

VICTORIA PLANNING PROVISIONS

AMENDMENT VC137

EXPLANATORY REPORT

Who is the Planning Authority?

This amendment has been prepared by the Minister for Planning.

The Minister for Planning is the planning authority for this amendment.

What the Amendment does

Amendment VC137 expands the VicSmart fast-track planning process by changing the VicSmart Planning Assessment provisions at Clauses 90 to 95 of the Victoria Planning Provisions and all planning schemes.

The amendment introduces additional classes of application into the VicSmart provisions for residential zones. It changes the Victoria Planning Provisions and all planning schemes by:

- Amending Clause 92 (State VicSmart applications) to:
 - Include the extension of one dwelling on a lot in the Mixed Use, Township, Residential Growth, General Residential and Neighbourhood Residential zones as a VicSmart class of application if certain requirements are met
 - Change the existing VicSmart class of application for buildings and works in a Mixed Use Zone from an estimated cost of \$50,000 to \$100,000
 - Include buildings and works up to \$100,000 in the Low Density Residential, Township, Residential Growth, General Residential and Neighbourhood Residential zones as a VicSmart class of application if the works are not associated with a dwelling and certain requirements are met
 - Correct the numbering of the VicSmart permit requirement provisions to align with numbering changes made in the zones.
- Amending Clause 93.04 (Buildings and works in a zone [except a rural zone]) to include information requirements and decision guidelines for the additional class of State VicSmart application.
- Inserting Clause 93.14 (Extension to one dwelling on a lot in a residential zone) to include information requirements and decision guidelines for the additional class of State VicSmart application.

Strategic assessment of the Amendment

Why is the Amendment required?

Extending the VicSmart permit process is an initiative of Victoria's Smart Planning Program. The Smart Planning Program aims to make planning regulation simpler and more accessible for local government, business and the community. Amendment VC137 is required to implement an extension to the VicSmart permit process by transferring particular classes of application from the standard permit process to the VicSmart process.

In March 2017 the first extension to the VicSmart program was introduced through Amendment VC135. Amendment VC135 introduced additional classes of application into the VicSmart

provisions, allowing further applications in rural zones, special purpose zones and overlays to be subject to the VicSmart process.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives in section 4 of the *Planning and Environment Act 1987* (the Act). In particular, it supports the objectives to:

- provide for the fair, orderly, economic and sustainable use, and development of land; and
- facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.

How does the Amendment address any environmental, social and economic effects?

Together with the VicSmart classes approved under Amendment VC135, an estimated further 7% of planning permit applications per annum may be eligible to be processed under VicSmart with savings in processing time, clearer information requirements and decision guidelines. The faster, simpler and more consistent processing of these applications will have economic benefits through the reduction of regulatory and administrative burden for both applicants and council statutory planning departments.

The amendment does not increase the number of permit applications under the Victorian planning system or remove any existing planning permit requirements, but provides for a faster decision timeframe for eligible applications.

Assessment of a VicSmart application will continue to be based on the merits of the application with reference to specific decision guidelines that are tailored to the scale and nature of the application and its impact. This ensures that any relevant environmental, social and economic factors continue to be taken into account. It is expected that the decision outcome of VicSmart applications would be the same if they were assessed under the existing system albeit prepared, lodged and processed more quickly.

The amendment will therefore have positive economic benefits from the reduced regulatory and administrative burden. The broader environmental, social and economic effects of the planning permits facilitated by VicSmart will remain largely unaltered.

Does the Amendment address relevant bushfire risk?

The amendment does not remove or modify requirements and standards that relate to bushfire risk, such as the Bushfire Management Overlay.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment complies with all Ministerial Directions issued under section 12 of the Act.

The Amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* issued under section 7(5) of the Act.

How does the amendment support or implement the State Planning Policy Framework (SPPF)?

The amendment expands the existing VicSmart assessment process, which exempts the consideration of the State Planning Policy Framework unless specified in the applicable decision guidelines.

Assessment of a VicSmart application continues to be based on the merits of the application with reference to the decision guidelines that are specifically tailored to the scale and nature of the applications and its impact.

It is expected that the scale of development eligible for the VicSmart permit application process would continue to be relatively small and would not raise significant policy issues nor affect the implementation of State planning policy.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment introduces additional classes of development into the existing VicSmart provisions that are part of the Victoria Planning Provisions and all planning schemes, to expand on the existing VicSmart permit assessment process for straightforward applications. There is no change to the way the Victoria Planning Provisions are used.

How does the amendment address the views of any relevant agency?

No consultation has occurred in relation to the amendment with any referral authorities or agencies. Any permit application will still be subject to a permit application assessment process and referral authority provisions set out in the Victoria Planning Provisions and the *Planning and Environment Act 1987*.

Does the amendment have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The Amendment will not have a significant impact on the transport system.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

Extending the VicSmart provisions will reduce the regulatory and administrative burden on councils by streamlining the permit assessment processes and providing certainty about the information required and decision-making.

The level of assessment will be proportional to the nature of the proposal and provide for a 10 business day assessment process potentially for a further 7% (approximately) of all planning permit applications per annum in Victoria.

Extending VicSmart may require an administrative response by councils in relation to changing business practices and potentially reallocating resources to provide a defined VicSmart process, however this is likely to lead to a more efficient use of council resources.

To help mitigate any process establishment costs to councils the Department of Environment, Land, Water and Planning has provided supporting material to assist councils to implement new business processes to administer VicSmart.

Where you may inspect this Amendment

A copy of the amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at the following Department offices:

Barwon South West Region

Geelong office

Level 4

30-38 Lt Malop Street

GEELONG VIC 3220

Barwon South West Region

Warrnambool office

703 Raglan Parade

WARRNAMBOOL VIC 3280

Gippsland Region

71 Hotham Street
TRARALGON VIC 3844

Hume Region

Level 1, 62 Ovens Street
WANGARATTA VIC 3676

Grampians Region

Level 3, 402-406 Mair Street
BALLARAT VIC 3350

Loddon Mallee Region

Level 1, 56-60 King Street
BENDIGO VIC 3550

The Amendment is also available for public inspection at www.planning.vic.gov.au/public-inspection.