

# Streamlining the Planning Permit Process

November 2005

## What else has been happening?

A range of other reforms has recently been made to improve the Victorian planning system. The following is a snapshot of these reforms.

### Better Decisions Faster

The *Better Decisions Faster* Discussion Paper was released in August 2003. The paper outlined a range of ways to streamline and improve the efficiency of the planning processes including promoting better prepared applications, speeding up decisions on planning permits, improving the processing of planning scheme amendments and strengthening enforcement procedures. The Government adopted the initiatives in April 2004 and committed \$3.1 million to implementing a number of *Better Decisions Faster* initiatives in *Victoria: Leading the Way*.

### What has been achieved?

21 of the 30 initiatives are now completed and nine are currently in progress.

These include:

#### Legislative changes to the Planning and Environment Act 1987

On 23 May 2005, changes to the amendment and planning application processes came into effect under the *Planning and Environment (General Amendment) Act 2004*. These changes included a new requirement for the Minister's authorisation prior to the exhibition of an amendment, the ability for councils to approve their own planning scheme amendment, a prescribed time limit for a further information request for a planning application and new procedures to amend an application or a permit. Currently work is being carried out to prescribe fees for a request to amend an application and an application to amend a permit. Consultation on the prescribed fees will occur later this year.

#### Pre-authorisation of amendments

Pre-authorisation of amendments is a process where councils obtain authorisation to prepare a planning scheme amendment. Pre-authorisation is a way of assessing an amendment against State policy so as to avoid a council spending time and resources in preparing an amendment that cannot be strategically justified and is inconsistent with State policy.

#### Development of a Model Officer Report

The *Model Officer Report* was released in March 2005. The report and associated documents provide a consistent approach for reporting planning applications. These reports help planning officers to consider the relevant matters of an application and ensure a focused and transparent approach to application assessments.

Current initiatives include:

#### The New Comprehensive Application Form

The new forms will replace the existing planning permit application form. They can be filled in electronically and help to guide the preparation of application documentation.

#### The Continuous Improvement Review Kit

The Kit will soon be released. It will help councils identify improvements to their planning scheme and planning processes, fulfil the statutory three-year review requirement for their planning scheme and meet the requirements of the Best Value program for the review of council planning services.

#### Development of regular permit activity reporting by all councils

The first report was published in January 2005 and provides an in depth look at permit activity across Victoria during 2003-04. This information will allow councils and Government to monitor changes in planning activity and assist councils to manage their resources. Implementing a system to provide ongoing planning permit activity reporting for all councils is well advanced. Data collection for the *Victorian Planning Permit Activity Report* for the 2004-05 financial year is underway.

## Local government initiatives

Local government is also undertaking a range of initiatives to deliver speedier decisions, some in partnership with the State Government. These initiatives focus on improving:

- management systems
- planning approach and culture
- information and education
- quality of applications
- fast tracking certain permit applications
- advertising

These examples suggest a valuable role for sharing of good practice initiatives by local government.

## For further information

e-mail: [planning.systems@dse.vic.gov.au](mailto:planning.systems@dse.vic.gov.au)  
[www.dse.vic.gov.au/planning](http://www.dse.vic.gov.au/planning)

or contact:

Markus Terjung  
phone 03 9637 9590  
email: [markus.terjung@dse.vic.gov.au](mailto:markus.terjung@dse.vic.gov.au)

Lisel Thomas  
phone 03 9637 9585  
email: [lisel.thomas@dse.vic.gov.au](mailto:lisel.thomas@dse.vic.gov.au)

Planning Information Centre  
phone 03 9637 8151  
Department of Sustainability and Environment

## Cutting red tape

Over the next 12 months, the Government will be focusing on *streamlining the planning permit process* to:

- Reduce the number of matters that require a planning permit, such as shade sails, fences and cubby houses
- Tailor assessment processes to suit the size and complexity of proposals

This will deliver:

- More timely planning permit decisions
- Better use of local government resources

Improving the Victorian planning system is an on-going process. In recent years, the focus has been on making planning schemes more strategic and more consistent as well as making better decisions faster by improving the approvals process.

