

3.4 Discussion paper: Planning and Building Approvals Process Review (Better Regulation Victoria 2019)

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Abstract

In March 2019 the Treasurer, the Hon Tim Pallas MP and the Minister for Planning, the Hon Richard Wynne MP directed the Red Tape Commissioner, Anna Cronin, to undertake a review of the planning and building approvals process and early works infrastructure approvals in Victoria.

The review was supported by an Advisory Board comprised of:

- Bill Kuszniarczyk, Managing Director of Clement-Stone Town Planners, Deputy Chairman of the Victorian Planning Authority (VPA), Advisory Board Member of the Office of Projects Victoria and former Chairman and Chief Commissioner of the Victorian Building Authority (VBA);
- Kate Roffey, Director at the City of Wyndham and former Chief Executive Officer of the Committee for Melbourne; and
- Radley de Silva, former Chief Executive Officer of the Master Builders Association of Victoria (MBAV).

The review focused on how to eliminate unnecessary delays in the 27 identified points in the approvals process of planning and building applications and planning scheme amendments.

The 'Planning and Building Approvals Process Review - Discussion Paper' (the paper) was released for consultation on 24 October 2018. The paper identified 102 recommendations and sought feedback on each of these and any other suggested improvements to increase the efficiency of planning and building approvals.

Given the timeframe, a submission was prepared and submitted by Council officers on behalf of Council by the closure date of 15 November 2019.

The submission outlines general concerns in relation to matters not considered in the review and the reviews focus on reducing the statutory timeframes for Council to conduct assessments, without analysis confirming the reduced timeframes will promote more informed and better decision making and improved planning outcomes for the community.

Responses have been provided to each of the 102 recommendations. Officers did not support 12 recommendations, supported 29 recommendations subject to further refinement or detail and supported the remaining 61 recommendations.

The full submission and summary table of the Officer submission is provided at Attachment 1 and 2.

Officers' recommendation

That the Urban Planning Special Committee resolve:

1. To adopt the 'Planning and Building Approvals Process Review Discussion Paper' submission by Boroondara City Council Officers dated 15 November 2019 contained in **Attachment 1**.
2. That Officers will advise Better Regulation Victoria that the submission has been adopted by Council.



Planning and Building Approvals Process Review *Discussion paper - Better Regulation Victoria 2019*

Submission by Boroondara City Council Officers

15 November 2019



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1. TABLE OF CONTENTS

1. TABLE OF CONTENTS..... 1
2. INTRODUCTION..... 2
3. GENERAL COMMENTS..... 2
4. MATTERS NOT ADDRESSED IN THE DISCUSSION PAPER 6
5. RESPONSE TO PROPOSED IMPROVEMENTS..... 6

2. INTRODUCTION

The City of Boroondara welcomes the opportunity to comment on *the 'Planning and Building Approvals Process Review - Discussion Paper'* (the discussion paper). Council acknowledges the significant work undertaken by the advisory board and the review team in preparing the discussion paper and the various recommendations presented within it.

Council officers support the broad objectives of eliminating any unreasonable delays in the Planning Scheme Amendment, Planning Permit and Building Permit processes. In particular recommendations which assist in training and resourcing to achieve these timeframes.

However, it is officers view that the emphasis of the recommendations is on reducing statutory timeframes, rather than a holistic view of the entire process. A quick statutory timeframe for one step, may result in further delays later in the process and a reduction in the quality of the assessment and more importantly the outcome.

This submission is structured around the three parts of the paper and recommendations in the discussion paper, preceded by general comments.

The Attachment 1 provides a tabulated overview response of Council's position in relation to each of the 102 recommendations and a summary of the reasons for this position.

3. GENERAL COMMENTS

Before providing detailed feedback on the various reform proposals and the particular changes contained in the discussion paper, officers provide some general feedback on key matters raised through this process.

3.1. CONSULTATION TIMEFRAME

Council officers have had limited time to prepare a response to the discussion paper, containing a long introductory chapter and 102 recommendations, requiring a co-ordinated response involving a number of council departments. The short response timeframe limits the input elected Council representatives can have in shaping these reforms, which have the potential to vastly change the building and planning systems in Victoria.

3.2. ROLE OF THE PERMIT APPLICANTS AND CONSULTANTS

The recommendations and discussion of the delays in both the Planning Permit and Post Permit process have a strong emphasis on reporting requirements and delays caused by Council. There is little discussion and no collection of data on delays by Permit Applicants due to lack of due diligence, slow response times, poor level of documentation and the high volume of iterations of plans for post permits due to undeclared changes and no review of plans before submission to ensure the conditions have been met. There needs to be responsibility taken by permit applicants for delays in the process.

3.3. ROLE OF THE DELWP AND THE MINISTER

The recommendations and discussion of the strategic approvals process does not include any reference to the role or potential improvements for the Minister for Planning and DELWP. In the strategic approvals process, the poorly defined and unaccountable role of State Government stakeholders are of key concern. Their roles are not examined in any way throughout the paper, which raises serious questions as to the efficacy of any reforms proposed by this discussion paper. The highly problematic role of State Government stakeholders is explored in more detail throughout the responses to specific recommendations.

3.4. CONCURRENT REFORMS AND PAPERS

The paper acknowledges “parallel processes” currently underway across the State government sector, and effectively recognises it is largely a summary document of work being undertaken elsewhere. In effect, the discussion paper is symptomatic of an overcrowded sector with too many (often un-coordinated) concurrent reviews and processes.

The paper fails to fully acknowledge the problematic duplication and complication of processes at the State level. There are too many stakeholders, and these stakeholders are constantly changing. For example, the recent creation of the Priority Precincts portfolio within the rebadged Department of Jobs, Precincts and Regions (DJPR) duplicates or confuses the role of the Victorian Planning Authority (VPA). The ever growing list of new authorities and offices with whom councils are expected to liaise now includes the Suburban Rail Loop Authority (suddenly elevated in importance), while the roles of Suburban Development, Development Victoria, Infrastructure Victoria, the newly consolidated Department of Transport, the Major Transport Infrastructure Authority (Major Roads, Rail Projects Vic).

The frequency of changes to legislation, regulations and planning controls at the state level is making planning slower and more complicated. At any point there are a number of discussion papers and policy changes being released by the state that councils need to respond to, often with unrealistic timeframes. It is difficult for local government planning officers to keep up with the changes being rolled out and proposed. Officers are being pulled in a number of directions, being asked to repeatedly respond to discussion papers such as this with limited time to read, consider and respond to these significant reforms, and often are not left with the time to take these discussion papers to a Council meeting for an adopted Council response.

3.5. LACK OF CONSIDERATION OF QUALITY DECISION MAKING AND OUTCOMES

The paper has been written with the remit of removing red tape, and is aimed at improving the process for developers and landowners, without giving adequate weight to the impacts on local government and communities. The major failing of the discussion paper is that it looks at these processes in isolation, within the scope of removing “red tape” (which in itself is highly emotive and not particularly helpful language) and does not consider in any detail the broader implications of the recommended changes. Most importantly and most worryingly, the authors do not seem to have given much consideration to improving the quality of planning outcomes for the community, but rather have concentrated largely on

3

seeking to reduce time for decision making and increasing local government reporting requirements beyond the already substantial reporting undertaken through the Local Government Performance Reporting Framework (LGPRF) and Planning Permit Activity Reports (PPARs).

Equally problematic are some of the assumptions the paper relies upon. There is an inference developers will pass on savings to consumers, which will have a significant impact on housing affordability in Victoria. This assumption is not supported by any evidence or data and is therefore meaningless and misleading. The truth is any saving will be returned to the developer. The claim that these recommended actions will have a palpable impact on housing affordability is viewed with scepticism.

3.6. FOCUS ON STATUTORY TIMEFRAMES RATHER THAN HOLISTIC APPROACH

There are recommendations which seek to reduce the statutory timeframes for Council to conduct assessments, however there is no analysis the reduced timeframe is appropriate or promotes more informed and better decision making. It is Council officers view many of the recommendations in the paper seeking to limit the time for decision making for councils will not actually improve overall timeframes, because they simply move issues to other parts of the planning process and likely result in more conditions placed on permits. The 'end to end' process time will not reduce, even if the statutory clock appears to show efficiencies.

An example is the Request for Further Information (RFI) requests as being one of the significant delays in the planning process. One of the recommendations for this issue is to reduce the timeframes for Council to issue an RFI from 28 days to 10 days. The only analysis of why this is appropriate is that it is the QLD approach, which involves an entirely different (and less complex) planning system. The focus should be on quality decisions, clear RFIs and more timely and complete responses from permit applicants.

3.7. LACK OF DETAIL

Many of the 102 recommendations in the discussion paper have either been identified previously and are already being progressed elsewhere (e.g. 1E "continuing the translation of planning schemes into the integrated planning policy framework") or are too high level to be of any use (e.g. 1C "considering the way digital delivery may change how planning schemes are set out and how they can be searched").

Many recommendations are vaguely worded and do not articulate clear, tangible actions but high level statements like suggesting "faster policy resolution" (Item 3), without any guidance on how this is to be achieved (e.g. more staffing resources at DEWLP, consolidate stakeholders at state level etc.). The recommendations interchangeably use the softer directive "could" rather than "should" for some options, particularly where there is an implication for a State agency (e.g. 5. Councils *could* be provided with a final response within 30 days of DELWP initiating a further review of an authorisation request - emphasis added).

It is understood this discussion paper is to be used as a foundation to provide a more considered "final report", which will recommend a process to monitor progress in implementing the recommendations. At this stage, the path to implementation is unclear.

4

There has been no identification of timeframes or responsible bodies to implement these actions. It seems this ongoing process will result in another “parallel” process, largely redundant and duplicating others (e.g. the annual Plan Melbourne Progress Reports).

4. MATTERS NOT ADDRESSED IN THE DISCUSSION PAPER

Other measures provided by Council in previous submissions to advisory committees to assist with faster and better decision making which are not provided in the recommendations include:

- Insufficient time for the thorough assessment of plans amended in the VCAT process, increase of the timeframe from 30 business days to 60 days to align with planning permit process;
- The ability to 'pause the clock' when application request the application be put on hold to consider responses to issues raised by Council;
- The ability to 'pause the clock' when an application is referred to a Determining Authority;
- A set timeframe for objections to be lodged and considered, rather until the decision is made. This timeframe should reflect the complexity of the application;
- Only objections relevant to the planning permit triggers should be considered;
- Clarify the relationship between the Planning and Environment Act and other Acts and legislation controlling land use and development (Eg Building regulations, Liquor, gambling and sex work);
- Reduction of the timeframe for applicants to appeal refusals and conditions from 60 days to 21 days; and
- Clarifying the ongoing nature of conditions relating to development.

The discussion in the paper does not include the role of Planning Panels Victoria in the planning process.

Changes to PPV which would assist with faster and better decision making:

- Submissions with no planning merit (e.g. objecting to impacts on property prices) should not be referred to the panel, to limit the work of the members and the number of days for which the panel is convened. Directions hearings could be better utilised to limit lengthy public submissions or cross examination with no merit;
- Planning Panels Victoria (PPV) should be stricter in not accommodating late parties to limit long complicated panel hearings and to reduce costs for councils;
- Panel reports should be reviewed to ensure they are not commenting on matters outside of their responsibility;
- PPV should have access to other rooms used by the State government, to limit hearings being delayed due to room availability; and
- In the current PSA Boroondara C294 (a relatively straightforward Heritage Overlay matter) the hearing will have stretched to six days across four weeks.

5. RESPONSE TO PROPOSED IMPROVEMENTS

The discussion paper provides 27 points in the approvals process where improvements can be made, each with "proposed improvements" listed, totalling 102 specific suggestions. These have been responded to in detail below.

5.1. PART A - STRATEGIC PLANNING

A1. Simplify planning schemes

1. ***Extending the Smart Planning program to further improve planning schemes with a focus on:***
 - ***applying plain language drafting principles, including a contents page to enable users to find the sections relevant to their concerns;***
 - ***revising the order of material in a planning scheme from 'most used' to 'least used' provisions to make it easier for users to navigate schemes and exit at the earliest point;***
 - ***considering the way digital delivery may change how planning schemes are set out and how they can be searched;***
 - ***providing clear information up front about who will decide the application's outcome; and***
 - ***continuing the translation of planning schemes into the integrated planning policy framework.***

This review notes that simplifying planning schemes can involve substantial cost and effort, and the benefits of doing so would need to warrant wholesale change. It invites stakeholders to provide feedback on whether, in their view, changes such as those outlined above would yield substantial improvements in the planning process.

Partially support.

Applying plain language drafting principles is supported. Given the planning schemes are currently laid out as a hyperlinked contents page, it is unclear how this would be distinct from the current system.

Without seeing how this would look, regular users of planning schemes know where to locate the content they require, and in an increasingly digital environment can search for relevant content. Ordering content from 'most used' to 'least used' would likely rely on assumptions, may be technologically "smart" (i.e. dynamic and changing based on use) and would require significant resources for no real or only limited benefit to the majority of users.

It is supported to continue examining the best way to present this information, but as above it is not recommended to change this simply for the sake of change, as regular users are familiar with the current format.

It is often difficult for this information to be provided, given each council has changing delegation processes that often evolve as the application progresses (e.g. if there are a certain number of objections). It is not appropriate to have this information contained in the planning scheme as this delegation is subject to change through council adoption and is not required to go through the PSA process.

This work is happening anyway as part of the Smart Planning Program. Boroondara is not aware of the proposed timing for this work being undertaken in this municipality.

2. Consolidating planning scheme requirements, principles or rules that serve similar purposes (while allowing for local variation).

Support.

The principle of consolidating and reviewing planning schemes, while allowing for local variation and without losing any local content, is best practice and supported by officers. Council has previously in a 2017 submission to the DELWP 'Reforming the Victorian Planning Provisions' discussion paper conditionally supported reviewing all overlays, their operation and interaction with schedules. At the time, Council suggested a reverse overlay system be investigated.

In a reverse overlay system, the schedule to the overlay sets out when a permit is required - rather than triggering a permit for everything in the overlay head provision and then using the schedule to detail specific exemptions. This would remove the catch-all permit trigger under the head provision and be more responsive to the local circumstances. This would require councils to clearly identify under what circumstances a permit should be required. For example, a Council could stipulate a permit is only required if certain design parameters (preferred outcomes) are not met. This would encourage developers to propose development consistent with desired outcomes to avoid a lengthy and potentially costly planning permit outcome. This is a far less adversarial approach to development and provides more certainty to customers about whether planning triggers apply.

This discussion paper has not scratched the surface of what both DELWP and Council has previously raised as a deeper issue and again exemplifies the authors of the paper seem to have a limited understanding of the everyday issues facing planning scheme users.

3. Faster policy resolution for emerging planning issues to ensure a consistent statewide approach with clear and appropriate frameworks for local council variation.

Support.

Officers generally support this approach, however note this should already be happening, and is not. DELWP have shown this with the lack of meaningful progress on a state ESD policy, which can no longer be called an "emerging" issue. Councils are still waiting for a consistent state planning policy on this important matter. There is no tangible action associated with this recommendation, such as providing more resources at DELWP so they can provide leadership on these emerging issues, nor consolidating State government stakeholders so DELWP are able to function more effectively.

4. Councils working within their regions and across Victoria to harmonise their planning policies, where possible. Recent efforts through the Planning in the

Economic Growth Zone (PEGZ) program in the Latrobe Valley have shown the benefits of this collaborative approach at a regional level (see Box A1.1). The proposal in Section B4 to create regional planning hubs to support non-metropolitan councils' strategic and statutory planning functions would complement this collaborative approach.

Partially support.

This approach may be useful where there are specialised regional interests as in the PEGZ example, or in a non-metro setting. Officers caution against creating another layer of approvals or governance at the regional level, or investing resources in strategies that have no statutory weight. The problems associated with the proposal outlined in Section B4 are discussed in more detail in Part B at Recommendation 29.

A2. Streamline planning scheme amendments

5. Councils could be provided with a final response within 30 days of DELWP initiating a further review of an authorisation request.

Support.

The absence of any enforceable statutory timeframes for the Minister for Planning and their delegates is a major source of frustration for councils and community members alike. Rectifying this issue would go a long way in improving the certainty and transparency of this process. The Ministerial Direction 15 (MD15) timeframes are not binding and are frequently ignored, particularly by the Minister and his delegates.

The role of DELWP in the PSA process has not been adequately examined through this discussion paper. DELWP are increasingly undertaking a detailed assessment of the proposal at authorisation stage, without going through a transparent statutory process. There should be clearly defined criteria that must be met for DELWP to withhold or apply conditions to the authorisation, which should only include major defects in the information submitted or fundamentally flawed amendments (e.g. commercial developments in out-of-centre locations).

DELWP should be involved in the PPV process in a more formal way, making a submission and participating in the panel process like any other party. Their current role as gatekeeper and decision maker operating without scrutiny and outside the formal process needs to be seriously reconsidered. A recent example that highlights these issues is in the case of Boroondara's PSA C318 where DELWP officers withheld authorisation for approximately 5 weeks, and the letter of authorisation requires minor changes to wording and other administrative changes. In the C318 example, one of the conditions of this authorisation reads:

In column 6, change the outbuilding control H0870 which reads: "Garage and front and side masonry fence" to read "Garage and masonry fence to the front and side".

These minor matters and even more substantial matters such as the grading of properties in a proposed Heritage Overlay, or boundaries of heritage precincts, for example, must be

tested through the exhibition and/or panel processes. These decisions should not be prescribed by the Minister and his delegates without being publicly examined.

6. DELWP's notice templates should be rewritten in plain English (supplemented by technical language where required under legislation) and include images to show examples of what sort of changes a community can expect to see under the amended scheme, modelled on the VPA's approach.

Support.

Improvements in the way information is presented to the public is supported and indeed overdue. A uniform approach of presenting this material across the state will assist in improving public literacy of planning matters. Individual councils must be consulted on these changes as key users.

7. In cases where it is clear that there will be unresolvable issues, the recommendation to proceed to a panel hearing should occur at the earliest opportunity.

Partially support.

Officers already work to progress PSAs in accordance with the timeframes prescribed by Ministerial Direction 15. Council officers are required to review all submissions received and respond accordingly, normally in the form of a report to Council and often requiring expert input. This report must go through the internal approvals process before being released to the public and taken to a Council meeting.

Officers are bound by delegation, and often meeting the 40 business days prescribed by MD15 is not possible, regardless of extenuating factors like school holidays or the longer summer holiday period. Councils must provide for a fair and reasonable time for its community members and affected parties to make representations to the Council, which necessarily slows the process, but the importance of due process cannot be understated.

The discussion paper does not provide any meaningful commentary on reforming this MD15 process, nor on the role of the Panel.

Opportunities for reform include:

- Submissions with no planning merit (e.g. objecting to impacts on property prices) should not be referred to the panel, to limit the work of the members and the number of days for which the panel is convened. Directions hearings could be better utilised to limit lengthy public submissions or cross examination with no merit;
- PPV should be stricter in not accommodating late parties to limit long complicated panel hearings and to reduce costs for councils;
- Panel reports should be reviewed to ensure they are not commenting on matters outside of their responsibility;

- PPV should have access to other rooms used by the State government, to limit hearings being delayed due to room availability; and
- In the current PSA Boroondara C294 (a relatively straightforward Heritage Overlay matter) the hearing will have stretched to six days across four weeks.

8. Panel reports should only be embargoed by councils for seven days (rather than 28).

Oppose.

The purpose of this recommendation is unclear. If it is to speed up the process, it will provide no benefit as it will not change the amount of effort and time required to review the panel report. Council officers use this time to prepare a recommendation and report to be endorsed by Council. Seven days is not enough time to read, digest and escalate recommendations through the internal approval chain. If this is the case, it again fails to acknowledge and understand the role strategic planners play and the complexity of the issues they have to consider.

If the reason is to provide a benefit to the community, it is officers' experience community members want to discuss recommendations immediately upon reading, and the 28-day period allows for more informed discussions which in practice results in a faster, smoother process and less anxiety amongst community members. Releasing the panel report any sooner will have no real benefit.

9. The number of administrative and simple amendments could be reduced by having councils and DELWP group non-urgent matters into periodic omnibus amendments.

Partially support.

"Non-urgent" is highly subjective, and all property owners would consider an error affecting their property would be urgent (in some instances it may prevent owners to obtain loans from banks). Matters that may seem non-urgent can become urgent if a planning permit application is lodged, for example. Alternatively, DELWP could arrange contract staff to progress these amendments as they arise, to avoid a backlog of work.

There are already mechanisms to deal with these 'machinery' amendments which enable them to be processed with limited information requirements and reduced fees (e.g. Section 20(4) amendments), encouraging councils to keep their planning schemes accurate and up to date.

10. Councils should be required to make a formal decision with reasons when deciding to abandon or not exhibit a proponent's amendment. This would ensure that both the proponent and the Minister for Planning are better informed if a proponent seeks the Minister's intervention on an abandoned amendment.

Partially support.

The decision to not proceed to exhibition is not normally subject to a Council decision, nor does it need to be. Officers do not support a change to this aspect of the recommendation. Requiring this matter to go through the Council approval process when it is clearly not going to proceed adds considerable length and expense to the project for the proponent. It also has the impact of diverting resources from other amendments that could be processed more quickly. Reasons would normally be provided directly to the proponent if support is not provided to continue with an amendment. This is not considered to be an issue that has wide reaching impacts across the sector.

A3. Streamline the PSP process

No position as not relevant to Boroondara at this stage.

A4. Escalate planning for sites of strategic importance

17. The VPA and DJPR could advise the Minister for Planning and the Minister for Priority Precincts of the pipeline of sites of strategic importance in Melbourne and regional cities after consulting with councils and other stakeholders. The selection criteria could include whether:

- a. development is strategic and desirable to implement a direction in Plan Melbourne or helps leverage key government infrastructure such as the Suburban Rail Loop;**
- b. the site matches areas identified by government for future housing and/or job growth;**
- c. the precinct spans multiple local government boundaries;**
- d. the landowner has requested the amendment be given priority; and/or**
- e. the council concerned has failed to decide in a reasonable time or is not able to prepare a plan for its development.**

Partially support.

