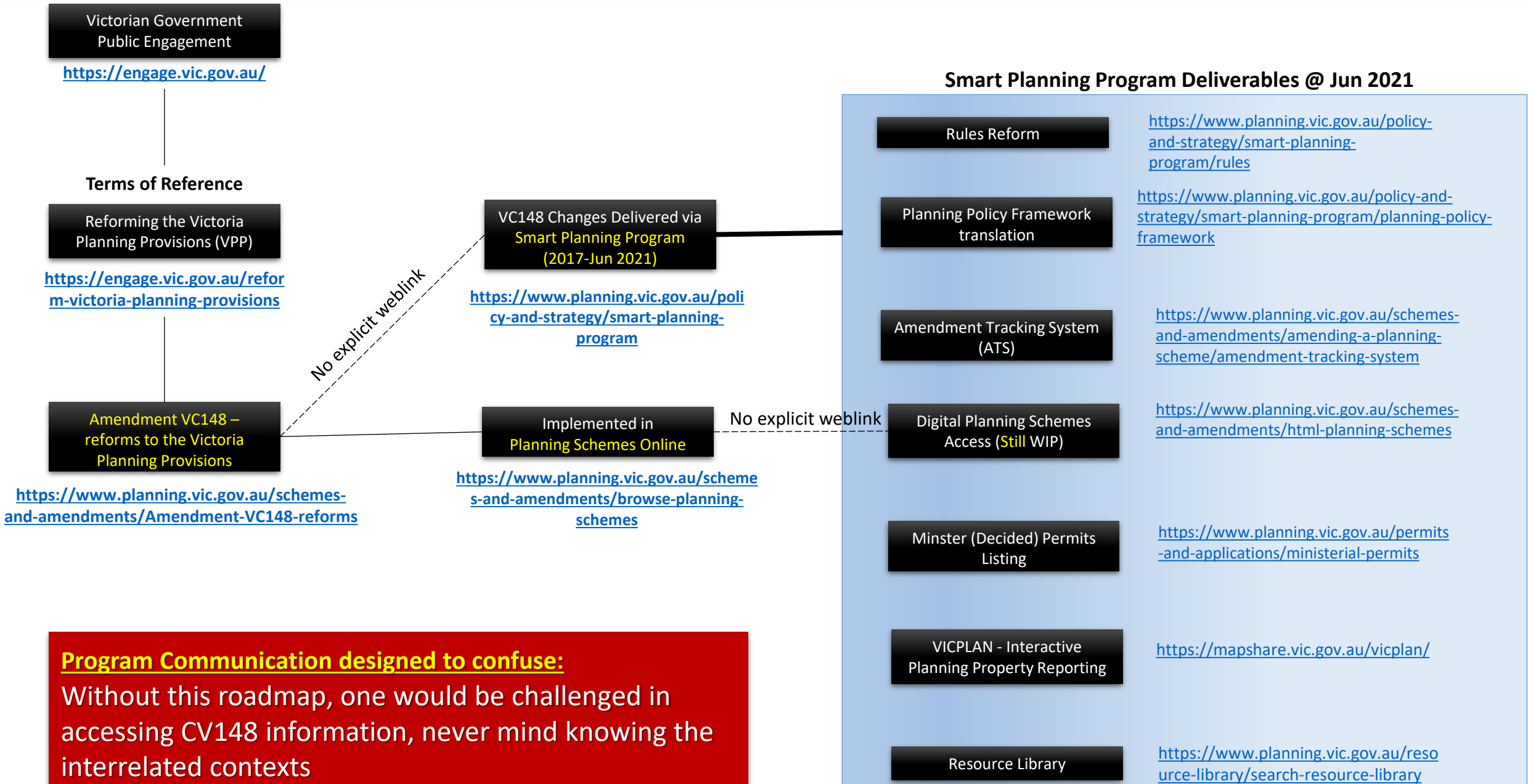
The State Govt is using COVID recovery as the reason for Planning Reform changes.