These improvements, together with the release of *Melbourne 2030 – Planning for sustainable growth*, have given the Victorian planning system a strong strategic foundation for good decision-making and good planning. However, there is still more that could be done.

The planning permit process is the main approval process in the Victorian planning system. There is growing concern that the process is long and complex, adds to development costs and uses up valuable local government resources.

## The way forward

The Minister for Planning has requested that Parliamentary Secretary for Planning Elaine Carbines lead a review to identify ways to cut through the planning red tape.

### Terms of reference

Elaine Carbines has been asked to identify and implement opportunities to streamline the planning permit process through:

- Reducing the number of permit requirements
- Introducing more simple assessment and approval processes
- Working with local government to examine ideas and opportunities for improving the operation of the Victorian planning system
- Promoting innovation and best practice by local government
- Engaging with stakeholder groups and the community to identify what needs to change and how to make these changes

Some initiatives will be done now; others will require broader consultation and development.

Elaine Carbines will report back to the Minister for Planning by the end of June 2006, based on an initial review of current ideas and opportunities.



Minister for Planning, Rob Hulls MP and Elaine Carbines MLC, Parliamentary Secretary for Planning, launch the review at the planning offices, City of Port Phillip, 11 Nov 2005.

© State of Victoria, Department of Sustainability and Environment 2005

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968.

Authorised by the Victorian Government, 8 Nicholson Street, East Melbourne.

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

ISBN 1 74152 172 6

Find more information about the Department on the Internet at [www.dse.vic.gov.au](http://www.dse.vic.gov.au)

For general information about DSE please contact:

Customer Service Centre

Phone: 136 185

(Local call cost - mobile and payphones excluded)

[www.dse.vic.gov.au](http://www.dse.vic.gov.au)



## Streamlining the Planning Permit Process

### Features of the Victorian planning system

The *Planning and Environment Act 1987* is the legislative basis for the Victorian planning system. The Act sets out:

- The objectives of planning and the planning framework
- A council's responsibilities to administer the planning system
- The content and structure of planning schemes
- The planning permit application process
- The right of review to the Victorian Civil and Administrative Tribunal

A *planning scheme* sets out policies and requirements for the use, development and protection of land. It contains State and local planning policies, zones and overlays and other provisions that affect how land can be used and developed. Every municipality has its own planning scheme.

The planning scheme sets out where a *planning permit* is required for a use or development on a particular piece of land. To obtain a permit, an application must be made to the council.

The following principles underpin planning schemes and the planning permit process:

- *Strategic basis* – Schemes concisely and clearly express a strategic vision and policy basis.
- *Clear and consistent* – Standard provisions apply across the State and are clearly expressed.
- *Transparent* – Rationale for policy, requirements and planning decisions are transparent.
- *Third party involvement* – Public consultation and engagement by affected people in the formation of planning schemes, in assessing development and in reviewing decisions.
- *Timeliness* – An assessment process that does not unreasonably delay consideration of proposals.
- *Improvement* - Planning schemes and processes are regularly reviewed.
- *Single point of assessment* – One responsible authority coordinates necessary referrals and notification, and determines the application.
- *Tailored assessment* – Different levels of assessment dependent on complexity and impact of proposal.
- *Delegated decision-making* – Potential for delegation of decision-making powers to facilitate operation of the planning system.
- *Independent review of decisions* – Opportunity for planning permit decisions to be reviewed by an independent body, VCAT.

A fundamental part of the Victorian planning system is to allow people affected by a planning decision to be given the opportunity to comment on what is proposed before the decision is made. While this feature of the Victorian planning system is seen by some as the foundation of a democratic planning process, others see it as the source of unnecessary delay for applications for minor proposals.

It is important that the options for streamlining the planning permit process:

- meet the principles underpinning the Victorian planning system, and
- strike a sensible balance between the need for speedier approvals, and the need for people affected by a proposal to have their say.

### What needs to change?

The Government is continually talking to councils, peak organisations and community groups about how the Victorian planning system can be improved. Although the perspective of these groups can be quite different, a general perception is that the planning permit process is complex and inefficient.