This recommendation seems to be describing the basic purpose of these authorities and is not a novel recommendation. Their core business is to brief and advise their Ministers. The recommendation should be to develop transparent criteria for the VPA and DJPR to identify sites of strategic importance. The recommendation fails to critique or acknowledge the role of the merry-go-round of governance of these “priority projects” at the State government level. Officers see this as being a highly problematic part of the process currently, with the susceptibility of these State agencies to be rebadged at each election.

As noted above, there is currently too much uncertainty over the role of these major departments and agencies and how they interact with each other. In light of the elevated role of DJPR, there are at least two (often more) Ministers responsible for these types of projects, with the VPA, Development Victoria, Infrastructure Victoria, the Office of Suburban Development, the Office of Projects Victoria, the rebranded Department of

Transport, the Major Transport Infrastructure Authority and all its projects and the Suburban Rail Loop Authority amongst any number of others that have involvement.

These issues require far more interrogation than the discussion paper currently contains as they create a confusing hierarchy which is difficult to navigate for the development community, councils and referral authorities alike. The significant resources being used to fund these exercises could be better deployed to source, train and retain vital planning staff.

In response to each item:

- a. Councils and communities should not be unduly cut out of the process simply because a development aligns with the strategic objectives or election commitments of the state government of the day. Officers acknowledge the importance of Plan Melbourne actions, but do not agree these State agencies are better placed than councils to achieve the best outcomes for the community.
- b. See above.
- c. Where a precinct covers several municipalities, there is value in having a co-ordinating body such as the VPA.
- d. All landowners consider their own request is of utmost importance. This should have no bearing over an expert assessment of what constitutes a priority project.
- e. The parameters around council involvement should be carefully considered and more precisely articulated, to ensure probity and to limit state government interference in due process.

18. The VPA, in consultation with DJPR, the Suburban Rail Loop Authority and relevant councils and stakeholders, should advise the Minister for Planning and the Minister for Priority Precincts about which of the sites could be prioritised and the best form of engagement with the council for planning to be undertaken jointly in each case.

Partially support.

This recommendation is confusing to read, and seems to repeat the previous recommendation 17, exemplifying the confusion as to who is to lead this process at state level. As previously discussed, this convoluted decision making and the overabundance of stakeholders at the state level has not been considered by the discussion paper in any meaningful way, with the other recommendations having the effect of tinkering around the edges without getting to the root of the problem.

The importance of the involvement of councils in these scenarios should not be understated, and councils are not a third party to be “engaged” but must be meaningful partners on these projects. Councils must not lose any of their decision making powers and should work with the relevant state department or agency once this has been determined.

5.2. PARTS B AND C - STATUTORY PLANNING

B1. More help with applications

13

19. It would be useful for DELWP to provide a Planning Practice Note (PPN) and model application forms to councils about how pre-application processes can be used to identify the key issues and the information requirements, including:

- **which elements of a proposal trigger the need for a permit and what planning policies apply;**
- **the supporting information that will be required to be submitted with the application;**
- **which referral authorities and which council officers will need to consider the application;**
- **whether early engagement by the user with referral authorities would be useful;**
- **any additional information that will be required for those referrals; and**
- **any potential major issues with the proposal and ways to address them.**

Ideally, councils should provide written advice after these meetings within a reasonable timeframe, addressing the matters discussed and noting any unresolved issues.

Councils should outline the process for pre-application meetings on their websites and provide checklists of material that users should bring to the meetings or provide in advance.

Support and already achieving

The Practice Note should also include the information to be provided and a minimum timeframe for submission of this information prior to the pre-application meeting. An appropriate timeframe is required to ensure appropriate officer attendance and to allow preparation of detailed advice at the meeting.

The Practice Note should clearly specify a pre-application meeting does not replace the full and thorough assessment of an application and new issues may arise throughout the processing of an application. The Practice Note should also specify opinions provided at a pre-application meeting do not result in predetermination of the application.

20. To ensure that pre-application meetings are effective, senior planners should be involved to bring their knowledge of recent decisions made by the council and by VCAT (to promote consistency of advice). For larger proposals, these meetings could also involve other staff and decision makers, such as referral authorities and internal referrals such as drainage engineers or heritage advisers.

Support and already achieving

Boroondara has a dedicated senior planner role who conducts free of charge pre-application meetings and a heritage advisor who also provides onsite and in-office free of charge pre-application meetings.

For significant applications, other internal referral officers will also attend, for example Traffic Engineers.

21. Councils could be required to offer pre-application meetings and be able to charge a reasonable fee for more complex matters. These fees could be reimbursed when a complete application is lodged, and no further information is required. The best practice guidelines should establish some benchmarks for these fees.

The goal of these pre-application meetings is to provide applicants with a level of certainty before they lodge applications and reduce the risk of applications facing lengthy delays once in the system. While pre-application stages involve additional resources and effort, those councils which have introduced these meetings have noted improvements in the quality of applications that are subsequently lodged, reducing the need for RFIs and reducing administrative burden and delays later on.

Referral authorities could also consider formalising and offering pre-application meetings.

Support in part

Council officers are of the view free pre-application meetings for small applications are an important service.

Complex application could attract a fee, however, expectations around predetermination (see Recommendation 9) may be reinforced through the payment of a fee for the service. It is reiterated that any Practice Note regarding pre-application meetings should be very clear that opinions expressed at a pre-application meeting cannot be viewed as a final Council position.

22. Difficulties later in the process would be avoided by adopting a Better Approvals approach focused on council planning and building approvals processes. This would facilitate concurrent decision making, streamline referrals and embed the concierge model as a form of case management. This would give each applicant a consistent contact with whom to discuss their issues. Ideally this contact would be maintained throughout all other stages of approval in which councils were involved, including the post-permit approvals and building approvals processes. Councils could be assisted to adopt best practices and implement relevant changes being recommended by this review.

Support in part

The Better Approvals process was created to assist small businesses. It is not clear how this could be translated to more complex applications, or whether this is practical or appropriate.

This recommendation is supported by officers for simple planning applications which have a single permit trigger which does not include an assessment of siting (e.g. a planning permit for a lot greater than 500sqm in a Heritage Overlay in conjunction with a Building report and

consent application). However, a concierge approach in all instances is considered unrealistic given the costs associated with document preparation for planning and building applications and the uncertainty associated with the planning application process. It is unlikely applicants would be prepared to take up an offer to concurrently process planning and building permits in these circumstances.

It is noted a concierge approach will have resource implications and will likely result in double handling as the designated concierge will need to check in with separate officers to communicate back to the applicant.

It is considered a requirement to point out siting non-compliances with Building regulations in any request for further information or prior to public notice of planning applications is potentially achievable, however consideration should be given to extend the statutory timeframes if planning and building permits are required to run concurrently.

B2. Ensure lodged applications are complete

23. Councils should only accept applications once they are complete. Guidelines, standard forms and checklists should be developed to help applicants prepare complete applications.

Support and already achieving (in part)

Officers support the strengthening of the minimum requirements to lodge an application. It is Council's view the poor standard of planning applications is a major contributor to inefficiencies in the planning system. In the last financial year, Council was required to request further information for 68% of planning applications received (85% of non VicSmart applications). There is currently no disincentive for lodging sub-standard applications.

Information requirements would certainly be appreciated when new controls are introduced.

24. To support this, the VPP should be amended to increase clarity of application requirements by:

- **reviewing all VPP application requirement lists for clarity, consistency and relevance;**
- **developing standard application requirement lists and forms for common application types, including land use, building and works, subdivision, signs, and vegetation removal; and**
- **testing the development of application requirements lists for certain applications types.**

Support.

Boroondara supports measures to improve the quality of applications being submitted to Council.

Whilst standard application requirement will assist for generic requirements, these cannot restrict what can be requested in a RFI. To enable a thorough and quality assessment of an application site or area specific information may need to be provided and Officers should be able to request this information.

25. DELWP, through its Smart Planning program should work with councils to review the information requirements in local schedules to check whether they duplicate requirements under the VPPs and, if not, whether the additional requirements are actually necessary to enable consideration of local issues.

Partially support.

This work is already underway, as the DELWP website advises work is either in progress (e.g. for Boroondara) or has been completed, for all councils across the state. It is understood this review aims to identify and fix obvious and technical errors, update incorrect references and names which were changed by amendments VC142 and VC148 in 2018, and highlight further opportunities for improving the operation of local provisions.

Focussing this reform specifically on information requirements is too narrow. If information (e.g. a landscape plan) is required at both the local and state level, it is required. Removing the duplicated reference at the local level, though beneficial in removing a few words from the scheme, does not inherently change the information requirement and will have no bearing on processing time for an application.

B3. Move to online planning permit processing and tracking

26. An achievable timeframe should be set for all councils to have their planning permit applications fully trackable online and further efforts should be made to ensure greater compatibility between the different systems. An achievable statewide goal would be for the DELWP website to offer a direct entry point to each of the 79 councils' planning web pages.

There is now an expectation for all councils to be both paperless and to be able to complete all steps of the planning process online and track applications.

It is noted this transformation process involves a huge resource impact on each Council to upgrade process, websites and create new IT processes.

Considering this involves all councils it is officers view more support from State Government would have reduced the resource impact on each Council. For example ability to sign up to a shared online portal or tracking system created for all Council's (similar to SPEAR).

27. Desirable features for council-based permit management systems should include:

- **development and introduction of common data standards which will help to drive greater standardisation of planning permit application requirements and allow for easier sharing of data across council systems; and**
- **an end-to-end system for managing and tracking all aspects of council processes, with the capacity to coordinate engagement between parties, read and compare different versions of plans, pay planning fees, and so on.**

Implementing these systems should be considered in the context of other related initiatives, including:

- **the significant modernisation achieved by DELWP's Smart Planning reforms in digitising planning schemes, Ministerial planning permits and the PSA process; and**
- **the existing use of SPEAR (see Box B3.2) for managing subdivisions and the investment that authorities and private users have made in adapting their systems to SPEAR.**

Many Councils have spent considerable resources setting up permit management systems. It is critical DELWP work with councils in making the recommended changes. Boroondara would not support changes which require the use of systems with less functionality than currently available. DELWP also need to and support councils with necessary resources to implement changes.

Council has had an online payment portal in place for a number of years. The improvement of the portal is a project being undertaken as part of its Customer Experience Improvement Strategy.

28. The RCTP should be extended to support initiatives that deliver online tracking and processing of planning applications for rural councils.

Whilst Boroondara is not a rural municipality, officers support this recommendation.

B4. Improve planning resources for councils

29. Provide additional resources for DELWP's Regional Planning Services network to act as regional planning hubs, providing resources and facilitating training to support councils' planning functions (see Box B4.2). This support is mainly needed in non-metropolitan areas, where councils often lack the resources to deal with complex or strategic planning issues and manage staff gaps. While the most critical role of these additional resources would be in permit approvals, these hubs could also provide additional resources and facilitate training to support councils' strategic planning functions.

Support

30. DELWP and PIA could develop online training packages for planners across Victoria. Peak industry bodies could also be funded to work in partnership with DELWP to deliver training packages based on the successful development and delivery of the DELWP/UDIA training module Property Economics: A short introduction for Urban Planners dealing with Affordable Housing.

Support

Officers are supportive of all training support offered.

31. DELWP could encourage harmonisation between councils' local planning requirements and processes by holding regular regional meetings between councils, referral authorities, the VPA and other relevant bodies, to facilitate communication and resolution of issues. The MAV annual regional conference is a good forum for sharing statewide experiences and regular regional meetings could be built on this.

Support

B5. Modernise public advertising of proposals

32. Experience in Queensland has suggested a significant improvement in public understanding of proposals as a result of a requirement under the Sustainable Planning Act 2009, which states that the notice of a permit application should include a picture of the proposal where a significant building is proposed. A similar requirement could be adopted in Victoria for applications involving a new building or larger developments. Pictures could be displayed on signs similar to real estate display boards. The cost to the applicant would be modest but there would be significant benefits, including a reduction in objections based on misunderstandings of the proposal.

Support in part

If this suggestion is adopted, Boroondara recommends clear guidelines for images, such as the VCAT requirements for montages. In the absence of this, the images may cause greater confusion and concern to the community if they are inaccurate or misrepresent proposals.

33. Formal notice should be provided on council websites, via email alerts and on social media. Formal notification by mail for affected landowners should remain a requirement. Councils could use their regular local newspaper columns and advertisements to give notice about major developments currently on display.

Support in part

Whilst Council Officers support measures to ensure those potentially affected by planning applications are well informed about planning applications, there should be a clear delineation between formal notice (requirements of the Act) and any use of social media / email alerts to make the community aware of an application.

Rather than “formal notice should be provided on...” Boroondara recommends this recommendation is amended to “Councils should explore other mediums to promote and allow the community to be aware of significant applications where appropriate on...”

Problems associated with the use of social media may include determining whether a comment on a facebook post or a tweet is considered a formal objection.

It is also noted the independently supported application *Planning Alerts* already provides information on applications to subscribers.

Boroondara displays planning application documents on its online register.

34. DELWP could prepare an updated PPN on ‘Best Practice’ modern notification processes for different types of applications, in consultation with MAV and VLGA.

Support in part

This recommendation is supported in principle, subject to the issues raised in Recommendations 32 and 33.

Boroondara believes consultation with individual councils is required to inform an updated PPN.

B6. Stream applications according to risk

35. The Smart Planning program should review the identified issues with current prohibited and restricted uses, to allow:

- ***non-retail land uses that add vitality and patronage to shopping strips and centres; and***
- ***planning concessions for child care centres, aged care facilities and social housing located in residential areas.***

Do not support

Officers would not support any recommendation which result in a loss of ground floor commercial floor space. In our view this would be generally detrimental to the vitality of local shopping strips and centres. The loss of local commercial floor space would be at significant odds with the State planning strategies regarding the achievement of 20 minute neighborhoods.

It is appropriate for child-care centres, aged care facilities, and social housing to be established in residential areas and this is already possible. However, providing concessions for these proposals, particularly in regard to built-form requirements such as allowing increased building height at odds with the preferred character of the area is not supported.

If concessions are given, they should be responsive to the zone and character area located in rather than applied as a blanket concession across all residential zones.

Council officers recommend a review of the recently implemented statewide provision for Aged Care Facilities (Clause 53.17) to assess if the provisions have achieved an appropriate balance between the need to provide the use and the resultant built form outcome. This should be completed before considering any similar provisions for child care centres or social housing.

36. The proposed VicSmart Plus should enable 30-day streamlined issuing of permits for:

- **secondary dwellings on an existing lot; and**
- **dwelling applications on a small lot in an established area.**

Do not support

Officers do not support any changes to the assessment of secondary dwellings on an existing lot or dwelling applications on a small lot, including reductions in statutory timeframes, any reduction in notice requirements or removal of third party appeal rights.

Many applications for the identified classes are processed currently at Boroondara within the prescribed timeframe. However, there are some which exceed this timeframe due to poorly prepared applications, permit applicants being given the opportunity to respond to issues raised and complex property law issues (including restrictive covenants). Reducing timeframes will not necessarily lead to better decisions.

Insufficient detail is provided on what 'targeted notice' will entail. It is officers view these applications must include at a minimum notice to adjoining properties and for those which can have a streetscape impact must include at a minimum notice to properties directly opposite and a sign on the sites frontage.

It is noted VicSmart applications remove third party appeal rights. Whilst not detailed in the discussion paper, if the VicSmart Plus assessment pathway also removes third party appeal rights, this is not supported by officers.

This proposed improvement will have a significant impact on the community and it is officers view consultation is required with the community on any changes which reduce notice requirements and any changes to appeal rights.

Boroondara also provides comprehensive assistance to permit applicants during the application process to assist with other approvals outside the planning system which may be necessary for the project. This includes building permits, tree removal applications under Council's Tree Protection Local Law, vehicle crossover permits and drainage approvals. A planning permit processed quickly will be of little assistance if the permit applicant is required to make amendments to the planning permit due to non-compliance with other regulations.

37. Following the review of the small lot code for growth areas, consider the case for amending Rescode and then dealing with siting and other issues through building permits.

Do not support

The small lot code has been developed and implemented in growth areas.

Council officers do not support the implementation of this code, or any amendments to remove Clause 54 assessments for lots less than 300sqm in Boroondara. Of particular concern would be the removal of Neighbourhood Character considerations, which are currently provided in Council's MSS, Neighbourhood Character Policy and Character Statements. The removal of these considerations would have a significant impact on the valued character of Boroondara.

B7. Reduce requests for further information

38. Where RFIs are necessary, responsiveness could be improved by having councils 'pause the clock' on statutory timelines for decisions, rather than reset it. This recognises that, in many cases, assessment of other aspects of an application can continue even if all relevant information is not yet present. This would also have the effect of reducing the use of RFIs as a tool to manage workload or performance reporting. The applicant would still be responsible for any time they take to respond to the RFI.

Do not support

Officers are of the view this may encourage applicants to submit incomplete applications to gain the benefit of the additional statutory days and allow a failure appeal to be lodged earlier. This is contrary to the measures identified in recommendation 23.

This may also encourage applicants to not amend applications in response to issues raised in the Request for Further Information. Currently many applicants choose to amend proposals to resolve issues at this stage as the statutory days are already being reset. This will result in more conditions being required, more refusals and a lengthier post planning permit process, therefore not reducing in a reduction of days in the entirety of the process.

As outlined in recommendation 48, Boroondara does not believe 60 days is a reasonable timeframe to process complex applications requiring multiple referrals and public notice. This recommendation is aimed at reducing timeframes but does nothing to improve planning outcomes for the community.

39. Set a deadline to encourage prompt assessment of the need for further information and curb multiple requests – possibly based on the Queensland cut-off time of ten days.

Do not support

22

The current 28 day period to prepare and send an RFI allows sufficient time for a thorough assessment, issues to be raised, referrals to be sent and all information required to be set out in one piece of correspondence.

If the RFI timeframe were to be reduced, it is the Council officers' view this would not provide sufficient time to complete a thorough assessment or pass on referral comments received. This would likely result in issues being raised later in the process, with no benefit in terms of overall time frames. Changes to plans made after public notice would be subject to Section 57 amendments and further public notice, or result in additional permit conditions. This would not result in a reduction of days in the entirety of the process.

In the officers' experience, multiple requests for further information are required where the information returned by applicants in response to a request is inadequate or incomplete. These additional requests are already undertaken within the statutory timeframe for returning information to avoid an application lapsing.

Multiple requests may also occur where the original proposal has been changed. Shortening timeframes to request information in these circumstances will simply lead to the issues highlighted already in our response to the recommendation. These issues will not be resolved by shortening timeframes for Council to prepare an RFI.

It is again noted this recommendation is aimed at reducing timeframes but does nothing to ensure well informed decision making or improve planning outcomes for the community.

The significant delays the RFI can add are in officers view in most instances due to lengthy response times to RFIs (even when simple information requested, multiple RFI extensions are requested) and poor quality applications. Recommendations to reduce these issues would provide significantly greater benefits than a reduction of 18 statutory days, without impact on the quality of the decision making.

As outlined in recommendation 48, Boroondara does not believe 60 days is a reasonable timeframe to process complex applications requiring multiple referrals and public notice. This recommendation is aimed at reducing timeframes but does nothing to improve planning outcomes for the community.

40. VCAT could improve and promote the prominence, availability and turnaround times of its Short Cases List to enable an applicant to seek a prompt review of an RFI, which could, in many cases, be done on the day of the hearing.

Support in part

Whilst the ability to seek a review of an RFI is supported by Council officers it is noted there would likely be a high take up by private consultants to review RFIs whilst they are preparing a response. This would increase the issues of resourcing of Council Planning staff.

Officers suggests this recommendation should not be implemented until the PPN included in Recommendation 41 is implemented, to ensure there is clear guidance for applicants regarding what is reasonable to appeal.

41. DELWP could support councils to help them more accurately and efficiently assess the need for RFIs by issuing a PPN and facilitating training opportunities for councils that illustrate:

- **how to distinguish between further information requirements and requests for amendments to an application;**
- **the type and level of information necessary to inform common decisions (see B2);**
- **the types of changes to applications that are better dealt with through permit conditions rather than asking for the change in an RFI; and**
- **best-practice for addressing requests for amendments to applications, including:**
 - **using pre-application meetings to offer applicants a choice between having councils request and finalise changes to an application before issuing the permit or do so by using permit conditions;**
 - **when requesting an amendment, being clear that the request is for a change to the application rather than information;**
 - **advising the applicant as to whether a requested amendment is a minor matter or one which is likely to affect the applicant's chances of having the permit approved; and**
 - **ensuring the applicant understands that where an amendment has been requested, the applicant has choices about how to respond (for example, the applicant may choose not to make changes and proceed with the application, and this will not necessarily jeopardise the chances of having the permit approved).**

Support

Officers support training opportunities for staff and the issuing of a PPN to assist in the preparation of RFIs.

However, the focus of this paper appears to be to reduce the planning permit process by applying Conditions more often. This is problematic as it is not a holistic approach, it simply moves the timeframe to a different part of the process.

Relying on permit conditions is considered a blunt and restrictive approach which does not allow options to be explored with an applicant and therefore may result in a poorer outcome than an applicant continuing to work with Council.

The use of conditions also results in those affected by the process not being able to view the final design as they are not part of the post permit process, this relies on a lay person being able to interpret and imagine an outcome contemplated by a condition.

B8. Reduce response times for referrals

42. Improving performance by having the relevant Ministers for referral authorities emphasise the importance of abiding by the expected 28-day turnaround and pausing – not resetting – the clock for RFIs, and:

- **giving appropriate focus and resources to the role;**
- **better managing referrals through such actions as standardising and removing simple referrals and focusing resources on more complex referrals;**
- **consulting on and providing up-front guidance on referral decision criteria and authority requirements; and**
- **considering delegation of simple approvals.**

Support

It is noted officers experience has been that Referral Authorities rarely seek an RFI, but in the rare incidences where they are requested it is due to issues with the application which requires amendments to the application. Therefore, despite the RFI 'pausing the clock', it is likely to result in the clock being reset at the plans will be required to be amended. Therefore, this recommendation is unlikely to result in any real impact.