- The streamlining of State Significant Projects will have real and tangible impacts on residents who will not be afforded the opportunity to engage with the project.
- The removal of objector appeal rights removes Local Democracy.
- Economic Benefits v Community Impact

Example – Social Housing Projects

1. Remove Local Council as Responsible Authority and replace it with a Minister
2. Exempt the State from meeting local Planning Scheme Requirements and make up your own rules
3. Remove Objector Rights – No appeal to lodge an Appeal with VCAT. If you object you can organize a protest rally or file a petition but have no ability to influence the outcome.
4. With no public scrutiny the State Govt is acting in its own interest with no regard for the impact of the Development on the local community. They are under no obligation to consult or inform the community.
5. With no public scrutiny the State Govt is building SLUMS that fail to meet building standards such as the Better Apartment Design Standards that all other developments must demonstrate

Where & How to Find VC148 Linked Online Resources



Program Communication designed to confuse:
 Without this roadmap, one would be challenged in accessing VC148 information, never mind knowing the interrelated contexts

The Small Prints: VPP Amendments to be implemented via VC148

State Planning Officers can introduce VPP changes via the reformed VPP framework, to quickly & efficiently enforce state policies & rules overriding council planning designs & design compliance obligations

VC190 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC190>

Introduces a new particular provision, Victoria's Big Housing Build at clause 52.20 of the Victoria Planning Provisions and all planning schemes. Clause 52.20 removes the need for a planning permit to develop a housing project if funded under Victori...

17 March 2021 – Finished & Approved

VC192 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC192>

Amend the Victoria Planning Provisions (clause 72.01-1) to make the Minister the responsible authority for all large energy generation facilities and utility installations

3 March 2021 – Finished & Approved

VC193 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC193>

The amendment amends clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining ...

3 February 2021 – Finished & Approved

VC194 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC194>

The amendment inserts two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects.

4 August 2021 – Finished & Approved

VC196 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC196>

Amendment VC196 reforms the Victorian planning system by introducing new zone and overlay controls to provide stronger recognition and protection to existing extractive industries, and to designate land with State-significant earth resources, where e...

19 August 2021 – Gazetted and Approved

VC197 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC197>

The amendment removes expiry dates and updates existing Design and Development Overlay (DDO) and Significant Landscape Overlay (SLO) schedules within the Yarra River corridor. Amendment VC197 also makes policy-neutral updates and consequential change...

4 August 2021 – Finished & Approved

VC198 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC198>

The amendment introduces new particular provisions at clauses 52.35 (Major Road Projects) and 52.36 (Rail Projects) and makes other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects ...

18 August 2021 – Finished and Approved

VC203 - <https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments#Amendments--VC203>

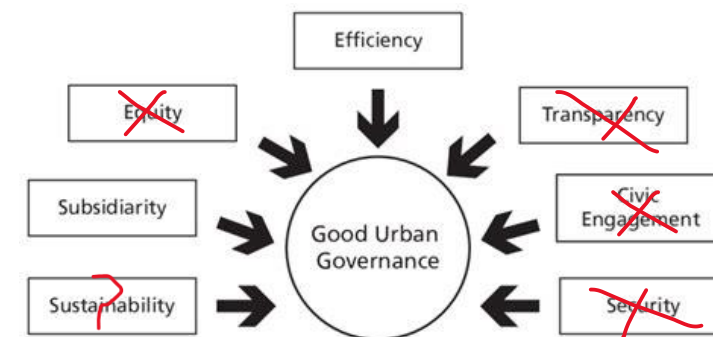
This amendment implements the new environment protection framework in the Victoria Planning Provisions and all planning schemes.

1 July 2021 = Gazetted & Approved

Refer to
<https://www.planning.vic.gov.au/schemes-and-amendments/browse-amendments> for the latest state rules and policy changes

1. More and more will be approved at a State Planning Panel Level without local Council or Community involvement – significant development will bypass councils.
2. Residents' objection rights will be removed, lessened and discounted like never before
3. Many residents will have to fund huge legal bills in order to object on some planning matters
4. Elected Councillors will feel powerless to represent their constituents
5. Development will be quickened, especially inner Melbourne
6. Councils will FINANCIALLY BENEFIT by HUGE increases in rates income that are not included in annual cap limits. e.g. 54 Apartments on 3 standard blocks equals 54 new ratepayers for the loss of 3
7. Council Staff are being asked to consult on these changes under a veil of secrecy and confidentiality – this is appalling.

The Governance Costs for Efficiency?



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What can You do?

✓ If you object, get involved

Tell people and get them to support the cause – help us keep planning LOCAL



SPREAD THE WORD

✓ Lobby your local MP and Support your local Council

Your local MP and Councillors should be standing up against any changes that remove local residents' rights



✓ Sign our petition

We will distribute to all participants post meeting



Ratepayers Victoria has setup a dynamically developing [online communication tool](#) for educating local communities about the program, the current (councils-rollout) implementation status, the governance risks and issues exposing councils and their local constituents. Information contribution welcome.