The main frustrations with the process are:

- Timeframes for making decisions on permit applications can be long
- Too many permit requirements
- Many permit applications are poorly prepared
- Inconsistent decision-making

These perceptions are supported by the results of the annual Community Satisfaction Survey 2005, prepared for the Department for Victorian Communities. This survey found that 'town planning policy and approvals' is a key driver of resident satisfaction with the performance of local government.

While 68% of those surveyed assessed local government performance in the area of town planning as 'excellent, good or adequate', 32% indicated that it 'needs improvement'. Many survey respondents felt that there was a need for better planning policies and more efficient, faster approval processes.



### The new focus

Over the next 12 months, the Government will be focusing on *streamlining the planning permit process*. The main focus will be on:

- Reducing the number of matters that require a planning permit
- Tailoring the assessment process to suit the size and complexity of the proposal

#### Reducing the number of permit triggers

It may be possible to identify matters that currently require a planning permit but can be more efficiently dealt with outside the planning permit process.

Once identified, triggers could be removed through a State wide amendment process or via the normal amendment process or on a Council by Council basis. This could include works like shade sails, fences and cubby houses.

#### Identifying opportunities to exempt certain matters from the need for a permit if certain standards are met

'Deemed to comply' provisions, which allow exemption from a permit requirement where certain standards are met, will be explored. Introduction of additional self-assessment opportunities will be expanded. Self-assessment provisions can apply to proposals where clear, precise and non-judgemental criteria or requirements can be specified and it can easily be demonstrated that they have been complied with as part of the application.

#### Exploring a simpler assessment and approval process for straightforward applications

Options include a proposal for a 'code assess track', a simpler assessment and approval process for straightforward applications that can be assessed against predetermined performance standards. Some councils have successfully implemented or are trialing fast tracking of simple or straightforward applications. Further opportunities will be identified.

### Recent initiatives

The Government has already taken a number of steps to streamline the planning permit process. These initiatives suggest a range of ways that planning schemes could be changed to make the system simpler and more efficient. They include:

#### Refocusing the Heritage Overlay on heritage issues

The Heritage Overlay has been changed so that a single dwelling application no longer needs to be assessed under Rescode.

#### Increasing exemptions on advertising minor works in various overlays

Seven overlays have been changed to exempt certain permit applications from advertising. This change has assisted in removing confusion and delays that occur when permit applications under an overlay are advertised and objections that do not relate to the purpose of the overlay are received.

#### Removing and modifying referral requirements in 46 rural planning schemes

The review of the referral arrangements in 46 rural planning schemes has resulted in 42 referral requirements being removed or modified. A number of councils are currently preparing agreements with agencies to further streamline the referrals process. A review of referral arrangements in metropolitan planning schemes will be carried out in the next 12 months.

#### Reducing the number of permit triggers under a Special Building Overlay

More developments have been exempted from requiring a permit in the Special Building Overlay. These are minor works that are unlikely to affect the flood plain management objectives. The changes were introduced into all planning schemes in September 2005.

#### New Heritage Overlay permit exemptions

Work is underway to identify permit requirements for some minor works that can be removed from the Heritage Overlay.

#### New Salinity Management Overlay exemptions

Work is underway to remove permit requirements for minor works in Salinity Management Overlays.

### Certification of residential subdivision standards

New Sustainable Neighbourhood Provisions for residential subdivision are proposed, providing for independent certification of applications against six standards.

#### Different degrees of assessment proposed for various sizes of residential subdivision

The new Sustainable Neighbourhood Provisions include proposals to allow different objectives and standards to be triggered for different sizes of residential subdivision. While there is some debate about the relevant sizes that require increased levels of assessment, the broader principle of variable assessment offers an opportunity for more streamlined assessment.

#### Other initiatives

Other initiatives currently underway include more simple assessment processes for native vegetation removal and the application of the new rural zones into planning schemes. The new rural zones remove the permit requirement for farm dams and for minor alterations and extensions to buildings.