43. Improving performance reporting, with the Planning Minister requiring referral authorities to regularly report under section 14A of the Planning and Environment Act:

- **their published guidance for applicants and councils regarding application information requirements, their decision-making criteria and policies and how they apply to their referral decisions including evidence of the consultative processes undertaken to inform this material;**
- **their decisions including timeframes, outputs and post-permit timeframes;**
- **the resourcing of the role and anticipated resourcing needs; and**
- **targets for a reduction in referrals required by developing standards for less complex, matters.**

Support

44. Supporting improvements in referral authority performance, eligibility for funding through the Streamlining for Growth program which could be extended to all councils and referral authorities seeking to improve their responsiveness and decision quality and reducing unnecessary referrals.

Support

25

45. Resourcing the VPA to enable it to provide continuous improvement assistance to referral authorities

Support

46. Referral authorities should be engaged early in the design process to ensure that their issues are properly addressed and do not arise late in the process. Subsequent referrals should check compliance with the agreed scheme in accordance with section 55(1) of Planning and Environment Act.

Support

This recommendation should specify the requirement for a referral authority sign-off before an application is lodged with a council, for specified application types.

47. The triggers for referral should be reviewed to enable simpler matters to be dealt with directly by a council, based on design codes issued by the referral authority.

Do not support

Officers do not support the recommendation which effectively sees liability and resourcing requirements transferred from referral authorities to councils. The recommendation would potentially require councils to hire suitably qualified and experienced staff, which would increase costs for the planning application service currently met by the community.

B9. Make decisions within a reasonable time

48. Consider a longer statutory timeframe for complex applications. Guidance on the definition of the threshold for what is 'complex' should be set based on the complexity of the assessment rather than just the size of the project.

Alternatively, a negotiated approach could be considered, enabling councils to enter an agreement with an applicant on the expected timeframe.

Support

Boroondara has previously written to the Minister for Planning advocating longer statutory timeframes.

The current 60-day timeframe fails to reflect the complexity of assessment (particularly since the introduction of BADS), as well as the administrative requirements of external referral and public notice, of many more complex applications.

Council officers believe a longer statutory timeframe would more accurately reflect the time necessary to assess these applications and provide increased certainty for all parties and better planning outcomes.

Officers do not believe a negotiated approach to timeframes is realistic.

49. Councils should report on the time taken for applications at different stages of the assessment and decision process, so that key performance indicators can be determined for the median time and the proportion of cases exceeding a maximum limit.

Support in part

Boroondara reviews this information to monitor and manage performance through a dashboard environment.

If the recommendation is suggesting this also be reported as part of PPARS, justification is required of the actual benefit of this data considering the increased impact on resourcing it will require to prepare and report the data.

Boroondara collects this data and currently uses it to monitor and manage performance.

Median timeframes, together with other performance indicators are already collected and published through DELWP's PPARS and the Local Government Performance Reporting Framework.

50. As part of the proposal for user-focused concierge services that begin at the pre-application stage (see B1), councils should also provide users with updates throughout the assessment process, so that they are aware of any potential delays and have confidence about the expected timeframe for a decision even if that timeframe exceeds the statutory minimum.

Support

B10. Promote best practice delegation of decisions

51. The current status of delegation arrangements across councils could be reviewed to streamline council officer delegations and develop a model 'deed of delegation' which reflects best practice, helps councils to triage matters and reduces delays.

Do not support

Delegation should remain a matter for individual councils to decide in line with the expectations of their communities and the particular issues experienced by Councils.

Delegation is frequently raised as a key issue for delaying applications, however in 2018 14 applications were considered at an Urban Planning Committee Meeting. This is less than 1%

27

of the total 1317 planning application decisions made that year. This is considered an entirely reasonable level of delegation and provides an appropriate balance of delegation.

52. A model deed of delegation could be developed and supported by a general guideline that defines common criteria for which matters are suitable for determination by the council's CEO, the director of planning, other senior staff, council or council committees for determination.

Do not support

Delegation should remain a matter for individual councils to decide in line with the expectations of their communities and the particular issues experienced by Councils.

53. The frequency of councils' planning subcommittee meetings came in for some criticism. 'Missing a meeting' can add a month to the final approval. Shorter, more frequent meetings (say fortnightly) may mean that the volume of approvals can be transacted without such long pauses.

Support - already achieving

Boroondara has a fortnightly Urban Planning Special Committee Meeting. The committee is attended by all Councillors and has full delegation from Council to make decisions on planning applications.

54. There is also scope for the government to review the current training given to councillors about their roles and responsibilities when making decisions within the planning framework. The proposal in the Local Government Bill 2019 to require candidates and councillors to undertake training could support this improvement.

Support - already achieving

Boroondara includes training for Councillors in their induction for Planning process and decision making.

C1. Checking compliance with permit conditions

55. DELWP, in consultation with the VPA, VCAT and the MAV, should formalise post-permit processes and set appropriate timeframes for granting approvals by providing a PPN and updating the Writing Planning Permits guide to consolidate and enshrine best practice principles.

Support in part

Consultation with individual Councils should also be sought.

The PPN should also provide best practice for permit applicants. Council officers spend significant time writing multiple requests due to:

- Undeclared changes to plans (Eg. not clouded or listed as a change)
- Information previously provided on endorsed plans being deleted (Eg. removal of notations)
- Simple conditions such as an increased setback not shown as the planner has not reviewed before submitting

It is officers view the application of secondary consent applications has broadened over time and this PPN would enable this to be reviewed and tightened to make it clear these amendments are for minor matters which have no material detriment. This is essential to ensure the process is not inappropriately used avoid notice requirements.

56. These best practice principles should take into consideration the UK example, include model conditions, provide examples of unacceptable conditions and provide clear advice to planning staff so that they:

- a. **only apply planning conditions that arise directly from the specific issues related to the permit;**
- b. **only use conditions that are necessary and reasonable where existing provisions under planning and other legislation cannot more effectively or appropriately manage compliance; and**
- c. **clearly communicate draft conditions to applicants before a permit is granted, to ensure that there is a common understanding.**

57. DELWP together with PIA and VPELA could develop an education and guidance program aimed at promoting:

- a. **more effective and targeted use of conditions; and**
- b. **collaboration between councils to develop consistent conditions.**

Support

Boroondara has standard conditions for various application types. These have been benchmarked with other councils and vetted by Council's lawyers.

It is noted VCAT regularly comments on conditions and training is available from external providers from time to time.

58. Encourage the development of a statewide manual of standardised engineering infrastructure requirements and conditions. The manual should aim to facilitate greater consistency across councils and reduce the time taken to negotiate infrastructure contributions. An example is the Local Government Infrastructure

Design Association's Infrastructure Design Manual or the VPA's Engineering Design and Construction Manual for Melbourne's Growth Areas.

Support

59. In adopting the Better Approvals approach for planning and building approvals processes (see B1), councils should consult with applicants about draft conditions before the permit is finalised – to ensure that there is a common understanding of the problem and what the condition seeks to achieve. This would be a continuation of the case management approach that this review proposes should commence in pre-application meetings.

Support

It is unclear what the nexus is between a case management approach and discussing draft conditions. However, this is currently a practice of Boroondara Planning officers.

60. As part of the more comprehensive data collection and monitoring framework being proposed in this review (see Introduction), councils would collect performance data for the post-permit process (for example, the time taken by councils to review amended plans submitted to meet a permit condition).

Data should also be collected of how many attempts it takes for a permit applicant to submit a set of plans which complies with all conditions. Council officers are often required to review at least 3 sets of plans, as only some conditions are complied with due to a lack of care and thoroughness in checking the information before submitting to Council.

An option to reduce this delay, would be to introduce a fee for applications which do not address all conditions in the first submission.

The submission of plans for endorsement with undisclosed changes is also a significant problem in terms of the efficiency of the planning system.

C2. Streamline variations to the terms of a permit

Secondary consents

61. VCAT's Short Cases List could be used more often to hear secondary consent disputes quickly.

62. DELWP could develop a PPN to guide councils and permit holders about the process and assessment criteria for secondary consents. This should be based on the VCAT principles about what constitutes a reasonable secondary consent amendment. The aim would be to make the principles more accessible for less frequent users and reduce the time council staff take to examine individual cases. A PPN could be clear about which matters are appropriate for secondary consents

and establish expected approval times, depending on the complexity of the changes. For example, it could specify a quick turnaround for changes to plans that relate to buildings and works that are otherwise exempt from the requirement for a permit. A PPN could also provide advice on when a secondary consent is not appropriate and when a planning permit amendment is required.

Support

It is officers' view the application of secondary consent applications has broadened over time and this PPN would enable this to be reviewed and tightened to make it clear these amendments are for minor matters which have no material detriment. This is essential to ensure the process is not inappropriately used avoid notice requirements.

63. Fees should be prescribed for secondary consents (as well as other post-permit fees), thereby replacing the various local fees charged by councils and providing consistency across Victoria. Fees could be scaled in a number of ways, for example, according to the number of changes requested or the overall cost of development. This may require amending legislation and/or regulations.

Officers recommend fees for Secondary Consent are scaled on the basis of the complexity of the amendments. Many secondary consent applications are as complex as a Section 72 amendment.

64. As part of the broadening of performance monitoring for planning activities, councils should be required to report the number of conditions added to permits and the time taken for post-permit decisions.

Do not support

Council officers are unsure why the number of conditions added to permits is a suggested performance measure, when recommendations 38, 39 and 41 encourage the increased use of conditions. The number of conditions will vary with the number of permit triggers, complexity of the application and issues to address. It has nothing to do with the operational efficiency of Councils.

Reporting of time taken for post permit decisions should also be undertaken by permit applicants (consultancies) to measure how many attempts it takes for a permit applicant to submit a set of plans which complies with all conditions without any undeclared additional changes. This would significantly improve processing times and resourcing impacts on Council officers.

Requests for extensions of time

65. A PPN should be developed to provide guidance for councils about how to set specific timeframes that reflect the nature and complexity of a proposal, and for

31

councils and permit applicants about the process and assessment criteria for extensions of time requests

Support

Without further information Council is not able to support this proposal in full. Officers believe broad consultation with Councils should be undertaken to establish appropriate timeframes.

Boroondara has previously made submissions to DELWP to increase the statutory timeframes for more complex applications to ensure more informed and better decision making

C5. Approvals by other authorities

75. Proponents need to be aware of the full range of approvals that they need, including those from other authorities. Improved pre-application processes (see B1) should enable these approvals to be identified by council planners at an early stage.

Support - already achieving

Boroondara identifies these approvals in its pre-application meetings, RFIs and covering letter to final decision.

This could also be achieved through a PPN, fact sheet or other material provided on DELWPs website.

76. The Minister for Planning and the Minister for Environment and Climate Change could seek direct talks with the Commonwealth to reduce the time taken for approvals under the EPBC Act by ensuring that assessments under the existing bilateral agreements are used as extensively as possible and that the potential for bilateral approvals by the Victorian Government have been pursued. This would give greater flexibility to negotiate offsets while securing viable reserves of endangered habitat.

Not relevant to Boroondara

77. Councils should ensure their heritage studies and Heritage Overlays in planning schemes are up to date and in line with current community expectations to protect buildings of local heritage significance.

Support.

This recommendation demonstrates the disregard the authors have for the efforts that are already being made in local government. It has been written without evidence, and based on a false assumption that Councils are not doing any work in preparing or implementing heritage studies, and this is the cause of delay in progressing heritage matters. Boroondara

City Council has allocated over \$1 million over 5 years to implement a Municipal Wide Heritage Gap Study, eight detailed heritage studies for different suburbs.

Through this experience it has been seen that there are major deficiencies in this process and the role that DELWP plays, which again have not been examined properly by this paper. DELWP are not exempt from the same resourcing and staff retention issues that face local government planning departments. Waiting for DELWP to action authorisation, gazettal and interim heritage overlay controls (demonstrated by a selection of these Municipal Wide Heritage Gap Study PSAs below) has resulted in significant delays and uncertainty for affected property owners and neighbours. See below examples:

Permanent heritage controls - authorisation

Boroondara PSA	Authorisation request date	Authorisation date	Delay (approx.)
C284 - Hawthorn	5 April 2018	30 October 2018	6 months+
C294 - Kew	30 April 2018	24 October 2018	5 months+

Permanent heritage controls - gazettal

Boroondara PSA	Submitted for approval date	Gazettal date	Delay (approx.)
C266 - Canterbury	7 December 2018	30 August 2019	8 months+
C274 (Pt 2) - Camberwell	27 February 2019	12 September 2019	6 months+

78. DELWP, in consultation with relevant parties, should provide clearer advice and information for councils and proponents about State and local heritage responsibilities and processes, including the safety protections of the Building Act.

Support.

Providing concise, easily understood information for all parties is supported. It is expected the Heritage Council's current *State of Heritage Review* will more deeply and expertly consider emerging issues and provide holistic recommendations for reform in this sector. Removing barriers for development must not be at the expense of best practice heritage management.

C6. Coordinate planning and building permit assessments

79. Councils should use the concierge approach proposed in this review (see B1) to anticipate and address specific issues early in the approvals process and to underpin effective coordination of planning, building, engineering, heritage and other specialist staff at councils. This 'whole of project' customer focus would

provide oversight and coordination of internal approvals, monitor timeframes to ensure responses are provided in a timely manner and assist to broker compromises or alternative solutions when necessary.

Support in part

There is a lack of detail in how this would work in practice and what efficiencies this would provide.

Based on the little detail provided, it is Officers view this concierge approach is only suitable for very limited application types and would result in double handling and significant delays for any application of any complexity.

This recommendation appears to be suggesting a project manager role be transferred to Council responsibility and resource.

80. With respect to flooding, the relevant authorities (for example, drainage authorities and catchment management authorities) should collaborate to develop a single, consolidated set of flood mapping information, with this data then made available to all parties who use and administer the system. Smart Planning could then consider integrating this information into the online portal.

Support - already achieving

Melbourne Water (MW) is carrying out an update to the existing Special Building Overlay (SBO) at the City of Boroondara. Council's Asset Management drainage also carried out flood modelling through a private Consultant and finalised the flood mapping, which has been endorsed by Council. In collaboration with MW, Council is in the process of preparing a Planning Scheme Amendment.

The amendment will seek to introduce an updated SBO 1 based on the MW drainage system and an SBO 2 based on Council's drainage system. This will provide a consolidated set of Flood Mapping information which can be integrated into the online Portal.

81. An additional measure that could be implemented in the short term is to require the 'building information statement' to be provided at the time information is provided about the planning permit application requirements. It could then be considered as part of the planning approval process and provide access to any flooding information held by a council under the building regulations. This would enable building designers to incorporate this information in their planning permit application, avoiding unnecessary rework causing increased costs and delays if the information is discovered later.

Support

Providing property hazard information with regards to flooding, termites, bushfire risk etc and legal point of discharge (LPOD), asset details within an easement at the early design stages

is supported. This process will enable the designers to address construction constraints associated with the property and the proposed design at the Planning application stage.

5.3. PART D - BUILDING

D1. Expand the workforce of building surveyors, inspectors and fire safety engineers

82. Establish a new class of building surveyor for low-risk building work. This scope of work would be limited to low-rise domestic building works (Class 1 and 10 buildings) not exceeding 500 square metres floor area

Support in part

Council officers recommend the minimum qualification to be a Diploma in Building Surveying with minimum of 2 years work experience gained under a Registered Building Surveyor and the title to be Building Surveyor Limited (Minor Residential).

83. Increasing interest in the building and engineering professions

Support

Council officers recommend Building Surveyors (Unlimited) be included in the persons who can witness statutory declarations to gain better recognition and passive publicity for the profession.

84. Set-up new bridging pathways for practitioners from related professions.

Support

Support this recommendation provided the core subjects are undertaken or the relevant work experience is considered together with the knowledge of the practitioner in the new field is examined by the Victorian Building Authority prior to granting a new Building Practitioner registration. The relevant Professional Indemnity insurance should also be mandatory for the additional registration category.

D2. Improve access to building records

85. A central database for Victoria that is managed by the VBA is the intention of the Victorian Government. In the longer term, the Building Activity Management System (BAMS) platform, recently introduced by the VBA to manage building permit numbers, is intended to provide a central building records database.

Support in part

A central system is supported. Through BAMS this is already occurring with new building permits except for the endorsed plans being available at the VBA. Council officers

recommend the residents should still be able to come to Council to obtain building records and plans for a fee and Councils have unrestricted access to the central system within their municipality.

D3. Streamline building permit requirements for low-risk work

86. The construction of a low-rise deck could be exempted from the requirement to obtain a building permit provided its maximum height does not exceed 800 millimetres. This height aligns with the overlooking requirements. To ensure its structural integrity, the construction of a deck would continue to be captured by Part 2 of the Building Regulations so that it is subject to the requirements of the NCC

Not Supported

Council officers do not recommend low rise decks up to 800mm should be exempt from a building permit.

The overlooking exemption only applies to decks with a floor level less than 800mm above the ground level at the allotment boundary (not at the FFL of the deck where it is located) together with a 1.8m high boundary fence being present to prevent a direct line of sight up to 9m. Furthermore, decks within 900mm of the boundary require 1 hour fire rating in accordance with the National Construction Code - Volume 2.

Low rise decks up to 250mm in height or consisting of maximum two risers/steps are supported and should be exempt from a building permit.

87. To ensure that all mobility access ramps are exempt from the requirement to obtain a building permit, including those that provide higher level access, exemptions could be introduced for

- **mobility access ramps that do not exceed 800 millimetres in height provided they comply with the NCC; and**
- **mobility ramps that exceed 800 millimetres in height provided they comply with the NCC and are certified on completion by a building surveyor or inspector.**

Not supported

Council officers do not agree with the recommendation for exemption. Absence of a building permit means a Building Surveyor will not be checking design drawings prior to construction. During the building permit assessment stage numerous requirements such as; kick rails, hand rails, landings, circulation spaces, door swing, visual and sensory indicators including tactile indicators are checked. Absence of a building permit would possibly result in an increase in DDA based legal action as builders and developers are unlikely to construct a compliant ramp. For example, a gradient of 1:14 for an 800mm high ramp, the required length of ramp will be 11.2m. This will be difficult to achieve on site without first considering site constraints, site coverage, setbacks and fire rating requirements etc.

36

88. The existing exemption for sheds could be expanded by increasing the current 10-square-metre floor area trigger to 16 square metres.

Supported in part

Support subject to siting in relation to maximum height and setbacks, BCA (fire ratings) and/or manufacturer's specifications compliance.

D4. Standardise construction management plans

89. As many of the elements included in a construction management plan draw on local laws, DELWP could also prepare a model local law in consultation with councils and MAV to further facilitate standardisation across Victoria

Support

90. To accompany the model local law, a model construction management plan and guidelines for the model plan could be developed. These would support the consistent preparation and assessment of construction management plans within Victoria. The guidelines and model plan prepared by the City of Melbourne are examples of current best practice that could guide this work.

Support - already achieving

Boroondara has a template Construction Management Plan which provides another best practice example.

91. Consideration could also be given to including construction management plans in the concierge model of case management in councils (see B1). The City of Greater Dandenong has been cited by stakeholders as an example of using this practice efficiently.

Support - subject to previous concerns with concierge model

D5. Improve consistency of council asset protection requirements

92. Stakeholders have recommended that a standard practice guide should be set for building-related work that could be adopted by all councils to create uniformity across Victoria.

Support

93. To support such a practice guide and standardise the requirements for council permits and asset protection, a model local law could be developed in consultation with councils and MAV. As proposed for construction management

plans, the model local law could adopt a standard form and consistent requirements, which could be varied by councils to suit local conditions. Councils could also publish enforcement policies relating to these local laws. The model local law could be adopted by councils through an amendment to their local laws using the power given to them by the Local Government Act.

Support

94. Consideration could also be given to including asset protection requirements in the concierge model within councils (see B1).

Support in part

As previously discussed, the concierge model appears to be replacing the need for the permit applicant to have a Project Manager. A pre-construction meeting with Council should occur to ensure the Project Manager has the following representatives available to respond to any queries regarding what permits are required during the works and how to apply for the (Permitting Team), requirements under the Local Law (Local Laws), Traffic management team member for the Construction Management Plan.

This process will enable all relevant parties to provide input as to what is expected during the building process and provides the applicant the opportunity to answer questions in one sitting rather than meeting with individual Council staff individually over a period of time.

D6. Distinguish building ‘consultants’ from building surveyors

95. It is proposed that in the short term, Consumer Affairs Victoria (CAV) runs a communications campaign to raise consumer awareness of the the role of building consultants compared to building surveyors, the importance of engaging a qualified person, what to look for when engaging a building consultant, the risks, the relevant laws, where to get help and how to make a complaint.

Support in part

The VBA should create a separate Building Consultant registered practitioner category with limitations according to their qualifications and make a searchable list available to consumers at the VBA and Consumer Affairs Victoria. The Building Surveyor and Inspector are protected titles under the Building Act and Building Consultants should be made the same.

96. In the longer term, DELWP and CAV could undertake a joint review into the:

issues raised by stakeholders, such as the HIA, and the risks for building owners and consumers more generally arising from the operation of building consultants; and

measures, both regulatory and non-regulatory, to address the issues including, but not limited to, the costs and benefits of a consumer awareness campaign and a registration scheme for building consultants. A registration scheme could consider standards of practice including permitted and prohibited conduct, which may be in the form of a mandatory code of conduct.

Support

D7. Clarify processes for enforcement

97. Depending on the scope of the Victorian Government's recently foreshadowed review of the Building Act, that alternative models for the administration and enforcement of the building permit process be considered, including those proposed by stakeholders.

Support in part

Council officers recommend alternative models for the administration and enforcement of the building permit process be considered in consultation with the Australian Institute of Building Surveyors (AIBS) and the Victorian Municipal Building Surveyors Group (VMBSG).

98. That Recommendation 6 of the 2019 Victorian Cladding Taskforce be implemented – ‘that consideration be given to the development and implementation of a protocol between the VBA and councils, which sets out accountabilities, mechanisms for cooperation and communication, strategic interventions and agreed procedures for referring enforcement actions.’ .Similarly, the 2015 report by the Auditor-General noted the opportunity for the VBA and councils to establish communication and reporting protocols. Protocols were raised as an administrative approach to addressing ongoing uncertainty about responsibilities for enforcement that ‘would have significantly enhanced system-wide monitoring.’ The development of local council building plans could also be considered to complement the protocol.

Support

Council officers recommend VBA must be the responsible authority for all cladding related matters regardless of the risk rating, as currently the expectation is Council's MBSs to deal with 'low' and 'moderate' risk rated buildings. Furthermore, both Council and its officers assisting the VBA with combustible cladding issue must be excluded from potential liabilities similar to the staff of the VBA, and VBA to refer only Essential Safety Measures (ESM) which are non-compliances to Council.

The State Building Surveyor should include monitoring and regular reporting on the operation and performance of the building permit process, including making recommendations to improve the process, where needed.

99. *The State Building Surveyor should include monitoring and regular reporting on the operation and performance of the building permit process, including making recommendations to improve the process, where needed.*

The 2005 inquiry into housing regulation by the Victorian Competition and Efficiency Commission and, more recently, the 2015 report by the Victorian Auditor-General, noted the need for a performance monitoring framework for the building regulatory system.

Support

100. *To remove the inherent conflict, the review of the Building Act could also consider the respective roles of municipal and private building surveyors.*

Support in part

Council officers recommend clear protocol and guidance be adopted to espouse the responsibility of the PBS with regards to enforcement of non-compliances at least for 12 months after an Occupancy Permit or the Certificate of Final Inspection has been issued for Class 1 and 10 buildings and 24 months for all other classes of buildings.

101. *That a practice guide for building surveyors and inspectors be developed, which benchmarks the processes and the matters they must consider when inspecting each class of building. By clarifying processes and accountabilities for building inspections, a practice guide would assist with quality of work issues arising from conflicts of interest. A similar guide is in place in Queensland and proposed in New South Wales. The practice guide would be supported by templates for building surveyors and inspectors to record the details and outcomes of inspections.*

The 2011 report on the building permit process by the Victorian Auditor-General recommended standard templates and procedures to assist building surveyors to ‘... to adequately document their assessment approach and basis of their decisions ...[and] ... to demonstrate, using these templates and procedures, their consideration and acquittal of mandatory safety and technical requirements’.

Implementation of the guide and templates would require an amendment to the Building Act to provide a head of power for the VBA to approve and enforce a practice guide for building surveyors and inspectors.

Support

Currently the matters to be inspected when conducting mandatory inspections are not individually specified. There is value in establishing a Practice Guide that identifies the items need to be inspected by Building Surveyors and the items the registered Builder has responsibility for. This would provide clarity of the roles and direction with responsibility for Registered Building Practitioners involved in construction projects. Council officers recommend practice guide for Building Surveyors and Inspectors be developed in consultation with the VBA, Australian Institute of Building Surveyors (AIBS), Master Builders Victoria and most importantly the Insurance Council of Australia.

102. The code of conduct being developed by the VBA would support the proposed practice guide and strengthen the conflict of interest obligations of private building surveyors and inspectors.

While the Building Act imposes obligations on surveyors and inspectors to avoid conflicts of interest, and since 2017 has prohibited builders from engaging building surveyors, the VBA's code of conduct will strengthen the professional conduct of building surveyors and inspectors and further promote their independence.

The Code of Conduct must stipulate minimum fees can be charged for building permits and inspections, especially with volume permits and inspections. Furthermore, the Code of Conduct must also limit the number of building permits can be issued by a Building Surveyor based on value of work and depending on the availability of qualified/experienced staff. The Code may also limit the maximum number of inspections a Building Inspector can carry out for a day.

PART A - THE STRATEGIC APPROVALS PROCESS

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
A1. SIMPLIFY PLANNING SCHEMES			
<p>1. Extending the Smart Planning program to further improve planning schemes with a focus on:</p> <ul style="list-style-type: none"> • applying plain language drafting principles • revising the order of material in a planning scheme from ‘most used’ to ‘least used’ • considering the way digital delivery may change how planning schemes are set out and how they can be searched; • providing clear information up front about who will decide the application’s outcome; and • continuing the translation of planning schemes into the integrated planning policy framework. 	✓ (in part)	<p>Council officers partially support this recommendation, although note that the Smart Planning program is already translating planning schemes into the integrated planning policy framework.</p> <p>The recommendation to clarify upfront who will be the decision maker is unclear. It is not appropriate to have this information contained in the planning scheme as this delegation is subject to change as the application evolves (i.e. based on number of objections) and any change in delegation is through council adoption only and is not required to go through the Planning Scheme Amendment process, so should not be contained in the scheme.</p> <p>It is unclear what revising the order of material from ‘most used’ to ‘least used’ would entail, however Council officers support refining of the Planning Scheme to provide a ‘one stop shop’ to enable use of the planning schemes by non-planners to be easier. The recent changes to the location of the VicSmart processes is an example of this.</p> <p>Further detail of these extensions to the Smart Planning Program is required in order to provide any further detailed response.</p>	
<p>2. Consolidating planning scheme requirements, principles or rules that serve similar purposes (while allowing for local variation).</p>	✓ (in part)	<p>The principle of consolidating and reviewing planning schemes, while allowing for local variation and without losing any local content, is best practice and supported by officers. Council has previously in a 2017 submission to the DELWP ‘Reforming the Victorian Planning Provisions’ discussion paper conditionally supported reviewing all overlays, their operation and interaction with schedules.</p> <p>At the time, Council suggested a reverse overlay system be investigated (the schedule of the overlay sets out when a permit is required, rather than everything require a permit unless there is an exemption). The discussion paper does not provide any commentary on this reverse overlay proposal.</p>	
<p>3. Faster policy resolution for emerging planning issues to ensure a consistent statewide approach with clear and appropriate frameworks for local council variation.</p>	✓ (in part)	<p>Officers generally support this approach, however note this should already be happening, and is not. DELWP have shown this with the lack of meaningful progress on a state ESD policy, which can no longer be called an “emerging” issue. Councils are still waiting for a consistent state planning policy on this important matter. There is no tangible action associated with this recommendation, such as providing more resources at DELWP so they can provide leadership on these emerging issues, nor consolidating State government stakeholders so that DELWP are able to function more effectively.</p>	
<p>4. Councils working within their regions and across Victoria to harmonise their planning policies, where possible</p>	✓ (in part)	<p>This approach may be useful where there are specialised regional interests as in the PEGZ example, or in a non-metro setting. Officers caution against creating another layer of approvals or governance at the regional level, or investing resources in strategies that have no statutory weight.</p>	
A2. STREAMLINE PLANNING SCHEME AMENDMENTS			
<p>5. Councils could be provided with a final response within 30 days of DELWP initiating a further review of an authorisation request.</p>	✓	<p>The absence of any enforceable statutory timeframes for the Minister for Planning and their delegates is a major source of frustration for councils and community members alike. Rectifying this issue would go a long way in improving the certainty and transparency of this process. The Ministerial Direction 15 (MD15)</p>	

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
		<p>timeframes are not binding and are frequently ignored, particularly by the Minister and his delegates.</p> <p>The role of DELWP in the PSA process has not been adequately examined through this discussion paper. Examples are provided in the detailed response.</p>	
<p>6. DELWP’s notice templates should be rewritten in plain English (supplemented by technical language where required under legislation) and include images to show examples of what sort of changes a community can expect to see under the amended scheme, modelled on the VPA’s approach.</p>	<p>✓</p>		
<p>7. In cases where it is clear that there will be unresolvable issues, the recommendation to proceed to a panel hearing should occur at the earliest opportunity (noting that Ministerial Direction No.15 requires councils to request a panel if necessary within 40 business days of the close of submissions).</p>	<p>✓</p>	<p>Councils must provide for a fair and reasonable time for its community members and affected parties to make representations to the Council, which necessarily slows the process, but the importance of due process is understated.</p>	<p>Officers already work to progress Planning Scheme Amendments in accordance with the MD15 timeframes where achievable.</p>
<p>8. Panel reports should only be embargoed by councils for seven days (rather than 28).</p>	<p>X Not Supported</p>	<p>The recommendation is not supported by Council officers, as the purpose of the recommendation is unclear. If it is to speed up the process, it will provide no benefit as it will not change the amount of effort and time required to review the panel report. Council officers use this time to prepare a recommendation and report to be endorsed by Council. Seven days is not enough time to read, digest and escalate recommendations through the internal approval chain.</p> <p>If the reason is to provide a benefit to the community, it is officers’ experience that community members want to discuss recommendations immediately upon reading, and the 28-day period allows for more informed discussions which in practice results in a faster, smoother process and less anxiety amongst community members. Releasing the panel report any sooner will have no real benefit.</p>	
<p>9. The number of administrative and simple amendments could be reduced by having councils and DELWP group non-urgent matters into periodic omnibus amendments.</p>	<p>✓ (in part)</p>	<p>There are already mechanisms to deal with these ‘machinery’ amendments which enable them to be processed with limited information requirements and reduced fees (e.g. Section 20(4) amendments), encouraging councils to keep their planning schemes accurate and up to date.</p> <p>“Non-urgent” is highly subjective, and all property owners would consider that an error affecting their property would be urgent (in some instances it may prevent owners to obtains loans from banks). Matters that may seem non-urgent can become urgent if a planning permit application is lodged, for example. Alternatively, DELWP could arrange contract staff to progress these amendments as they arise, to avoid a backlog of work.</p>	
<p>10. Councils should be required to make a formal decision with reasons when deciding to abandon or not exhibit a proponent’s amendment. This would ensure that both the proponent and the Minister for Planning are better informed if a proponent seeks the Minister’s intervention on an abandoned amendment.</p>	<p>X Not Supported</p>	<p>The decision to not proceed to exhibition is not normally subject to a Council decision, nor does it need to be. Officers do not support a change to this aspect of the recommendation. Requiring this matter to go through the Council approval process when it is clearly not going to proceed adds considerable length and expense to the project for the proponent, and reasons would normally be provided directly to the proponent at that time. It also has the impact of diverting resources from other amendments that could be processed more quickly. This is not considered to be an issue that has wide reaching impacts across the sector.</p>	

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
A3. STREAMLINE THE PSP PROCESS	N/A		
A4. ESCALATE PLANNING FOR SITES OF STRATEGIC IMPORTANCE			
<p>17. The VPA and DJPR could advise the Minister for Planning and the Minister for Priority Precincts of the pipeline of sites of strategic importance in Melbourne and regional cities after consulting with councils and other stakeholders. The selection criteria could include whether:</p> <ul style="list-style-type: none"> development is strategic and desirable to implement a direction in <i>Plan Melbourne</i> or helps leverage key government infrastructure such as the Suburban Rail Loop; the site matches areas identified by government for future housing and/or job growth; the precinct spans multiple local government boundaries; the landowner has requested the amendment be given priority; and/or the council concerned has failed to decide in a reasonable time or is not able to prepare a plan for its development. 	✓ (in part)	<p>The recommendation is only partially supported by Council officers, as there are concerns with the criteria suggested and the assumptions relied upon.</p> <p>Councils and communities should not be excluded from the process simply because a development aligns with the strategic objectives or election commitments of the state government of the day. Officers do not agree that these State agencies are better placed than councils to achieve the best outcomes for the community.</p>	
<p>18. The VPA, in consultation with DJPR, the Suburban Rail Loop Authority and relevant councils and stakeholders, should advise the Minister for Planning and the Minister for Priority Precincts about which of the sites could be prioritised and the best form of engagement with the council for planning to be undertaken jointly in each case.</p>	✓ (in part)	<p>The recommendation is partially supported by Council officers. The importance of the involvement of councils in these scenarios should not be understated, and councils are not a third party to be “engaged” but must be meaningful partners on these projects. Councils must not lose any of their decision making powers and should work with the relevant state department or agency once this has been determined.</p>	

PART B - THE PERMIT APPROVAL PROCESS

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
B1. MORE HELP WITH APPLICATIONS			
<p>19. A Planning Practice Note (PPN) and model application forms for councils for the pre-application processes.</p> <p>Ideally, councils should provide written advice after these meetings within a reasonable timeframe, addressing the matters discussed and noting any unresolved issues.</p> <p>Councils should outline the process for pre-application meetings on their websites and provide checklists of material that users should bring to the meetings or provide in advance.</p>	✓	<p>The Practice Note should also include the information to be provided and a minimum timeframe for submission of this information prior to the pre-application meeting. An appropriate timeframe is required to ensure appropriate officer attendance and to allow preparation of detailed advice at the meeting.</p> <p>The Practice Note should clearly specify a pre-application meeting does not replace the full and thorough assessment of an application and new issues may arise throughout the processing of an application. The Practice Note should also specify opinions provided at a pre-application meeting do not result in predetermination of the application.</p>	<p>Boroondara provides information on the process of pre-application meetings on its website and includes a checklist.</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
<p>20. To ensure that pre-application meetings are effective, senior planners should be involved to bring their knowledge of recent decisions made by the council and by VCAT (to promote consistency of advice). For larger proposals, these meetings could also involve other staff and decision makers, such as referral authorities and internal referrals such as drainage engineers or heritage advisers.</p>	<p>✓</p>		<p>Boroondara has dedicated pre-application senior planner and a heritage planner who can be booked for onsite and offsite pre-application meetings.</p> <p>On complex applications Boroondara will invite other internal referral Officers including Traffic, Drainage, Arborists etc.</p>
<p>21. Councils could be required to offer pre-application meetings and be able to charge a reasonable fee for more complex matters. These fees could be reimbursed when a complete application is lodged, and no further information is required. The best practice guidelines should establish some benchmarks for these fees.</p> <p>Referral authorities could also consider formalising and offering pre-application meetings.</p>	<p>✓ (in part)</p>	<p>Council officers are of the view that free pre-application meetings for small applications are an important service.</p> <p>Complex application could attract a fee, however, expectations around predetermination (see Recommendation 9) may be reinforced through the payment of a fee for the service. It is reiterated that any Practice Note regarding pre-application meetings should be very clear that opinions expressed at a pre-application meeting cannot be viewed as a final Council position.</p>	
<p>22. Difficulties later in the process would be avoided by adopting a Better Approvals approach focused on council planning and building approvals processes. This would facilitate concurrent decision making, streamline referrals and embed the concierge model as a form of case management. This would give each applicant a consistent contact with whom to discuss their issues. Ideally this contact would be maintained throughout all other stages of approval in which councils were involved, including the post-permit approvals and building approvals processes. Councils could be assisted to adopt best practices and implement relevant changes being recommended by this review.</p>	<p>✓ (in part)</p>	<p>The Better Approvals process was created to assist small businesses. It is not clear how this could be translated to more complex applications, or whether this is practical or appropriate.</p> <p>This recommendation is supported by officers for simple planning applications which have a single permit trigger which does not include an assessment of siting (e.g. a planning permit for a lot greater than 500sqm in a Heritage Overlay in conjunction with a Building report and consent application). However, a concierge approach in all instances is considered unrealistic given the costs associated with document preparation for planning and building applications and the uncertainty associated with the planning application process. It is unlikely applicants would be prepared to take up an offer to concurrently process planning and building permits in these circumstances.</p> <p>It is noted a concierge approach will have resource implications and will likely result in double handling as the designated concierge will need to check in with separate officers to communicate back to the applicant.</p> <p>It is considered a requirement to point out siting non-compliances with Building regulations in any request for further information or prior to public notice of planning applications is potentially achievable, however consideration should be given to extend the statutory timeframes if planning and building permits are required to run concurrently.</p>	<p>Boroondara refers planning applications in a Heritage Overlay where siting is not assessed to its Building Department. Information about non-compliance is passed on to applicants, with a recommendation to address the non-compliance by seeking Building approval or amending plans.</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
<p>23. Councils should only accept applications once they are complete. Guidelines, standard forms and checklists should be developed to help applicants prepare complete applications. 817 1224</p>	✓	<p>Officers support the strengthening of the minimum requirements to lodge an application. It is Council's view the poor standard of planning applications is a major contributor to inefficiencies in the planning system. In the last financial year, Council was required to request further information for 68% of planning applications received (85% of non VicSmart applications). There is currently no disincentive for lodging sub-standard applications.</p> <p>Information requirements would certainly be appreciated when new controls are introduced.</p>	<p>Boroondara has material on its website regarding information requirements for a range of application types.</p>
<p>24. To support this, the VPP should be amended to increase clarity of application requirements by:</p> <ul style="list-style-type: none"> • reviewing all VPP application requirement lists for clarity, consistency and relevance; • developing standard application requirement lists and forms for common application types, including land use, building and works, subdivision, signs, and vegetation removal; and • testing the development of application requirements lists for certain applications types. 	✓	<p>Boroondara supports measures to improve the quality of applications being submitted to Council.</p> <p>Whilst standard application requirement will assist for generic requirements, these cannot restrict what can be requested in a RFI. To enable a thorough and quality assessment of an application site or area specific information may need to be provided and officers should be able to request this information.</p>	<p>Boroondara provides standard applications lists on its website to assist applicants in preparing applications.</p>
<p>25. DELWP, through its Smart Planning program should work with councils to review the information requirements in local schedules to check whether they duplicate requirements under the VPPs and, if not, whether the additional requirements are actually necessary to enable consideration of local issues.</p>	✓ (in part)	<p>This work is already underway, as the DELWP website advises work is either in progress (e.g. for Boroondara) or has been completed, for all councils across the state. It is understood this review aims to identify and fix obvious and technical errors, update incorrect references and names which were changed by amendments VC142 and VC148 in 2018, and highlight further opportunities for improving the operation of local provisions.</p> <p>Focussing this reform specifically on information requirements is too narrow. If information (e.g. a landscape plan) is required at both the local and state level, it is required. Removing the duplicated reference at the local level, though beneficial in removing a few words from the scheme, does not inherently change the information requirement and will have no bearing on processing time for an application.</p>	<p>This work is currently being undertaken by DELWP.</p>
B3 MOVE TO ONLINE PLANNING PERMIT PROCESSING AND TRACKING			
<p>26. An achievable timeframe should be set for all councils to have their planning permit applications fully trackable online and further efforts should be made to ensure greater compatibility between the different systems. An achievable statewide goal would be for the DELWP website to offer a direct entry point to each of the 79 councils' planning web pages.</p>	✓	<p>There is now an expectation for all councils to be both paperless and to be able to complete all steps of the planning process online and track applications.</p> <p>It is noted that this transformation process involves a huge resource impact on each Council to upgrade process, websites and create new IT processes.</p> <p>Considering this involves all councils it is officers view that more support from State Government would have reduced the resource impact on each Council. For example ability to sign up to a shared online portal or tracking system created for all Council's (similar to SPEAR).</p>	<p>Boroondara has recently transformed its processes into a paperless environment.</p> <p>Boroondara's online planning register allows the progress of application to be tracked.</p>
<p>27. Desirable features for council-based permit management systems should include:</p> <ul style="list-style-type: none"> • development and introduction of common data standards which will help to drive greater standardisation of planning permit application requirements and allow for easier sharing of data 	✓	<p>Many Councils have spent considerable resources setting up permit management systems. It is critical DELWP work with councils in making the recommended changes. Boroondara would not support changes which require the use of systems with less functionality than currently available. DELWP also need to and support councils with necessary resources to implement changes.</p>	<p>PPARs currently encourage the use of common data standards.</p> <p>Council has had</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
<p>across council systems; and</p> <ul style="list-style-type: none"> an end-to-end system for managing and tracking all aspects of council processes, with the capacity to coordinate engagement between parties, read and compare different versions of plans, pay planning fees, and so on. <p>Implementing these systems should be considered in the context of other related initiatives, including:</p> <ul style="list-style-type: none"> the significant modernisation achieved by DELWP’s Smart Planning reforms in digitising planning schemes, Ministerial planning permits and the PSA process; and the existing use of SPEAR (see Box B3.2) for managing subdivisions and the investment that authorities and private users have made in adapting their systems to SPEAR. 			<p>an online payment portal in place for a number of years. The improvement of the portal is a project being undertaken as part of its Customer Experience Improvement Strategy.</p>
<p>28. The RCTP should be extended to support initiatives that deliver online tracking and processing of planning applications for rural councils.</p>	✓	<p>Whilst Boroondara is not a rural municipality, officers support this recommendation.</p>	
<p>B4 IMPROVE PLANNING RESOURCES FOR COUNCILS</p>			
<p>29. Provide additional resources for DELWP’s Regional Planning Services network to act as regional planning hubs, providing resources and facilitating training to support councils’ planning functions.</p>	✓		
<p>30. DELWP and PIA could develop online training packages for planners across Victoria.</p>	✓		
<p>31. DELWP could encourage harmonisation between councils’ local planning requirements and processes by holding regular regional meetings between councils, referral authorities, the VPA and other relevant bodies, to facilitate communication and resolution of issues.</p>	✓		
<p>B5 MODERNISE PUBLIC ADVERTISING OF PROPOSALS</p>			
<p>32. A requirement could be adopted in Victoria for applications involving a new building or larger developments to provide pictures of the development on signs similar to real estate display boards.</p>	✓ (in part)	<p>If this suggestion is adopted, Boroondara recommends clear guidelines for images, such as the VCAT requirements for montages. In the absence of this, the images may cause greater confusion and concern to the community if they are inaccurate or misrepresent proposals.</p>	
<p>33. Formal notice should be provided on council websites, via email alerts and on social media. Formal notification by mail for affected landowners should remain a requirement. Councils could use their regular local newspaper columns and advertisements to give notice about major developments currently on display.</p>	✓ (in part)	<p>Whilst Council officers support measures to ensure those potentially affected by planning applications are well informed about planning applications, there should be a clear delineation between formal notice (requirements of the Act) and any use of social media / email alerts to make the community aware of an application.</p> <p>Rather than “formal notice should be provided on...” Boroondara recommends this recommendation is amended to “Councils should explore other mediums to promote and allow the community to be aware of significant applications where appropriate on...”</p> <p>Problems associated with the use of social media may include determining whether a comment on a facebook post or a tweet is considered a formal objection.</p>	<p>The independently supported application <i>Planning Alerts</i> already provides information on applications to subscribers.</p> <p>Boroondara displays planning</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
			application documents on its online register.
34. edDELWP could prepare an updated PPN on 'Best Practice' modern notification processes for different types of applications, in consultation with MAV and VLGA.	✓ (in part)	This recommendation is supported, subject to the issues raised in points 32 and 33. Boroondara believes consultation with individual councils is required to inform an updated PPN.	
B6 STREAM APPLICATIONS ACCORDING TO RISK			
35. The Smart Planning program should review the identified issues with current prohibited and restricted uses, to allow: <ul style="list-style-type: none"> • non-retail land uses that add vitality and patronage to shopping strips and centres; and • planning concessions for child care centres, aged care facilities and social housing located in residential areas. 	X Not Supported	Officers would not support any recommendation which result in a loss of ground floor commercial floor space. In our view this would be generally detrimental to the vitality of local shopping strips and centres. The loss of local commercial floor space would be at significant odds with the State planning strategies regarding the achievement of 20 minute neighborhoods. It is appropriate for child-care centres, aged care facilities, and social housing to be established in residential areas and this is already possible. However, providing concessions for these proposals, particularly in regard to built-form requirements such as allowing increased building height at odds with the preferred character of the area is not supported. If concessions are given, they should be responsive to the zone and character area located in rather than applied as a blanket concession across all residential zones. Council officers recommend a review of the recently implemented statewide provision for Aged Care Facilities (Clause 53.17) to assess if the provisions have achieved an appropriate balance between the need to provide the use and the resultant built form outcome. This should be completed before introducing any similar provisions for child care centres or social housing.	Significant planning concessions regarding the built form of aged care facilities have recently been introduced by Amendment VC152. These provisions were not supported by Council.
36. The proposed VicSmart Plus should enable 30-day streamlined issuing of permits for: <ul style="list-style-type: none"> • secondary dwellings on an existing lot; and • dwelling applications on a small lot in an established area. 	X Not Supported	Officers do not support any changes to the assessment of secondary dwellings on an existing lot or dwelling applications on a small lot, including reductions in statutory timeframes, any reduction in notice requirements or removal of third party appeal rights. Many applications for the identified classes are processed currently at Boroondara within the prescribed timeframe. However, there are some which exceed this timeframe due to poorly prepared applications, permit applicants being given the opportunity to respond to issues raised and complex property law issues (including restrictive covenants). Reducing timeframes will not necessarily lead to better decisions. Insufficient detail is provided on what 'targeted notice' will entail. It is officers view that these applications must include at a minimum notice to adjoining properties and for those which can have a streetscape impact must include at a minimum notice to properties directly opposite and a sign on the sites frontage. It is noted that VicSmart applications remove third party appeal rights. Whilst not detailed in the discussion paper, if the VicSmart Plus assessment pathway also removes third party appeal rights, this is not supported by officers. This proposed improvement will have a significant impact on the community and it is officers view that consultation is required with the community on any changes which reduce notice requirements and any changes to appeal rights.	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
		Boroondara also provides comprehensive assistance to permit applicants during the application process to assist with other approvals outside the planning system which may be necessary for the project. This includes building permits, tree removal applications under Council’s Tree Protection Local Law, vehicle crossover permits and drainage approvals. A planning permit processed quickly will be of little assistance if the permit applicant is required to make amendments to the planning permit due to non-compliance with other regulations.	
37. Following the review of the small lot code for growth areas, consider the case for amending Rescode and then dealing with siting and other issues through building permits.	X Not Supported	The small lot code has been developed and implemented in growth areas. Council officers do not support the implementation of this code, or any amendments to remove Clause 54 assessments for lots less than 300sqm. Of particular concern would be the removal of Neighbourhood Character considerations, which are currently provided in Councils MSS, Neighbourhood Character Policy and Character Statements. The removal of these considerations would have a significant impact on the valued character of Boroondara.	
B7 REDUCE REQUESTS FOR FURTHER INFORMATION			
38. Where RFIs are necessary, responsiveness could be improved by having councils ‘pause the clock’ on statutory timelines for decisions, rather than reset it.	X Not Supported	Officers are of the view that this may encourage applicants to submit incomplete applications to gain the benefit of the additional statutory days and allow a failure appeal to be lodged earlier. This is contrary to the measures identified in recommendation 23. This may also encourage applicants to <u>not</u> amend applications in response to issues raised in the Request for Further Information. Currently many applicants choose to amend proposals to resolve issues at this stage as the statutory days are already being reset. This will result in more conditions being required, more refusals and a lengthier post planning permit process, therefore not reducing in a reduction of days in the entirety of the process. As outlined in recommendation 48, Boroondara does not believe 60 days is a reasonable timeframe to process complex applications requiring multiple referrals and public notice. This recommendation is aimed at reducing timeframes but does nothing to improve planning outcomes for the community.	
39. Set a deadline to encourage prompt assessment of the need for further information and curb multiple requests – possibly based on the Queensland cut-off time of ten days.	X Not Supported	The current 28 day period to prepare and send an RFI allows sufficient time for a thorough assessment, issues to be raised, referrals to be sent and all information required to be set out in one piece of correspondence. If the RFI timeframe were to be reduced, it is the Council officers’ view this would not provide sufficient time to complete a thorough assessment or pass on referral comments received. This would likely result in issues being raised later in the process, with no benefit in terms of overall time frames. Changes to plans made after public notice would be subject to Section 57 amendments and further public notice, or result in additional permit conditions. This would not result in a reduction of days in the entirety of the process. In the officers’ experience, multiple requests for further information are required where the information returned by applicants in response to a request is inadequate or incomplete. These additional requests are already undertaken within the statutory timeframe for returning information to avoid an application lapsing. Multiple requests may also occur where the original proposal has been changed. Shortening timeframes to request information in these circumstances will simply lead to the issues highlighted already in our response to the recommendation. These issues will not be resolved by shortening	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
		<p>timeframes for Council to prepare an RFI.</p> <p>It is again noted this recommendation is aimed at reducing timeframes but does nothing to ensure well informed decision making or improve planning outcomes for the community.</p> <p>The significant delays that the RFI can add are in officers view in most instances due to lengthy response times to RFIs (even when simple information requested, multiple RFI extensions are requested) and poor quality applications. Recommendations to reduce these issues would provide significantly greater benefits than a reduction of 18 statutory days, without impact on the quality of the decision making.</p> <p>As outlined in recommendation 48, Boroondara does not believe 60 days is a reasonable timeframe to process complex applications requiring multiple referrals and public notice. This recommendation is aimed at reducing timeframes but does nothing to improve planning outcomes for the community.</p>	
<p>40. VCAT could improve and promote the prominence, availability and turnaround times of its Short Cases List to enable an applicant to seek a prompt review of an RFI, which could, in many cases, be done on the day of the hearing.</p>	<p>✓ (in part)</p>	<p>Whilst the ability to seek a review of an RFI is supported by Council officers it is noted there would likely be a high take up by private consultants to review RFIs whilst they are preparing a response. This would increase the issues of resourcing of Council Planning staff.</p> <p>Officers suggests this recommendation should not be implemented until the PPN included in Recommendation 41 is implemented, to ensure there is clear guidance for applicants regarding what is reasonable to appeal.</p>	
<p>41. 41. DELWP could support councils to help them more accurately and efficiently assess the need for RFIs by issuing a PPN and facilitating training opportunities for councils that illustrate:</p> <ul style="list-style-type: none"> • how to distinguish between further information requirements and requests for amendments to an application; • the type and level of information necessary to inform common decisions (see B2); • the types of changes to applications that are better dealt with through permit conditions rather than asking for the change in an RFI; and <p>best-practice for addressing requests for amendments to applications,</p>	<p>✓ (in part)</p>	<p>Officers support training opportunities for staff and the issuing of a PPN to assist in the preparation of RFIs.</p> <p>However, the focus of this paper appears to be to reduce the planning permit process by applying Conditions more often. This is problematic as it is not a holistic approach, it simply moves the timeframe to a different part of the process.</p> <p>Relying on permit conditions is considered a blunt and restrictive approach which does not allow options to be explored with an applicant and therefore may result in a poorer outcome than an applicant continuing to work with Council.</p> <p>The use of conditions also results in those affected by the process not being able to view the final design as they are not part of the post permit process, this relies on a lay person being able to interpret and imagine an outcome contemplated by a condition.</p>	
<p>B8 REDUCE RESPONSE TIMES FOR REFERRALS</p>			
<p>42. Improving performance by having the relevant Ministers for referral authorities emphasise the importance of abiding by the expected 28-day turnaround and pausing – not resetting – the clock for RFIs, and:</p> <ul style="list-style-type: none"> • giving appropriate focus and resources to the role; • better managing referrals through such actions as standardising and removing simple referrals and focusing resources on more complex referrals; • consulting on and providing up-front guidance on referral decision 	<p>✓</p>	<p>It is noted that officers experience has been that Referral Authorities rarely seek an RFI, but in the rare incidences where they are requested it is due to issues with the application which requires amendments to the application. Therefore, despite the RFI ‘pausing the clock’, it is likely to result in the clock being reset at the plans will be required to be amended. Therefore, this recommendation is unlikely to result in any real impact.</p>	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
criteria and authority requirements; and <ul style="list-style-type: none"> considering delegation of simple approvals. 			
43. Improving performance reporting, with the Planning Minister requiring referral authorities to regularly report under section 14A of the Planning and Environment Act: <ul style="list-style-type: none"> their published guidance for applicants and councils regarding application information requirements, their decision-making criteria and policies and how they apply to their referral decisions including evidence of the consultative processes undertaken to inform this material; their decisions including timeframes, outputs and post-permit timeframes; the resourcing of the role and anticipated resourcing needs; and targets for a reduction in referrals required by developing standards for less complex, matters. 	✓		
44. Supporting improvements in referral authority performance, eligibility for funding through the Streamlining for Growth program which could be extended to all councils and referral authorities seeking to improve their responsiveness and decision quality and reducing unnecessary referrals.	✓		
45. Resourcing the VPA to enable it to provide continuous improvement assistance to referral authorities	✓		
46. Referral authorities should be engaged early in the design process to ensure that their issues are properly addressed and do not arise late in the process. Subsequent referrals should check compliance with the agreed scheme in accordance with section 55(1) of Planning and Environment Act.	✓	This recommendation should specify the requirement for a referral authority sign-off before an application is lodged with a council, for specified application types.	Some application types already require referral authority sign-off before lodgement with councils.
47. The triggers for referral should be reviewed to enable simpler matters to be dealt with directly by a council, based on design codes issued by the referral authority.	X Not Supported	Officers do not support the recommendation which effectively sees liability and resourcing requirements transferred from referral authorities to councils. The recommendation would potentially require councils to hire suitably qualified and experienced staff, which would increase costs for the planning application service currently met by the community.	
B9 MAKE DECISIONS WITHIN A REASONABLE TIMEFRAME			
48. Consider a longer statutory timeframe for complex applications. Guidance on the definition of the threshold for what is 'complex' should be set based on the complexity of the assessment rather than just the size of the project. Alternatively, a negotiated approach could be considered, enabling councils	✓	Boroondara has previously written to the Minister for Planning advocating longer statutory timeframes. The current 60-day timeframe fails to reflect the complexity of assessment (particularly since the introduction of BADS), as well as the administrative requirements of external referral and public notice, of many more complex applications. Council believe that a longer statutory timeframe would more accurately reflect the time necessary to	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
to enter an agreement with an applicant on the expected timeframe.		<p>assess these applications and provide increased certainty for all parties and better planning outcomes.</p> <p>Officers do not believe a negotiated approach to timeframes is realistic.</p>	
<p>49. Councils should report on the time taken for applications at different stages of the assessment and decision process, so that key performance indicators can be determined for the median time and the proportion of cases exceeding a maximum limit.</p>	✓	<p>Boroondara reviews this information to monitor and manage performance through a dashboard environment.</p> <p>If the recommendation is suggesting that this also be reported as part of PPARS, justification is required of the actual benefit of this data considering the increased impact on resourcing it will require to prepare and report the data.</p>	<p>Boroondara collects this data and currently uses it to monitor and manage performance.</p> <p>Median timeframes, together with other performance indicators are already collected and published through DELWP's PPARS and the Local Government Performance Reporting Framework.</p>
<p>50. As part of the proposal for user-focused concierge services that begin at the pre-application stage (see B1), councils should also provide users with updates throughout the assessment process, so that they are aware of any potential delays and have confidence about the expected timeframe for a decision even if that timeframe exceeds the statutory minimum.</p>	✓		<p>Boroondara communicates with applicants throughout the process on timing.</p>
<p>B10 PROMOTE BEST PRACTICE DELEGATION OF DECISIONS</p>			
<p>51. The current status of delegation arrangements across councils could be reviewed to streamline council officer delegations and develop a model 'deed of delegation' which reflects best practice, helps councils to triage matters and reduces delays.</p>	<p>X</p> <p>Not Supported</p>	<p>Delegation should remain a matter for individual councils to decide in line with the expectations of their communities and the particular issues experienced by Councils.</p> <p>Delegation is frequently raised as a key issue for delaying applications, however in 2018 14 applications were considered at an Urban Planning Committee Meeting. This is less than 1% of the total 1317 planning application decisions made that year.</p>	<p>Boroondara Council exercises delegation for 99% of planning applications.</p>
<p>52. A model deed of delegation could be developed and supported by a general guideline that defines common criteria for which matters are suitable for determination by the council's CEO, the director of planning, other senior staff, council or council committees for determination</p>	<p>X</p> <p>Not Supported</p>	<p>Delegation should remain a matter for individual councils to decide in line with the expectations of their communities and the particular issues experienced by Councils.</p>	
<p>53. The frequency of councils' planning subcommittee meetings came in for some criticism. 'Missing a meeting' can add a month to the final approval. Shorter, more frequent meetings (say fortnightly) may mean that the</p>	✓		<p>Boroondara has a fortnightly Urban Planning Special Committee</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
volume of approvals can be transacted without such long pauses.			Meeting. The committee is attended by all Councillors and has full delegation from Council to make decisions on planning applications.
54. There is also scope for the government to review the current training given to councillors about their roles and responsibilities when making decisions within the planning framework. The proposal in the Local Government Bill 2019 to require candidates and councillors to undertake training could support this improvement	✓		Boroondara includes training for Councillors in their induction for Planning process and decision making.

PART C - THE POST PERMIT APPROVAL PROCESS

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
C1. CHECKING COMPLIANCE WITH PERMIT CONDITIONS			
55. DELWP, in consultation with the VPA, VCAT and the MAV, should formalise post-permit processes and set appropriate timeframes for granting approvals by providing a PPN and updating the Writing Planning Permits guide to consolidate and enshrine best practice principles.	✓ (in part)	<p>Consultation with individual Councils should also be sought.</p> <p>The PPN should also provide best practice for permit applicants. Council officers spend significant time writing multiple requests due to:</p> <ul style="list-style-type: none"> • Undeclared changes to plans (Eg. not clouded or listed as a change) • Information previously provided on endorsed plans being deleted (Eg. removal of notations) • Simple conditions such as an increased setback not shown as the planner has not reviewed before submitting <p>It is officers view the application of secondary consent applications has broadened over time and this PPN would enable this to be reviewed and tightened to make it clear that these amendments are for minor matters which have no material detriment. This is essential to ensure that the process is not inappropriately used avoid notice requirements.</p>	
56. These best practice principles should take into consideration the UK example, include model conditions, provide examples of unacceptable conditions and provide clear advice to planning staff so that they: <ul style="list-style-type: none"> • only apply planning conditions that arise directly from the specific issues related to the permit; • only use conditions that are necessary and reasonable where existing provisions under planning and other legislation cannot more 	✓	Consultation with individual councils should be undertaken in regard to this recommendation.	Boroondara has standard conditions for various application types. These have been benchmarked with other councils and vetted by

<p>effectively or appropriately manage compliance; and</p> <ul style="list-style-type: none"> clearly communicate draft conditions to applicants before a permit is granted, to ensure that there is a common understanding. 			<p>Council’s lawyers.</p> <p>It is noted VCAT regularly comments on conditions and training is available from external providers from time to time.</p>
<p>57. DELWP together with PIA and VPELA could develop an education and guidance program aimed at promoting:</p> <ul style="list-style-type: none"> more effective and targeted use of conditions; and collaboration between councils to develop consistent conditions. 	✓		As above
<p>58. Encourage the development of a statewide manual of standardised engineering infrastructure requirements and conditions. The manual should aim to facilitate greater consistency across councils and reduce the time taken to negotiate infrastructure contributions</p>	✓		
<p>59. In adopting the <i>Better Approvals</i> approach for planning and building approvals processes (see B1), councils should consult with applicants about draft conditions before the permit is finalised – to ensure that there is a common understanding of the problem and what the condition seeks to achieve. This would be a continuation of the case management approach that this review proposes should commence in pre-application meetings.</p>	✓	Unclear what the nexus is between a case management approach and discussing draft conditions.	Boroondara currently consults with applicants regarding draft conditions where appropriate.
<p>60. As part of the more comprehensive data collection and monitoring framework being proposed in this review (see Introduction), councils would collect performance data for the post-permit process (for example, the time taken by councils to review amended plans submitted to meet a permit condition).</p>	✓	<p>Data should also be collected of how many attempts it takes for a permit applicant to submit a set of plans which complies with all conditions. Council officers are often required to review at least 3 sets of plans, as only some conditions are complied with due to a lack of care and thoroughness in checking the information before submitting to Council.</p> <p>An option to reduce this delay, would be to introduce a fee for applications which do not address all conditions in the first submission.</p> <p>The submission of plans for endorsement with undisclosed changes is also a significant problem in terms of the efficiency of the planning system.</p>	Boroondara collects this data and currently uses it to monitor and manage performance.
<p>C2 STEAMLINE VARIATIONS TO THE TERMS OF A PERMIT</p>			
<p>61. VCAT’s Short Cases List could be used more often to hear secondary consent disputes quickly.</p>	✓	Subject to comments at recommendation 62	
<p>62. DELWP could develop a PPN to guide councils and permit holders about the process and assessment criteria for secondary consents. A PPN could be clear about which matters are appropriate for secondary consents and establish expected approval times.</p>	✓	It is officers’ view the application of secondary consent applications has broadened over time and this PPN would enable this to be reviewed and tightened to make it clear these amendments are for minor matters which have no material detriment. This is essential to ensure the process is not inappropriately used avoid notice requirements.	
<p>63. Fees should be prescribed for secondary consents (as well as other post-</p>	✓	Officers recommend fees for Secondary Consent are scaled on the basis of the complexity of the	

permit fees), thereby replacing the various local fees charged by councils and providing consistency across Victoria. Fees could be scaled in a number of ways, for example, according to the number of changes requested or the overall cost of development.		amendments. Many secondary consent applications are as complex as a Section 72 amendment.		
64. As part of the broadening of performance monitoring for planning activities, councils should be required to report the number of conditions added to permits and the time taken for post-permit decisions.	✓ (in part)	Council officers are unsure why the number of conditions added to permits is a suggested performance measure, when recommendations 38, 39 and 41 encourage the increased use of conditions. The number of conditions will vary with the number of permit triggers, complexity of the application and issues to address. It has nothing to do with the operational efficiency of Councils. Reporting of time taken for post permit decisions should also be undertaken by permit applicants (consultancies) to measure how many attempts it takes for a permit applicant to submit a set of plans which complies with all conditions without any undeclared additional changes. This would significantly improve processing times and resourcing impacts on Council officers.		Boroondara collects data for post-permit decisions and currently uses it to monitor and manage performance.
65. A PPN should be developed to provide guidance for councils about how to set specific timeframes that reflect the nature and complexity of a proposal, and for councils and permit applicants about the process and assessment criteria for extensions of time requests	✓ (in part)	Without further information Council is not able to support this proposal in full. Officers believe broad consultation with Councils should be undertaken to establish appropriate timeframes.		Boroondara has previously made submissions to DELWP to increase the statutory timeframes for more complex applications to ensure more informed and better decision making
C3 REDUCE TIMELINES FOR ELECTRICITY CONNECTIONS	N/A	N/A	N/A	N/A
C4 SIMPLY PAYMENT OF INFRASTRUCTURE CONTRIBUTIONS	N/A	N/A	N/A	N/A
C5 APPROVALS BY OTHER AUTHORITIES				
75. Proponents need to be aware of the full range of approvals that they need, including those from other authorities. Improved pre-application processes (see B1) should enable these approvals to be identified by council planners at an early stage.	✓	This could also be achieved through a PPN, fact sheet or other material provided on DELWPs website.		Boroondara identifies these approvals in its pre-application meetings, RFIs and covering letter to final decision.
76. The Minister for Planning and the Minister for Environment and Climate Change could seek direct talks with the Commonwealth to reduce the time taken for approvals under the EPBC Act by ensuring that assessments under the existing bilateral agreements are used as extensively as possible and that the potential for bilateral approvals by the Victorian Government have been pursued. This would give greater flexibility to negotiate offsets while securing viable reserves of endangered habitat.	N/A			
77. Councils should ensure their heritage studies and Heritage Overlays in planning schemes are up to date and in line with current community	✓ (in part)	This recommendation demonstrates the disregard the authors have for the efforts that are already being made in local government. It has been written without evidence, and based on a false assumption that Councils are not doing any work in preparing or implementing heritage studies, and that this is the cause		

<p>expectations to protect buildings of local heritage significance.</p>		<p>of delay in progressing heritage matters. Boroondara City Council has allocated over \$1 million over 5 years to implement a Municipal Wide Heritage Gap Study, eight detailed heritage studies for different suburbs.</p> <p>Through this experience it has been seen that there are major deficiencies in this process and the role that DELWP plays, which again have not been examined properly by this paper. DELWP are not exempt from the same resourcing and staff retention issues that face local government planning departments. Waiting for DELWP to action authorisation, gazettal and interim heritage overlay controls has resulted in significant (6 months to over a year) delays and uncertainty for affected property owners and neighbours.</p> <p>See full submission for data to support this view.</p>	
<p>78. DELWP, in consultation with relevant parties, should provide clearer advice and information for councils and proponents about State and local heritage responsibilities and processes, including the safety protections of the Building Act.</p>	<p>✓</p>	<p>Providing concise, easily understood information for all parties is supported. It is expected that the Heritage Council's current <i>State of Heritage Review</i> will more deeply and expertly consider emerging issues and provide holistic recommendations for reform in this sector. Removing barriers for development must not be at the expense of best practice heritage management</p>	<p>The Heritage Council is currently undertaking a review.</p>
<p>C6 COORDINATE PLANNING AND BUILDINGS PERMIT ASSESSMENTS</p>			
<p>79. Councils should use the concierge approach proposed in this review This 'whole of project' customer focus would provide oversight and coordination of internal approvals, monitor timeframes to ensure responses are provided in a timely manner and assist to broker compromises or alternative solutions when necessary.</p>	<p>✓ (in part)</p>	<p>There is a lack of detail in how this would work in practice and what efficiencies this would provide.</p> <p>Based on the little detail provided, it is officers view that this concierge approach is only suitable for very limited application types and would result in double handling and significant delays for any application of any complexity.</p> <p>This recommendation appears to be suggesting that a project manager role be transferred to Council responsibility and resource.</p>	
<p>80. With respect to flooding, the relevant authorities (for example, drainage authorities and catchment management authorities) should collaborate to develop a single, consolidated set of flood mapping information, with this data then made available to all parties who use and administer the system. Smart Planning could then consider integrating this information into the online portal.</p>	<p>✓</p>	<p>Melbourne Water (MW) is carrying out an update to the existing Special Building Overlay (SBO) at the City of Boroondara. Council's Asset Management drainage also carried out flood modelling through a private Consultant and finalised the flood mapping, which has been endorsed by Council. In collaboration with MW, Council is in the process of preparing a Planning Scheme Amendment.</p> <p>The amendment will seek to introduce an updated SBO 1 based on the MW drainage system and an SBO 2 based on Council's drainage system. This will provide a consolidated set of Flood Mapping information which can be integrated into the online Portal.</p>	<p>Boroondara has begun work on achieving this.</p>
<p>81. An additional measure that could be implemented in the short term is to require the 'building information statement' to be provided at the time information is provided about the planning permit application requirements. It could then be considered as part of the planning approval process and provide access to any flooding information held by a council under the building regulations. This would enable building designers to incorporate this information in their planning permit application, avoiding unnecessary rework causing increased costs and delays if the information is discovered later.</p>	<p>✓</p>	<p>Providing property hazard information with regards to flooding, termites, bushfire risk etc and legal point of discharge (LPOD), asset details within an easement at the early design stages is supported. This process will enable the designers to address construction constraints associated with the property and the proposed design at the Planning application stage.</p>	

PART D THE BUILDING APPROVALS PHASE

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
D1 EXPAND THE WORKFORCE OF BUILDING SURVEYORS INSPECTORS AND FIRE SAFETY ENGINEERS			
82. Establish a new class of building surveyor for low-risk building work. This scope of work would be limited to low-rise domestic building works (Class 1 and 10 buildings) not exceeding 500 square metres floor area	✓ (in part)	Council officers recommend that the minimum qualification to be a Diploma in Building Surveying with minimum of 2 years work experience gained under a Registered Building Surveyor and the title to be Building Surveyor Limited (Minor Residential).	
83. Increasing interest in the building and engineering professions	✓	Council officers recommend that Building Surveyors (Unlimited) be included in the persons who can witness statutory declarations to gain better recognition and passive publicity for the profession.	
84. Set-up new bridging pathways for practitioners from related professions.	✓ (in part)	Support this recommendation provided the core subjects are undertaken or the relevant work experience is considered together with the knowledge of the practitioner in the new field is examined by the Victorian Building Authority prior to granting a new Building Practitioner registration. The relevant Professional Indemnity insurance should also be mandatory for the additional registration category.	
D2 IMPROVE ACCESS TO BUILDING RECORDS			
85. A central database for Victoria that is managed by the VBA is the intention of the Victorian Government. In the longer term, the Building Activity Management System (BAMS) platform, recently introduced by the VBA to manage building permit numbers, is intended to provide a central building records database.	✓ (in part)	A central system is supported. Through BAMS this is already occurring with new building permits except for the endorsed plans being available at the VBA. Council officers recommend that the residents should still be able to come to Council to obtain building records and plans for a fee and Councils have unrestricted access to the central system within their municipality.	
D3 STREAMLINE BUILDING PERMIT REQUIREMENTS FOR LOW RISK WORK			
86. The construction of a low-rise deck could be exempted from the requirement to obtain a building permit provided its maximum height does not exceed 800 millimetres. This height aligns with the overlooking requirements. To ensure its structural integrity, the construction of a deck would continue to be captured by Part 2 of the Building Regulations so that it is subject to the requirements of the NCC	X Not Supported	<p>Council officers do not recommend that low rise decks up to 800mm should be exempt from a building permit.</p> <p>The overlooking exemption only applies to decks with a floor level less than 800mm above the ground level at the allotment boundary (not at the FFL of the deck where it is located) together with a 1.8m high boundary fence being present to prevent a direct line of sight up to 9m. Furthermore, decks within 900mm of the boundary require 1 hour fire rating in accordance with the National Construction Code - Volume 2.</p> <p>Low rise decks up to 250mm in height or consisting of maximum two risers/steps are supported and should be exempt from a building permit.</p>	
87. To ensure that all mobility access ramps are exempt from the requirement to obtain a building permit, including those that provide higher level access, exemptions could be introduced for <ul style="list-style-type: none"> mobility access ramps that do not exceed 800 millimetres in height provided they comply with the NCC; and mobility ramps that exceed 800 millimetres in height provided they comply with the NCC and are certified on completion by a building surveyor or inspector. 	X Not Supported	<p>Council officers do not agree with the recommendation for exemption. Absence of a building permit means a Building Surveyor will not be checking design drawings prior to construction. During the building permit assessment stage numerous requirements such as; kick rails, hand rails, landings, circulation spaces, door swing, visual and sensory indicators including tactile indicators are checked. Absence of a building permit would possibly result in an increase in DDA based legal action as builders and developers are unlikely to construct a compliant ramp. For example, a gradient of 1:14 for an 800mm high ramp, the required length of ramp will be 11.2m. This will be difficult to achieve on site without first considering site constraints, site coverage, setbacks and fire rating requirements etc.</p>	
88. The existing exemption for sheds could be expanded by increasing the current 10-square-metre floor area trigger to 16 square metres.	✓ (in part)	Support subject to siting in relation to maximum height and setbacks, BCA (fire ratings) and/or manufacturer's specifications compliance.	

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
D4 STANDARDISE CONSTRUCTION MANAGEMENT PLANS			
89. As many of the elements included in a construction management plan draw on local laws, DELWP could also prepare a model local law in consultation with councils and MAV to further facilitate standardisation across Victoria	✓		
90. To accompany the model local law, a model construction management plan and guidelines for the model plan could be developed. These would support the consistent preparation and assessment of construction management plans within Victoria. The guidelines and model plan prepared by the City of Melbourne are examples of current best practice that could guide this work.	✓		Boroondara has a template Construction Management Plan which provides another best practice example.
91. Consideration could also be given to including construction management plans in the concierge model of case management in councils (see B1). The City of Greater Dandenong has been cited by stakeholders as an example of using this practice efficiently.	✓ (in part)	Subject to the previously raised concerns raised with the concierge model	
D5 IMPROVE CONSISTENCY OF COUNCIL ASSET PROTECTION REQUIREMENTS			
92. Stakeholders have recommended that a standard practice guide should be set for building-related work that could be adopted by all councils to create uniformity across Victoria.	✓		
93. To support such a practice guide and standardise the requirements for council permits and asset protection, a model local law could be developed in consultation with councils and MAV. As proposed for construction management plans, the model local law could adopt a standard form and consistent requirements, which could be varied by councils to suit local conditions. Councils could also publish enforcement policies relating to these local laws. The model local law could be adopted by councils through an amendment to their local laws using the power given to them by the Local Government Act.	✓		
94. Consideration could also be given to including asset protection requirements in the concierge model within councils (see B1).	✓ (in part)	As previously discussed, the concierge model appears to be replacing the need for the permit applicant to have a Project Manager. A pre-construction meeting with Council should occur to ensure that the Project Manager has the following representatives available to respond to any queries regarding what permits are required during the works and how to apply for the (Permitting Team), requirements under the Local Law (Local Laws), Traffic management team member for the Construction Management Plan. This process will enable all relevant parties to provide input as to what is expected during the building process and provides the applicant the opportunity to answer questions in one sitting rather than meeting with individual Council staff individually over a period of time.	
D6 DISTINGUISH BUILDING CONSULTANTS FROM BUILDING SURVEYORS			
95. It is proposed that in the short term, Consumer Affairs Victoria (CAV) runs a communications campaign to raise consumer awareness of the the role of building consultants compared to building surveyors, the importance of engaging a qualified person, what to look for when engaging a building	✓ (in part)	The VBA should create a separate Building Consultant registered practitioner category with limitations according to their qualifications and make a searchable list available to consumers at the VBA and Consumer Affairs Victoria. The Building Surveyor and Inspector are protected titles under the Building Act and Building Consultants should be made the same.	

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
consultant, the risks, the relevant laws, where to get help and how to make a complaint.			
<p>96. In the longer term, DELWP and CAV could undertake a joint review into the:</p> <ul style="list-style-type: none"> • issues raised by stakeholders, such as the HIA, and the risks for building owners and consumers more generally arising from the operation of building consultants; and • measures, both regulatory and non-regulatory, to address the issues including, but not limited to, the costs and benefits of a consumer awareness campaign and a registration scheme for building consultants. A registration scheme could consider standards of practice including permitted and prohibited conduct, which may be in the form of a mandatory code of conduct. 	✓		
D7 CLARIFY PROCESSES FOR ENFORCEMENT			
<p>97. Depending on the scope of the Victorian Government's recently foreshadowed review of the Building Act, that alternative models for the administration and enforcement of the building permit process be considered, including those proposed by stakeholders.</p>	✓ (in part)	Council officers recommend alternative models for the administration and enforcement of the building permit process be considered in consultation with the Australian Institute of Building Surveyors (AIBS) and the Victorian Municipal Building Surveyors Group (VMBSG).	
<p>98. That Recommendation 6 of the 2019 Victorian Cladding Taskforce be implemented – ‘that consideration be given to the development and implementation of a protocol between the VBA and councils, which sets out accountabilities, mechanisms for cooperation and communication, strategic interventions and agreed procedures for referring enforcement actions.’ .Similarly, the 2015 report by the Auditor-General noted the opportunity for the VBA and councils to establish communication and reporting protocols. Protocols were raised as an administrative approach to addressing ongoing uncertainty about responsibilities for enforcement that ‘would have significantly enhanced system-wide monitoring.’ The development of local council building plans could also be considered to complement the protocol.</p>	✓	Council officers recommend VBA must be the responsible authority for all cladding related matters regardless of the risk rating, as currently the expectation is Council’s MBSs to deal with ‘low’ and ‘moderate’ risk rated buildings. Furthermore, both Council and its officers assisting the VBA with combustible cladding issue must be excluded from potential liabilities similar to the staff of the VBA, and VBA to refer only Essential Safety Measures (ESM) which are non-compliances to Council.	
<p>99. The State Building Surveyor should include monitoring and regular reporting on the operation and performance of the building permit process, including making recommendations to improve the process, where needed.</p>	✓		
<p>100. To remove the inherent conflict, the review of the Building Act could also consider the respective roles of municipal and private building surveyors.</p>	✓ (in part)	Council officers recommend that clear protocol and guidance be adopted to espouse the responsibility of the PBS with regards to enforcement of non-compliances at least for 12 months after an Occupancy Permit or the Certificate of Final Inspection has been issued for Class 1 and 10 buildings and 24 months for all other classes of buildings.	
<p>101. That a practice guide for building surveyors and inspectors be developed, which benchmarks the processes and the matters they must consider when inspecting each class of building. By clarifying processes and accountabilities for building inspections, a practice guide would assist with quality of work issues arising from conflicts of interest. A similar guide is in</p>	✓	Currently the matters to be inspected when conducting mandatory inspections are not individually specified. There is value in establishing a Practice Guide that identifies the items need to be inspected by Building Surveyors and the items the registered Builder has responsibility for. This would provide clarity of the roles and direction with responsibility for Registered Building Practitioners involved in construction projects. Council officers recommend practice guide for Building Surveyors and Inspectors be developed	

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
<p>place in Queensland and proposed in New South Wales. The practice guide would be supported by templates for building surveyors and inspectors to record the details and outcomes of inspections.</p>		<p>in consultation with the VBA, Australian Institute of Building Surveyors (AIBS), Master Builders Victoria and most importantly the Insurance Council of Australia.</p>	
<p>102. The code of conduct being developed by the VBA would support the proposed practice guide and strengthen the conflict of interest obligations of private building surveyors and inspectors.</p>	<p>✓</p>	<p>The Code of Conduct must stipulate minimum fees that can be charged for building permits and inspections, especially with volume permits and inspections. Furthermore, the Code of Conduct must also limit the number of building permits can be issued by a Building Surveyor based on value of work and depending on the availability of qualified/experienced staff. The Code may also limit the maximum number of inspections that a Building Inspector can carry out for a day.</p>	

PART A - THE STRATEGIC APPROVALS PROCESS

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
A1. SIMPLIFY PLANNING SCHEMES			
<p>1. Extending the Smart Planning program to further improve planning schemes with a focus on:</p> <ul style="list-style-type: none"> • applying plain language drafting principles • revising the order of material in a planning scheme from ‘most used’ to ‘least used’ • considering the way digital delivery may change how planning schemes are set out and how they can be searched; • providing clear information up front about who will decide the application’s outcome; and • continuing the translation of planning schemes into the integrated planning policy framework. 	✓ (in part)	<p>Council officers partially support this recommendation, although note that the Smart Planning program is already translating planning schemes into the integrated planning policy framework.</p> <p>The recommendation to clarify upfront who will be the decision maker is unclear. It is not appropriate to have this information contained in the planning scheme as this delegation is subject to change as the application evolves (i.e. based on number of objections) and any change in delegation is through council adoption only and is not required to go through the Planning Scheme Amendment process, so should not be contained in the scheme.</p> <p>It is unclear what revising the order of material from ‘most used’ to ‘least used’ would entail, however Council officers support refining of the Planning Scheme to provide a ‘one stop shop’ to enable use of the planning schemes by non-planners to be easier. The recent changes to the location of the VicSmart processes is an example of this.</p> <p>Further detail of these extensions to the Smart Planning Program is required in order to provide any further detailed response.</p>	
<p>2. Consolidating planning scheme requirements, principles or rules that serve similar purposes (while allowing for local variation).</p>	✓ (in part)	<p>The principle of consolidating and reviewing planning schemes, while allowing for local variation and without losing any local content, is best practice and supported by officers. Council has previously in a 2017 submission to the DELWP ‘Reforming the Victorian Planning Provisions’ discussion paper conditionally supported reviewing all overlays, their operation and interaction with schedules.</p> <p>At the time, Council suggested a reverse overlay system be investigated (the schedule of the overlay sets out when a permit is required, rather than everything require a permit unless there is an exemption). The discussion paper does not provide any commentary on this reverse overlay proposal.</p>	
<p>3. Faster policy resolution for emerging planning issues to ensure a consistent statewide approach with clear and appropriate frameworks for local council variation.</p>	✓ (in part)	<p>Officers generally support this approach, however note this should already be happening, and is not. DELWP have shown this with the lack of meaningful progress on a state ESD policy, which can no longer be called an “emerging” issue. Councils are still waiting for a consistent state planning policy on this important matter. There is no tangible action associated with this recommendation, such as providing more resources at DELWP so they can provide leadership on these emerging issues, nor consolidating State government stakeholders so that DELWP are able to function more effectively.</p>	
<p>4. Councils working within their regions and across Victoria to harmonise their planning policies, where possible</p>	✓ (in part)	<p>This approach may be useful where there are specialised regional interests as in the PEGZ example, or in a non-metro setting. Officers caution against creating another layer of approvals or governance at the regional level, or investing resources in strategies that have no statutory weight.</p>	
A2. STREAMLINE PLANNING SCHEME AMENDMENTS			
<p>5. Councils could be provided with a final response within 30 days of DELWP initiating a further review of an authorisation request.</p>	✓	<p>The absence of any enforceable statutory timeframes for the Minister for Planning and their delegates is a major source of frustration for councils and community members alike. Rectifying this issue would go a long way in improving the certainty and transparency of this process. The Ministerial Direction 15 (MD15)</p>	

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
		<p>timeframes are not binding and are frequently ignored, particularly by the Minister and his delegates.</p> <p>The role of DELWP in the PSA process has not been adequately examined through this discussion paper. Examples are provided in the detailed response.</p>	
<p>6. DELWP’s notice templates should be rewritten in plain English (supplemented by technical language where required under legislation) and include images to show examples of what sort of changes a community can expect to see under the amended scheme, modelled on the VPA’s approach.</p>	<p>✓</p>		
<p>7. In cases where it is clear that there will be unresolvable issues, the recommendation to proceed to a panel hearing should occur at the earliest opportunity (noting that Ministerial Direction No.15 requires councils to request a panel if necessary within 40 business days of the close of submissions).</p>	<p>✓</p>	<p>Councils must provide for a fair and reasonable time for its community members and affected parties to make representations to the Council, which necessarily slows the process, but the importance of due process is understated.</p>	<p>Officers already work to progress Planning Scheme Amendments in accordance with the MD15 timeframes where achievable.</p>
<p>8. Panel reports should only be embargoed by councils for seven days (rather than 28).</p>	<p>X Not Supported</p>	<p>The recommendation is not supported by Council officers, as the purpose of the recommendation is unclear. If it is to speed up the process, it will provide no benefit as it will not change the amount of effort and time required to review the panel report. Council officers use this time to prepare a recommendation and report to be endorsed by Council. Seven days is not enough time to read, digest and escalate recommendations through the internal approval chain.</p> <p>If the reason is to provide a benefit to the community, it is officers’ experience that community members want to discuss recommendations immediately upon reading, and the 28-day period allows for more informed discussions which in practice results in a faster, smoother process and less anxiety amongst community members. Releasing the panel report any sooner will have no real benefit.</p>	
<p>9. The number of administrative and simple amendments could be reduced by having councils and DELWP group non-urgent matters into periodic omnibus amendments.</p>	<p>✓ (in part)</p>	<p>There are already mechanisms to deal with these ‘machinery’ amendments which enable them to be processed with limited information requirements and reduced fees (e.g. Section 20(4) amendments), encouraging councils to keep their planning schemes accurate and up to date.</p> <p>“Non-urgent” is highly subjective, and all property owners would consider that an error affecting their property would be urgent (in some instances it may prevent owners to obtains loans from banks). Matters that may seem non-urgent can become urgent if a planning permit application is lodged, for example. Alternatively, DELWP could arrange contract staff to progress these amendments as they arise, to avoid a backlog of work.</p>	
<p>10. Councils should be required to make a formal decision with reasons when deciding to abandon or not exhibit a proponent’s amendment. This would ensure that both the proponent and the Minister for Planning are better informed if a proponent seeks the Minister’s intervention on an abandoned amendment.</p>	<p>X Not Supported</p>	<p>The decision to not proceed to exhibition is not normally subject to a Council decision, nor does it need to be. Officers do not support a change to this aspect of the recommendation. Requiring this matter to go through the Council approval process when it is clearly not going to proceed adds considerable length and expense to the project for the proponent, and reasons would normally be provided directly to the proponent at that time. It also has the impact of diverting resources from other amendments that could be processed more quickly. This is not considered to be an issue that has wide reaching impacts across the sector.</p>	

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
A3. STREAMLINE THE PSP PROCESS	N/A		
A4. ESCALATE PLANNING FOR SITES OF STRATEGIC IMPORTANCE			
<p>17. The VPA and DJPR could advise the Minister for Planning and the Minister for Priority Precincts of the pipeline of sites of strategic importance in Melbourne and regional cities after consulting with councils and other stakeholders. The selection criteria could include whether:</p> <ul style="list-style-type: none"> development is strategic and desirable to implement a direction in <i>Plan Melbourne</i> or helps leverage key government infrastructure such as the Suburban Rail Loop; the site matches areas identified by government for future housing and/or job growth; the precinct spans multiple local government boundaries; the landowner has requested the amendment be given priority; and/or the council concerned has failed to decide in a reasonable time or is not able to prepare a plan for its development. 	✓ (in part)	<p>The recommendation is only partially supported by Council officers, as there are concerns with the criteria suggested and the assumptions relied upon.</p> <p>Councils and communities should not be excluded from the process simply because a development aligns with the strategic objectives or election commitments of the state government of the day. Officers do not agree that these State agencies are better placed than councils to achieve the best outcomes for the community.</p>	
<p>18. The VPA, in consultation with DJPR, the Suburban Rail Loop Authority and relevant councils and stakeholders, should advise the Minister for Planning and the Minister for Priority Precincts about which of the sites could be prioritised and the best form of engagement with the council for planning to be undertaken jointly in each case.</p>	✓ (in part)	<p>The recommendation is partially supported by Council officers. The importance of the involvement of councils in these scenarios should not be understated, and councils are not a third party to be “engaged” but must be meaningful partners on these projects. Councils must not lose any of their decision making powers and should work with the relevant state department or agency once this has been determined.</p>	

PART B - THE PERMIT APPROVAL PROCESS

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
B1. MORE HELP WITH APPLICATIONS			
<p>19. A Planning Practice Note (PPN) and model application forms for councils for the pre-application processes.</p> <p>Ideally, councils should provide written advice after these meetings within a reasonable timeframe, addressing the matters discussed and noting any unresolved issues.</p> <p>Councils should outline the process for pre-application meetings on their websites and provide checklists of material that users should bring to the meetings or provide in advance.</p>	✓	<p>The Practice Note should also include the information to be provided and a minimum timeframe for submission of this information prior to the pre-application meeting. An appropriate timeframe is required to ensure appropriate officer attendance and to allow preparation of detailed advice at the meeting.</p> <p>The Practice Note should clearly specify a pre-application meeting does not replace the full and thorough assessment of an application and new issues may arise throughout the processing of an application. The Practice Note should also specify opinions provided at a pre-application meeting do not result in predetermination of the application.</p>	<p>Boroondara provides information on the process of pre-application meetings on its website and includes a checklist.</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
<p>20. To ensure that pre-application meetings are effective, senior planners should be involved to bring their knowledge of recent decisions made by the council and by VCAT (to promote consistency of advice). For larger proposals, these meetings could also involve other staff and decision makers, such as referral authorities and internal referrals such as drainage engineers or heritage advisers.</p>	<p>✓</p>		<p>Boroondara has dedicated pre-application senior planner and a heritage planner who can be booked for onsite and offsite pre-application meetings.</p> <p>On complex applications Boroondara will invite other internal referral Officers including Traffic, Drainage, Arborists etc.</p>
<p>21. Councils could be required to offer pre-application meetings and be able to charge a reasonable fee for more complex matters. These fees could be reimbursed when a complete application is lodged, and no further information is required. The best practice guidelines should establish some benchmarks for these fees.</p> <p>Referral authorities could also consider formalising and offering pre-application meetings.</p>	<p>✓ (in part)</p>	<p>Council officers are of the view that free pre-application meetings for small applications are an important service.</p> <p>Complex application could attract a fee, however, expectations around predetermination (see Recommendation 9) may be reinforced through the payment of a fee for the service. It is reiterated that any Practice Note regarding pre-application meetings should be very clear that opinions expressed at a pre-application meeting cannot be viewed as a final Council position.</p>	
<p>22. Difficulties later in the process would be avoided by adopting a Better Approvals approach focused on council planning and building approvals processes. This would facilitate concurrent decision making, streamline referrals and embed the concierge model as a form of case management. This would give each applicant a consistent contact with whom to discuss their issues. Ideally this contact would be maintained throughout all other stages of approval in which councils were involved, including the post-permit approvals and building approvals processes. Councils could be assisted to adopt best practices and implement relevant changes being recommended by this review.</p>	<p>✓ (in part)</p>	<p>The Better Approvals process was created to assist small businesses. It is not clear how this could be translated to more complex applications, or whether this is practical or appropriate.</p> <p>This recommendation is supported by officers for simple planning applications which have a single permit trigger which does not include an assessment of siting (e.g. a planning permit for a lot greater than 500sqm in a Heritage Overlay in conjunction with a Building report and consent application). However, a concierge approach in all instances is considered unrealistic given the costs associated with document preparation for planning and building applications and the uncertainty associated with the planning application process. It is unlikely applicants would be prepared to take up an offer to concurrently process planning and building permits in these circumstances.</p> <p>It is noted a concierge approach will have resource implications and will likely result in double handling as the designated concierge will need to check in with separate officers to communicate back to the applicant.</p> <p>It is considered a requirement to point out siting non-compliances with Building regulations in any request for further information or prior to public notice of planning applications is potentially achievable, however consideration should be given to extend the statutory timeframes if planning and building permits are required to run concurrently.</p>	<p>Boroondara refers planning applications in a Heritage Overlay where siting is not assessed to its Building Department. Information about non-compliance is passed on to applicants, with a recommendation to address the non-compliance by seeking Building approval or amending plans.</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
<p>23. Councils should only accept applications once they are complete. Guidelines, standard forms and checklists should be developed to help applicants prepare complete applications. 817 1224</p>	<p>✓</p>	<p>Officers support the strengthening of the minimum requirements to lodge an application. It is Council's view the poor standard of planning applications is a major contributor to inefficiencies in the planning system. In the last financial year, Council was required to request further information for 68% of planning applications received (85% of non VicSmart applications). There is currently no disincentive for lodging sub-standard applications.</p> <p>Information requirements would certainly be appreciated when new controls are introduced.</p>	<p>Boroondara has material on its website regarding information requirements for a range of application types.</p>
<p>24. To support this, the VPP should be amended to increase clarity of application requirements by:</p> <ul style="list-style-type: none"> • reviewing all VPP application requirement lists for clarity, consistency and relevance; • developing standard application requirement lists and forms for common application types, including land use, building and works, subdivision, signs, and vegetation removal; and • testing the development of application requirements lists for certain applications types. 	<p>✓</p>	<p>Boroondara supports measures to improve the quality of applications being submitted to Council.</p> <p>Whilst standard application requirement will assist for generic requirements, these cannot restrict what can be requested in a RFI. To enable a thorough and quality assessment of an application site or area specific information may need to be provided and officers should be able to request this information.</p>	<p>Boroondara provides standard applications lists on its website to assist applicants in preparing applications.</p>
<p>25. DELWP, through its Smart Planning program should work with councils to review the information requirements in local schedules to check whether they duplicate requirements under the VPPs and, if not, whether the additional requirements are actually necessary to enable consideration of local issues.</p>	<p>✓ (in part)</p>	<p>This work is already underway, as the DELWP website advises work is either in progress (e.g. for Boroondara) or has been completed, for all councils across the state. It is understood this review aims to identify and fix obvious and technical errors, update incorrect references and names which were changed by amendments VC142 and VC148 in 2018, and highlight further opportunities for improving the operation of local provisions.</p> <p>Focussing this reform specifically on information requirements is too narrow. If information (e.g. a landscape plan) is required at both the local and state level, it is required. Removing the duplicated reference at the local level, though beneficial in removing a few words from the scheme, does not inherently change the information requirement and will have no bearing on processing time for an application.</p>	<p>This work is currently being undertaken by DELWP.</p>
<p>B3 MOVE TO ONLINE PLANNING PERMIT PROCESSING AND TRACKING</p>			
<p>26. An achievable timeframe should be set for all councils to have their planning permit applications fully trackable online and further efforts should be made to ensure greater compatibility between the different systems. An achievable statewide goal would be for the DELWP website to offer a direct entry point to each of the 79 councils' planning web pages.</p>	<p>✓</p>	<p>There is now an expectation for all councils to be both paperless and to be able to complete all steps of the planning process online and track applications.</p> <p>It is noted that this transformation process involves a huge resource impact on each Council to upgrade process, websites and create new IT processes.</p> <p>Considering this involves all councils it is officers view that more support from State Government would have reduced the resource impact on each Council. For example ability to sign up to a shared online portal or tracking system created for all Council's (similar to SPEAR).</p>	<p>Boroondara has recently transformed its processes into a paperless environment.</p> <p>Boroondara's online planning register allows the progress of application to be tracked.</p>
<p>27. Desirable features for council-based permit management systems should include:</p> <ul style="list-style-type: none"> • development and introduction of common data standards which will help to drive greater standardisation of planning permit application requirements and allow for easier sharing of data 	<p>✓</p>	<p>Many Councils have spent considerable resources setting up permit management systems. It is critical DELWP work with councils in making the recommended changes. Boroondara would not support changes which require the use of systems with less functionality than currently available. DELWP also need to and support councils with necessary resources to implement changes.</p>	<p>PPARs currently encourage the use of common data standards.</p> <p>Council has had</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
<p>across council systems; and</p> <ul style="list-style-type: none"> an end-to-end system for managing and tracking all aspects of council processes, with the capacity to coordinate engagement between parties, read and compare different versions of plans, pay planning fees, and so on. <p>Implementing these systems should be considered in the context of other related initiatives, including:</p> <ul style="list-style-type: none"> the significant modernisation achieved by DELWP’s Smart Planning reforms in digitising planning schemes, Ministerial planning permits and the PSA process; and the existing use of SPEAR (see Box B3.2) for managing subdivisions and the investment that authorities and private users have made in adapting their systems to SPEAR. 			<p>an online payment portal in place for a number of years. The improvement of the portal is a project being undertaken as part of its Customer Experience Improvement Strategy.</p>
<p>28. The RCTP should be extended to support initiatives that deliver online tracking and processing of planning applications for rural councils.</p>	✓	<p>Whilst Boroondara is not a rural municipality, officers support this recommendation.</p>	
<p>B4 IMPROVE PLANNING RESOURCES FOR COUNCILS</p>			
<p>29. Provide additional resources for DELWP’s Regional Planning Services network to act as regional planning hubs, providing resources and facilitating training to support councils’ planning functions.</p>	✓		
<p>30. DELWP and PIA could develop online training packages for planners across Victoria.</p>	✓		
<p>31. DELWP could encourage harmonisation between councils’ local planning requirements and processes by holding regular regional meetings between councils, referral authorities, the VPA and other relevant bodies, to facilitate communication and resolution of issues.</p>	✓		
<p>B5 MODERNISE PUBLIC ADVERTISING OF PROPOSALS</p>			
<p>32. A requirement could be adopted in Victoria for applications involving a new building or larger developments to provide pictures of the development on signs similar to real estate display boards.</p>	✓ (in part)	<p>If this suggestion is adopted, Boroondara recommends clear guidelines for images, such as the VCAT requirements for montages. In the absence of this, the images may cause greater confusion and concern to the community if they are inaccurate or misrepresent proposals.</p>	
<p>33. Formal notice should be provided on council websites, via email alerts and on social media. Formal notification by mail for affected landowners should remain a requirement. Councils could use their regular local newspaper columns and advertisements to give notice about major developments currently on display.</p>	✓ (in part)	<p>Whilst Council officers support measures to ensure those potentially affected by planning applications are well informed about planning applications, there should be a clear delineation between formal notice (requirements of the Act) and any use of social media / email alerts to make the community aware of an application.</p> <p>Rather than “formal notice should be provided on...” Boroondara recommends this recommendation is amended to “Councils should explore other mediums to promote and allow the community to be aware of significant applications where appropriate on...”</p> <p>Problems associated with the use of social media may include determining whether a comment on a facebook post or a tweet is considered a formal objection.</p>	<p>The independently supported application <i>Planning Alerts</i> already provides information on applications to subscribers.</p> <p>Boroondara displays planning</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
			application documents on its online register.
34. edDELWP could prepare an updated PPN on 'Best Practice' modern notification processes for different types of applications, in consultation with MAV and VLGA.	✓ (in part)	This recommendation is supported, subject to the issues raised in points 32 and 33. Boroondara believes consultation with individual councils is required to inform an updated PPN.	
B6 STREAM APPLICATIONS ACCORDING TO RISK			
35. The Smart Planning program should review the identified issues with current prohibited and restricted uses, to allow: <ul style="list-style-type: none"> • non-retail land uses that add vitality and patronage to shopping strips and centres; and • planning concessions for child care centres, aged care facilities and social housing located in residential areas. 	X Not Supported	Officers would not support any recommendation which result in a loss of ground floor commercial floor space. In our view this would be generally detrimental to the vitality of local shopping strips and centres. The loss of local commercial floor space would be at significant odds with the State planning strategies regarding the achievement of 20 minute neighborhoods. It is appropriate for child-care centres, aged care facilities, and social housing to be established in residential areas and this is already possible. However, providing concessions for these proposals, particularly in regard to built-form requirements such as allowing increased building height at odds with the preferred character of the area is not supported. If concessions are given, they should be responsive to the zone and character area located in rather than applied as a blanket concession across all residential zones. Council officers recommend a review of the recently implemented statewide provision for Aged Care Facilities (Clause 53.17) to assess if the provisions have achieved an appropriate balance between the need to provide the use and the resultant built form outcome. This should be completed before introducing any similar provisions for child care centres or social housing.	Significant planning concessions regarding the built form of aged care facilities have recently been introduced by Amendment VC152. These provisions were not supported by Council.
36. The proposed VicSmart Plus should enable 30-day streamlined issuing of permits for: <ul style="list-style-type: none"> • secondary dwellings on an existing lot; and • dwelling applications on a small lot in an established area. 	X Not Supported	Officers do not support any changes to the assessment of secondary dwellings on an existing lot or dwelling applications on a small lot, including reductions in statutory timeframes, any reduction in notice requirements or removal of third party appeal rights. Many applications for the identified classes are processed currently at Boroondara within the prescribed timeframe. However, there are some which exceed this timeframe due to poorly prepared applications, permit applicants being given the opportunity to respond to issues raised and complex property law issues (including restrictive covenants). Reducing timeframes will not necessarily lead to better decisions. Insufficient detail is provided on what 'targeted notice' will entail. It is officers view that these applications must include at a minimum notice to adjoining properties and for those which can have a streetscape impact must include at a minimum notice to properties directly opposite and a sign on the sites frontage. It is noted that VicSmart applications remove third party appeal rights. Whilst not detailed in the discussion paper, if the VicSmart Plus assessment pathway also removes third party appeal rights, this is not supported by officers. This proposed improvement will have a significant impact on the community and it is officers view that consultation is required with the community on any changes which reduce notice requirements and any changes to appeal rights.	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
		Boroondara also provides comprehensive assistance to permit applicants during the application process to assist with other approvals outside the planning system which may be necessary for the project. This includes building permits, tree removal applications under Council’s Tree Protection Local Law, vehicle crossover permits and drainage approvals. A planning permit processed quickly will be of little assistance if the permit applicant is required to make amendments to the planning permit due to non-compliance with other regulations.	
37. Following the review of the small lot code for growth areas, consider the case for amending Rescode and then dealing with siting and other issues through building permits.	X Not Supported	The small lot code has been developed and implemented in growth areas. Council officers do not support the implementation of this code, or any amendments to remove Clause 54 assessments for lots less than 300sqm. Of particular concern would be the removal of Neighbourhood Character considerations, which are currently provided in Councils MSS, Neighbourhood Character Policy and Character Statements. The removal of these considerations would have a significant impact on the valued character of Boroondara.	
B7 REDUCE REQUESTS FOR FURTHER INFORMATION			
38. Where RFIs are necessary, responsiveness could be improved by having councils ‘pause the clock’ on statutory timelines for decisions, rather than reset it.	X Not Supported	Officers are of the view that this may encourage applicants to submit incomplete applications to gain the benefit of the additional statutory days and allow a failure appeal to be lodged earlier. This is contrary to the measures identified in recommendation 23. This may also encourage applicants to <u>not</u> amend applications in response to issues raised in the Request for Further Information. Currently many applicants choose to amend proposals to resolve issues at this stage as the statutory days are already being reset. This will result in more conditions being required, more refusals and a lengthier post planning permit process, therefore not reducing in a reduction of days in the entirety of the process. As outlined in recommendation 48, Boroondara does not believe 60 days is a reasonable timeframe to process complex applications requiring multiple referrals and public notice. This recommendation is aimed at reducing timeframes but does nothing to improve planning outcomes for the community.	
39. Set a deadline to encourage prompt assessment of the need for further information and curb multiple requests – possibly based on the Queensland cut-off time of ten days.	X Not Supported	The current 28 day period to prepare and send an RFI allows sufficient time for a thorough assessment, issues to be raised, referrals to be sent and all information required to be set out in one piece of correspondence. If the RFI timeframe were to be reduced, it is the Council officers’ view this would not provide sufficient time to complete a thorough assessment or pass on referral comments received. This would likely result in issues being raised later in the process, with no benefit in terms of overall time frames. Changes to plans made after public notice would be subject to Section 57amendments and further public notice, or result in additional permit conditions. This would not result in a reduction of days in the entirety of the process. In the officers’ experience, multiple requests for further information are required where the information returned by applicants in response to a request is inadequate or incomplete. These additional requests are already undertaken within the statutory timeframe for returning information to avoid an application lapsing. Multiple requests may also occur where the original proposal has been changed. Shortening timeframes to request information in these circumstances will simply lead to the issues highlighted already in our response to the recommendation. These issues will not be resolved by shortening	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
		<p>timeframes for Council to prepare an RFI.</p> <p>It is again noted this recommendation is aimed at reducing timeframes but does nothing to ensure well informed decision making or improve planning outcomes for the community.</p> <p>The significant delays that the RFI can add are in officers view in most instances due to lengthy response times to RFIs (even when simple information requested, multiple RFI extensions are requested) and poor quality applications. Recommendations to reduce these issues would provide significantly greater benefits than a reduction of 18 statutory days, without impact on the quality of the decision making.</p> <p>As outlined in recommendation 48, Boroondara does not believe 60 days is a reasonable timeframe to process complex applications requiring multiple referrals and public notice. This recommendation is aimed at reducing timeframes but does nothing to improve planning outcomes for the community.</p>	
<p>40. VCAT could improve and promote the prominence, availability and turnaround times of its Short Cases List to enable an applicant to seek a prompt review of an RFI, which could, in many cases, be done on the day of the hearing.</p>	<p>✓ (in part)</p>	<p>Whilst the ability to seek a review of an RFI is supported by Council officers it is noted there would likely be a high take up by private consultants to review RFIs whilst they are preparing a response. This would increase the issues of resourcing of Council Planning staff.</p> <p>Officers suggests this recommendation should not be implemented until the PPN included in Recommendation 41 is implemented, to ensure there is clear guidance for applicants regarding what is reasonable to appeal.</p>	
<p>41. 41. DELWP could support councils to help them more accurately and efficiently assess the need for RFIs by issuing a PPN and facilitating training opportunities for councils that illustrate:</p> <ul style="list-style-type: none"> • how to distinguish between further information requirements and requests for amendments to an application; • the type and level of information necessary to inform common decisions (see B2); • the types of changes to applications that are better dealt with through permit conditions rather than asking for the change in an RFI; and <p>best-practice for addressing requests for amendments to applications,</p>	<p>✓ (in part)</p>	<p>Officers support training opportunities for staff and the issuing of a PPN to assist in the preparation of RFIs.</p> <p>However, the focus of this paper appears to be to reduce the planning permit process by applying Conditions more often. This is problematic as it is not a holistic approach, it simply moves the timeframe to a different part of the process.</p> <p>Relying on permit conditions is considered a blunt and restrictive approach which does not allow options to be explored with an applicant and therefore may result in a poorer outcome than an applicant continuing to work with Council.</p> <p>The use of conditions also results in those affected by the process not being able to view the final design as they are not part of the post permit process, this relies on a lay person being able to interpret and imagine an outcome contemplated by a condition.</p>	
<p>B8 REDUCE RESPONSE TIMES FOR REFERRALS</p>			
<p>42. Improving performance by having the relevant Ministers for referral authorities emphasise the importance of abiding by the expected 28-day turnaround and pausing – not resetting – the clock for RFIs, and:</p> <ul style="list-style-type: none"> • giving appropriate focus and resources to the role; • better managing referrals through such actions as standardising and removing simple referrals and focusing resources on more complex referrals; • consulting on and providing up-front guidance on referral decision 	<p>✓</p>	<p>It is noted that officers experience has been that Referral Authorities rarely seek an RFI, but in the rare incidences where they are requested it is due to issues with the application which requires amendments to the application. Therefore, despite the RFI ‘pausing the clock’, it is likely to result in the clock being reset at the plans will be required to be amended. Therefore, this recommendation is unlikely to result in any real impact.</p>	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
criteria and authority requirements; and <ul style="list-style-type: none"> considering delegation of simple approvals. 			
43. Improving performance reporting, with the Planning Minister requiring referral authorities to regularly report under section 14A of the Planning and Environment Act: <ul style="list-style-type: none"> their published guidance for applicants and councils regarding application information requirements, their decision-making criteria and policies and how they apply to their referral decisions including evidence of the consultative processes undertaken to inform this material; their decisions including timeframes, outputs and post-permit timeframes; the resourcing of the role and anticipated resourcing needs; and targets for a reduction in referrals required by developing standards for less complex, matters. 	✓		
44. Supporting improvements in referral authority performance, eligibility for funding through the Streamlining for Growth program which could be extended to all councils and referral authorities seeking to improve their responsiveness and decision quality and reducing unnecessary referrals.	✓		
45. Resourcing the VPA to enable it to provide continuous improvement assistance to referral authorities	✓		
46. Referral authorities should be engaged early in the design process to ensure that their issues are properly addressed and do not arise late in the process. Subsequent referrals should check compliance with the agreed scheme in accordance with section 55(1) of Planning and Environment Act.	✓	This recommendation should specify the requirement for a referral authority sign-off before an application is lodged with a council, for specified application types.	Some application types already require referral authority sign-off before lodgement with councils.
47. The triggers for referral should be reviewed to enable simpler matters to be dealt with directly by a council, based on design codes issued by the referral authority.	X Not Supported	Officers do not support the recommendation which effectively sees liability and resourcing requirements transferred from referral authorities to councils. The recommendation would potentially require councils to hire suitably qualified and experienced staff, which would increase costs for the planning application service currently met by the community.	
B9 MAKE DECISIONS WITHIN A REASONABLE TIMEFRAME			
48. Consider a longer statutory timeframe for complex applications. Guidance on the definition of the threshold for what is 'complex' should be set based on the complexity of the assessment rather than just the size of the project. Alternatively, a negotiated approach could be considered, enabling councils	✓	Boroondara has previously written to the Minister for Planning advocating longer statutory timeframes. The current 60-day timeframe fails to reflect the complexity of assessment (particularly since the introduction of BADS), as well as the administrative requirements of external referral and public notice, of many more complex applications. Council believe that a longer statutory timeframe would more accurately reflect the time necessary to	

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
to enter an agreement with an applicant on the expected timeframe.		<p>assess these applications and provide increased certainty for all parties and better planning outcomes.</p> <p>Officers do not believe a negotiated approach to timeframes is realistic.</p>	
<p>49. Councils should report on the time taken for applications at different stages of the assessment and decision process, so that key performance indicators can be determined for the median time and the proportion of cases exceeding a maximum limit.</p>	✓	<p>Boroondara reviews this information to monitor and manage performance through a dashboard environment.</p> <p>If the recommendation is suggesting that this also be reported as part of PPARS, justification is required of the actual benefit of this data considering the increased impact on resourcing it will require to prepare and report the data.</p>	<p>Boroondara collects this data and currently uses it to monitor and manage performance.</p> <p>Median timeframes, together with other performance indicators are already collected and published through DELWP's PPARS and the Local Government Performance Reporting Framework.</p>
<p>50. As part of the proposal for user-focused concierge services that begin at the pre-application stage (see B1), councils should also provide users with updates throughout the assessment process, so that they are aware of any potential delays and have confidence about the expected timeframe for a decision even if that timeframe exceeds the statutory minimum.</p>	✓		<p>Boroondara communicates with applicants throughout the process on timing.</p>
<p>B10 PROMOTE BEST PRACTICE DELEGATION OF DECISIONS</p>			
<p>51. The current status of delegation arrangements across councils could be reviewed to streamline council officer delegations and develop a model 'deed of delegation' which reflects best practice, helps councils to triage matters and reduces delays.</p>	<p>X</p> <p>Not Supported</p>	<p>Delegation should remain a matter for individual councils to decide in line with the expectations of their communities and the particular issues experienced by Councils.</p> <p>Delegation is frequently raised as a key issue for delaying applications, however in 2018 14 applications were considered at an Urban Planning Committee Meeting. This is less than 1% of the total 1317 planning application decisions made that year.</p>	<p>Boroondara Council exercises delegation for 99% of planning applications.</p>
<p>52. A model deed of delegation could be developed and supported by a general guideline that defines common criteria for which matters are suitable for determination by the council's CEO, the director of planning, other senior staff, council or council committees for determination</p>	<p>X</p> <p>Not Supported</p>	<p>Delegation should remain a matter for individual councils to decide in line with the expectations of their communities and the particular issues experienced by Councils.</p>	
<p>53. The frequency of councils' planning subcommittee meetings came in for some criticism. 'Missing a meeting' can add a month to the final approval. Shorter, more frequent meetings (say fortnightly) may mean that the</p>	✓		<p>Boroondara has a fortnightly Urban Planning Special Committee</p>

Brief recommendation	Support ?	Suggested changes / issues	Achieving now?
volume of approvals can be transacted without such long pauses.			Meeting. The committee is attended by all Councillors and has full delegation from Council to make decisions on planning applications.
54. There is also scope for the government to review the current training given to councillors about their roles and responsibilities when making decisions within the planning framework. The proposal in the Local Government Bill 2019 to require candidates and councillors to undertake training could support this improvement	✓		Boroondara includes training for Councillors in their induction for Planning process and decision making.

PART C - THE POST PERMIT APPROVAL PROCESS

Brief recommendation	Support?	Suggested changes / issues	Achieving now?
C1. CHECKING COMPLIANCE WITH PERMIT CONDITIONS			
55. DELWP, in consultation with the VPA, VCAT and the MAV, should formalise post-permit processes and set appropriate timeframes for granting approvals by providing a PPN and updating the Writing Planning Permits guide to consolidate and enshrine best practice principles.	✓ (in part)	<p>Consultation with individual Councils should also be sought.</p> <p>The PPN should also provide best practice for permit applicants. Council officers spend significant time writing multiple requests due to:</p> <ul style="list-style-type: none"> • Undeclared changes to plans (Eg. not clouded or listed as a change) • Information previously provided on endorsed plans being deleted (Eg. removal of notations) • Simple conditions such as an increased setback not shown as the planner has not reviewed before submitting <p>It is officers view the application of secondary consent applications has broadened over time and this PPN would enable this to be reviewed and tightened to make it clear that these amendments are for minor matters which have no material detriment. This is essential to ensure that the process is not inappropriately used avoid notice requirements.</p>	
56. These best practice principles should take into consideration the UK example, include model conditions, provide examples of unacceptable conditions and provide clear advice to planning staff so that they: <ul style="list-style-type: none"> • only apply planning conditions that arise directly from the specific issues related to the permit; • only use conditions that are necessary and reasonable where existing provisions under planning and other legislation cannot more 	✓	Consultation with individual councils should be undertaken in regard to this recommendation.	Boroondara has standard conditions for various application types. These have been benchmarked with other councils and vetted by

<p>effectively or appropriately manage compliance; and</p> <ul style="list-style-type: none"> clearly communicate draft conditions to applicants before a permit is granted, to ensure that there is a common understanding. 			<p>Council’s lawyers.</p> <p>It is noted VCAT regularly comments on conditions and training is available from external providers from time to time.</p>
<p>57. DELWP together with PIA and VPELA could develop an education and guidance program aimed at promoting:</p> <ul style="list-style-type: none"> more effective and targeted use of conditions; and collaboration between councils to develop consistent conditions. 	✓		As above
<p>58. Encourage the development of a statewide manual of standardised engineering infrastructure requirements and conditions. The manual should aim to facilitate greater consistency across councils and reduce the time taken to negotiate infrastructure contributions</p>	✓		
<p>59. In adopting the <i>Better Approvals</i> approach for planning and building approvals processes (see B1), councils should consult with applicants about draft conditions before the permit is finalised – to ensure that there is a common understanding of the problem and what the condition seeks to achieve. This would be a continuation of the case management approach that this review proposes should commence in pre-application meetings.</p>	✓	Unclear what the nexus is between a case management approach and discussing draft conditions.	Boroondara currently consults with applicants regarding draft conditions where appropriate.
<p>60. As part of the more comprehensive data collection and monitoring framework being proposed in this review (see Introduction), councils would collect performance data for the post-permit process (for example, the time taken by councils to review amended plans submitted to meet a permit condition).</p>	✓	<p>Data should also be collected of how many attempts it takes for a permit applicant to submit a set of plans which complies with all conditions. Council officers are often required to review at least 3 sets of plans, as only some conditions are complied with due to a lack of care and thoroughness in checking the information before submitting to Council.</p> <p>An option to reduce this delay, would be to introduce a fee for applications which do not address all conditions in the first submission.</p> <p>The submission of plans for endorsement with undisclosed changes is also a significant problem in terms of the efficiency of the planning system.</p>	Boroondara collects this data and currently uses it to monitor and manage performance.
<p>C2 STEAMLINE VARIATIONS TO THE TERMS OF A PERMIT</p>			
<p>61. VCAT’s Short Cases List could be used more often to hear secondary consent disputes quickly.</p>	✓	Subject to comments at recommendation 62	
<p>62. DELWP could develop a PPN to guide councils and permit holders about the process and assessment criteria for secondary consents. A PPN could be clear about which matters are appropriate for secondary consents and establish expected approval times.</p>	✓	It is officers’ view the application of secondary consent applications has broadened over time and this PPN would enable this to be reviewed and tightened to make it clear these amendments are for minor matters which have no material detriment. This is essential to ensure the process is not inappropriately used avoid notice requirements.	
<p>63. Fees should be prescribed for secondary consents (as well as other post-</p>	✓	Officers recommend fees for Secondary Consent are scaled on the basis of the complexity of the	

permit fees), thereby replacing the various local fees charged by councils and providing consistency across Victoria. Fees could be scaled in a number of ways, for example, according to the number of changes requested or the overall cost of development.		amendments. Many secondary consent applications are as complex as a Section 72 amendment.		
64. As part of the broadening of performance monitoring for planning activities, councils should be required to report the number of conditions added to permits and the time taken for post-permit decisions.	✓ (in part)	Council officers are unsure why the number of conditions added to permits is a suggested performance measure, when recommendations 38, 39 and 41 encourage the increased use of conditions. The number of conditions will vary with the number of permit triggers, complexity of the application and issues to address. It has nothing to do with the operational efficiency of Councils. Reporting of time taken for post permit decisions should also be undertaken by permit applicants (consultancies) to measure how many attempts it takes for a permit applicant to submit a set of plans which complies with all conditions without any undeclared additional changes. This would significantly improve processing times and resourcing impacts on Council officers.		Boroondara collects data for post-permit decisions and currently uses it to monitor and manage performance.
65. A PPN should be developed to provide guidance for councils about how to set specific timeframes that reflect the nature and complexity of a proposal, and for councils and permit applicants about the process and assessment criteria for extensions of time requests	✓ (in part)	Without further information Council is not able to support this proposal in full. Officers believe broad consultation with Councils should be undertaken to establish appropriate timeframes.		Boroondara has previously made submissions to DELWP to increase the statutory timeframes for more complex applications to ensure more informed and better decision making
C3 REDUCE TIMELINES FOR ELECTRICITY CONNECTIONS	N/A	N/A	N/A	N/A
C4 SIMPLY PAYMENT OF INFRASTRUCTURE CONTRIBUTIONS	N/A	N/A	N/A	N/A
C5 APPROVALS BY OTHER AUTHORITIES				
75. Proponents need to be aware of the full range of approvals that they need, including those from other authorities. Improved pre-application processes (see B1) should enable these approvals to be identified by council planners at an early stage.	✓	This could also be achieved through a PPN, fact sheet or other material provided on DELWPs website.		Boroondara identifies these approvals in its pre-application meetings, RFIs and covering letter to final decision.
76. The Minister for Planning and the Minister for Environment and Climate Change could seek direct talks with the Commonwealth to reduce the time taken for approvals under the EPBC Act by ensuring that assessments under the existing bilateral agreements are used as extensively as possible and that the potential for bilateral approvals by the Victorian Government have been pursued. This would give greater flexibility to negotiate offsets while securing viable reserves of endangered habitat.	N/A			
77. Councils should ensure their heritage studies and Heritage Overlays in planning schemes are up to date and in line with current community	✓ (in part)	This recommendation demonstrates the disregard the authors have for the efforts that are already being made in local government. It has been written without evidence, and based on a false assumption that Councils are not doing any work in preparing or implementing heritage studies, and that this is the cause		

<p>expectations to protect buildings of local heritage significance.</p>		<p>of delay in progressing heritage matters. Boroondara City Council has allocated over \$1 million over 5 years to implement a Municipal Wide Heritage Gap Study, eight detailed heritage studies for different suburbs.</p> <p>Through this experience it has been seen that there are major deficiencies in this process and the role that DELWP plays, which again have not been examined properly by this paper. DELWP are not exempt from the same resourcing and staff retention issues that face local government planning departments. Waiting for DELWP to action authorisation, gazettal and interim heritage overlay controls has resulted in significant (6 months to over a year) delays and uncertainty for affected property owners and neighbours.</p> <p>See full submission for data to support this view.</p>	
<p>78. DELWP, in consultation with relevant parties, should provide clearer advice and information for councils and proponents about State and local heritage responsibilities and processes, including the safety protections of the Building Act.</p>	<p>✓</p>	<p>Providing concise, easily understood information for all parties is supported. It is expected that the Heritage Council's current <i>State of Heritage Review</i> will more deeply and expertly consider emerging issues and provide holistic recommendations for reform in this sector. Removing barriers for development must not be at the expense of best practice heritage management</p>	<p>The Heritage Council is currently undertaking a review.</p>
<p>C6 COORDINATE PLANNING AND BUILDINGS PERMIT ASSESSMENTS</p>			
<p>79. Councils should use the concierge approach proposed in this review This 'whole of project' customer focus would provide oversight and coordination of internal approvals, monitor timeframes to ensure responses are provided in a timely manner and assist to broker compromises or alternative solutions when necessary.</p>	<p>✓ (in part)</p>	<p>There is a lack of detail in how this would work in practice and what efficiencies this would provide.</p> <p>Based on the little detail provided, it is officers view that this concierge approach is only suitable for very limited application types and would result in double handling and significant delays for any application of any complexity.</p> <p>This recommendation appears to be suggesting that a project manager role be transferred to Council responsibility and resource.</p>	
<p>80. With respect to flooding, the relevant authorities (for example, drainage authorities and catchment management authorities) should collaborate to develop a single, consolidated set of flood mapping information, with this data then made available to all parties who use and administer the system. Smart Planning could then consider integrating this information into the online portal.</p>	<p>✓</p>	<p>Melbourne Water (MW) is carrying out an update to the existing Special Building Overlay (SBO) at the City of Boroondara. Council's Asset Management drainage also carried out flood modelling through a private Consultant and finalised the flood mapping, which has been endorsed by Council. In collaboration with MW, Council is in the process of preparing a Planning Scheme Amendment.</p> <p>The amendment will seek to introduce an updated SBO 1 based on the MW drainage system and an SBO 2 based on Council's drainage system. This will provide a consolidated set of Flood Mapping information which can be integrated into the online Portal.</p>	<p>Boroondara has begun work on achieving this.</p>
<p>81. An additional measure that could be implemented in the short term is to require the 'building information statement' to be provided at the time information is provided about the planning permit application requirements. It could then be considered as part of the planning approval process and provide access to any flooding information held by a council under the building regulations. This would enable building designers to incorporate this information in their planning permit application, avoiding unnecessary rework causing increased costs and delays if the information is discovered later.</p>	<p>✓</p>	<p>Providing property hazard information with regards to flooding, termites, bushfire risk etc and legal point of discharge (LPOD), asset details within an easement at the early design stages is supported. This process will enable the designers to address construction constraints associated with the property and the proposed design at the Planning application stage.</p>	

PART D THE BUILDING APPROVALS PHASE

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
D1 EXPAND THE WORKFORCE OF BUILDING SURVEYORS INSPECTORS AND FIRE SAFETY ENGINEERS			
82. Establish a new class of building surveyor for low-risk building work. This scope of work would be limited to low-rise domestic building works (Class 1 and 10 buildings) not exceeding 500 square metres floor area	✓ (in part)	Council officers recommend that the minimum qualification to be a Diploma in Building Surveying with minimum of 2 years work experience gained under a Registered Building Surveyor and the title to be Building Surveyor Limited (Minor Residential).	
83. Increasing interest in the building and engineering professions	✓	Council officers recommend that Building Surveyors (Unlimited) be included in the persons who can witness statutory declarations to gain better recognition and passive publicity for the profession.	
84. Set-up new bridging pathways for practitioners from related professions.	✓ (in part)	Support this recommendation provided the core subjects are undertaken or the relevant work experience is considered together with the knowledge of the practitioner in the new field is examined by the Victorian Building Authority prior to granting a new Building Practitioner registration. The relevant Professional Indemnity insurance should also be mandatory for the additional registration category.	
D2 IMPROVE ACCESS TO BUIDLING RECORDS			
85. A central database for Victoria that is managed by the VBA is the intention of the Victorian Government. In the longer term, the Building Activity Management System (BAMS) platform, recently introduced by the VBA to manage building permit numbers, is intended to provide a central building records database.	✓ (in part)	A central system is supported. Through BAMS this is already occurring with new building permits except for the endorsed plans being available at the VBA. Council officers recommend that the residents should still be able to come to Council to obtain building records and plans for a fee and Councils have unrestricted access to the central system within their municipality.	
D3 STREAMLINE BUILDING PERMIT REQUIREMENTS FOR LOW RISK WORK			
86. The construction of a low-rise deck could be exempted from the requirement to obtain a building permit provided its maximum height does not exceed 800 millimetres. This height aligns with the overlooking requirements. To ensure its structural integrity, the construction of a deck would continue to be captured by Part 2 of the Building Regulations so that it is subject to the requirements of the NCC	X Not Supported	<p>Council officers do not recommend that low rise decks up to 800mm should be exempt from a building permit.</p> <p>The overlooking exemption only applies to decks with a floor level less than 800mm above the ground level at the allotment boundary (not at the FFL of the deck where it is located) together with a 1.8m high boundary fence being present to prevent a direct line of sight up to 9m. Furthermore, decks within 900mm of the boundary require 1 hour fire rating in accordance with the National Construction Code - Volume 2.</p> <p>Low rise decks up to 250mm in height or consisting of maximum two risers/steps are supported and should be exempt from a building permit.</p>	
87. To ensure that all mobility access ramps are exempt from the requirement to obtain a building permit, including those that provide higher level access, exemptions could be introduced for <ul style="list-style-type: none"> mobility access ramps that do not exceed 800 millimetres in height provided they comply with the NCC; and mobility ramps that exceed 800 millimetres in height provided they comply with the NCC and are certified on completion by a building surveyor or inspector. 	X Not Supported	Council officers do not agree with the recommendation for exemption. Absence of a building permit means a Building Surveyor will not be checking design drawings prior to construction. During the building permit assessment stage numerous requirements such as; kick rails, hand rails, landings, circulation spaces, door swing, visual and sensory indicators including tactile indicators are checked. Absence of a building permit would possibly result in an increase in DDA based legal action as builders and developers are unlikely to construct a compliant ramp. For example, a gradient of 1:14 for an 800mm high ramp, the required length of ramp will be 11.2m. This will be difficult to achieve on site without first considering site constraints, site coverage, setbacks and fire rating requirements etc.	
88. The existing exemption for sheds could be expanded by increasing the current 10-square-metre floor area trigger to 16 square metres.	✓ (in part)	Support subject to siting in relation to maximum height and setbacks, BCA (fire ratings) and/or manufacturer's specifications compliance.	

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
D4 STANDARDISE CONSTRUCTION MANAGEMENT PLANS			
89. As many of the elements included in a construction management plan draw on local laws, DELWP could also prepare a model local law in consultation with councils and MAV to further facilitate standardisation across Victoria	✓		
90. To accompany the model local law, a model construction management plan and guidelines for the model plan could be developed. These would support the consistent preparation and assessment of construction management plans within Victoria. The guidelines and model plan prepared by the City of Melbourne are examples of current best practice that could guide this work.	✓		Boroondara has a template Construction Management Plan which provides another best practice example.
91. Consideration could also be given to including construction management plans in the concierge model of case management in councils (see B1). The City of Greater Dandenong has been cited by stakeholders as an example of using this practice efficiently.	✓ (in part)	Subject to the previously raised concerns raised with the concierge model	
D5 IMPROVE CONSISTENCY OF COUNCIL ASSET PROTECTION REQUIREMENTS			
92. Stakeholders have recommended that a standard practice guide should be set for building-related work that could be adopted by all councils to create uniformity across Victoria.	✓		
93. To support such a practice guide and standardise the requirements for council permits and asset protection, a model local law could be developed in consultation with councils and MAV. As proposed for construction management plans, the model local law could adopt a standard form and consistent requirements, which could be varied by councils to suit local conditions. Councils could also publish enforcement policies relating to these local laws. The model local law could be adopted by councils through an amendment to their local laws using the power given to them by the Local Government Act.	✓		
94. Consideration could also be given to including asset protection requirements in the concierge model within councils (see B1).	✓ (in part)	As previously discussed, the concierge model appears to be replacing the need for the permit applicant to have a Project Manager. A pre-construction meeting with Council should occur to ensure that the Project Manager has the following representatives available to respond to any queries regarding what permits are required during the works and how to apply for the (Permitting Team), requirements under the Local Law (Local Laws), Traffic management team member for the Construction Management Plan. This process will enable all relevant parties to provide input as to what is expected during the building process and provides the applicant the opportunity to answer questions in one sitting rather than meeting with individual Council staff individually over a period of time.	
D6 DISTINGUISH BUILDING CONSULTANTS FROM BUILDING SURVEYORS			
95. It is proposed that in the short term, Consumer Affairs Victoria (CAV) runs a communications campaign to raise consumer awareness of the the role of building consultants compared to building surveyors, the importance of engaging a qualified person, what to look for when engaging a building	✓ (in part)	The VBA should create a separate Building Consultant registered practitioner category with limitations according to their qualifications and make a searchable list available to consumers at the VBA and Consumer Affairs Victoria. The Building Surveyor and Inspector are protected titles under the Building Act and Building Consultants should be made the same.	

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
consultant, the risks, the relevant laws, where to get help and how to make a complaint.			
<p>96. In the longer term, DELWP and CAV could undertake a joint review into the:</p> <ul style="list-style-type: none"> • issues raised by stakeholders, such as the HIA, and the risks for building owners and consumers more generally arising from the operation of building consultants; and • measures, both regulatory and non-regulatory, to address the issues including, but not limited to, the costs and benefits of a consumer awareness campaign and a registration scheme for building consultants. A registration scheme could consider standards of practice including permitted and prohibited conduct, which may be in the form of a mandatory code of conduct. 	✓		
D7 CLARIFY PROCESSES FOR ENFORCEMENT			
<p>97. Depending on the scope of the Victorian Government's recently foreshadowed review of the Building Act, that alternative models for the administration and enforcement of the building permit process be considered, including those proposed by stakeholders.</p>	✓ (in part)	<p>Council officers recommend alternative models for the administration and enforcement of the building permit process be considered in consultation with the Australian Institute of Building Surveyors (AIBS) and the Victorian Municipal Building Surveyors Group (VMBSG).</p>	
<p>98. That Recommendation 6 of the 2019 Victorian Cladding Taskforce be implemented – ‘that consideration be given to the development and implementation of a protocol between the VBA and councils, which sets out accountabilities, mechanisms for cooperation and communication, strategic interventions and agreed procedures for referring enforcement actions.’ .Similarly, the 2015 report by the Auditor-General noted the opportunity for the VBA and councils to establish communication and reporting protocols. Protocols were raised as an administrative approach to addressing ongoing uncertainty about responsibilities for enforcement that ‘would have significantly enhanced system-wide monitoring.’ The development of local council building plans could also be considered to complement the protocol.</p>	✓	<p>Council officers recommend VBA must be the responsible authority for all cladding related matters regardless of the risk rating, as currently the expectation is Council’s MBSs to deal with ‘low’ and ‘moderate’ risk rated buildings. Furthermore, both Council and its officers assisting the VBA with combustible cladding issue must be excluded from potential liabilities similar to the staff of the VBA, and VBA to refer only Essential Safety Measures (ESM) which are non-compliances to Council.</p>	
<p>99. The State Building Surveyor should include monitoring and regular reporting on the operation and performance of the building permit process, including making recommendations to improve the process, where needed.</p>	✓		
<p>100. To remove the inherent conflict, the review of the Building Act could also consider the respective roles of municipal and private building surveyors.</p>	✓ (in part)	<p>Council officers recommend that clear protocol and guidance be adopted to espouse the responsibility of the PBS with regards to enforcement of non-compliances at least for 12 months after an Occupancy Permit or the Certificate of Final Inspection has been issued for Class 1 and 10 buildings and 24 months for all other classes of buildings.</p>	
<p>101. That a practice guide for building surveyors and inspectors be developed, which benchmarks the processes and the matters they must consider when inspecting each class of building. By clarifying processes and accountabilities for building inspections, a practice guide would assist with quality of work issues arising from conflicts of interest. A similar guide is in</p>	✓	<p>Currently the matters to be inspected when conducting mandatory inspections are not individually specified. There is value in establishing a Practice Guide that identifies the items need to be inspected by Building Surveyors and the items the registered Builder has responsibility for. This would provide clarity of the roles and direction with responsibility for Registered Building Practitioners involved in construction projects. Council officers recommend practice guide for Building Surveyors and Inspectors be developed</p>	

Brief recommendation	Support?	Suggested changes / issues	Already achieving ?
place in Queensland and proposed in New South Wales. The practice guide would be supported by templates for building surveyors and inspectors to record the details and outcomes of inspections.		in consultation with the VBA, Australian Institute of Building Surveyors (AIBS), Master Builders Victoria and most importantly the Insurance Council of Australia.	
102. The code of conduct being developed by the VBA would support the proposed practice guide and strengthen the conflict of interest obligations of private building surveyors and inspectors.	✓	The Code of Conduct must stipulate minimum fees that can be charged for building permits and inspections, especially with volume permits and inspections. Furthermore, the Code of Conduct must also limit the number of building permits can be issued by a Building Surveyor based on value of work and depending on the availability of qualified/experienced staff. The Code may also limit the maximum number of inspections that a Building Inspector can carry out for a day.	