19 November 2019

Ms Anna Cronin
Commissioner for Better Regulation and Red Tape Commissioner
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Dear Anna

Review into Victoria's Building and Planning Approvals Process and Early Building Works Infrastructure – Discussion Paper

The Urban Development Institute of Australia – Victoria (UDIA Victoria) welcomes the opportunity to respond to the Planning and Building Approvals Process Review Discussion Paper, and in particular the eighty-one proposed improvements that specifically relate to planning approvals.

We recognise the significant effort that the Commissioner for Better Regulation and the Review team put into this review process, which is reflected in the detailed Discussion Paper and the extent of the proposed improvements.

The Discussion Paper demonstrates that you have understood the complexity of the issues in relation to planning approvals processes, and utility connections, which is evidenced by the robust proposed improvements.
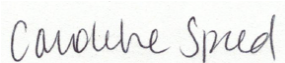
Overall, there is broad support from UDIA Victoria's Board and members for the wide-ranging proposed improvements to the planning and building approvals process.

We encourage the Victorian Government to accept and commit to implementing recommendations that increase the efficiency, productivity and output of the planning and development approval system in Victoria in the interests of Victorian homebuyers and the broader Victorian economy.

It has been a pleasure working with you throughout the initial review process, and we would welcome the opportunity to continue our involvement during your final reporting process.

Should you wish to discuss any of the matters raised in this submission, please contact Caroline Speed, Director Policy and Research at caroline@udiavic.com.au or 0419 874 139.

Yours sincerely

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The Urban Development Institute of Australia – Victoria (UDIA Victoria) welcomes the opportunity to respond to the Planning and Building Approvals Process Review Discussion Paper, and in particular the eighty-one proposed improvements that specifically relate to planning approvals.

Set out in the table below are responses to each of the eighty-one proposed improvements relating to planning approvals processes for your consideration.

Part A – The Strategic Approvals Process	UDIA Victoria Response
A1 – Simplify planning schemes	
Extend the Smart Planning program to further improve planning schemes – plain English drafting, order of materials, digital delivery, user guide, clear upfront information: • 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	We support the suggested improvements except for the following comments: We have concerns about revising the order of material in the planning scheme from most used to least used. The planning scheme framework works in a sequential and ordered manner and re-arranging this would be to the detriment of the framework. It could result in creating greater confusion because each planning scheme may be ordered in a different way based on, for example, the overlays that trigger planning permits most often. We also have concern about the rationale or need to provide information up front about who decides the application's outcomes. Apart from this, the decision maker under the framework is the Responsible Authority or its delegate. It is not about a particular person or persons. We would caution confusing the role from the individual.
Consolidating planning scheme requirements, principles and rules that serve similar purposes while allowing for local variation.	We support the proposal to consolidate planning scheme requirements where there is no doubt those requirements replicate or serve very similar purposes. However, we caution consolidating requirements where they actually serve different purposes. The example used in page 38 regarding an ESO, VPO, SLO is a useful example of this. Notwithstanding a permit is triggered for each of them to remove vegetation, they each serve a difference purpose. Care needs to be exercised and careful analysis of the purposes of the control before any consolidation.
Standardising planning rules to achieve more consistency across the state and faster clarification where ambiguity arises due to local variation.	We agree there should be a consistent statewide approach, noting there needs to be some recognition that councils confront different issues from municipality to municipality and there should be some allowance for schemes to properly reflect local character and conditions.
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.	We support this suggested improvement.
A2 – Streamline planning scheme amendments	
Councils could be provided with a final response within 30 days of DELWP initiating a further review of an authorisation request.	We support this suggested improvement, 30 days is a reasonable timeframe in which to provide a final response.
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.	We support this suggested improvement and we urge the Department to engage planning lawyers to draft these.
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	We support this suggested improvement.

close of submissions).	
Panel reports should only be embargoed by councils for seven days (rather than 28).	We support this suggested improvement.
The number of administrative and simple amendments could be reduced by having councils and DELWP group non-urgent matters into periodic omnibus amendments.	We support this suggested improvement, and note this does already occur in some instances. However care needs to be taken that urgent matters are not held up as a result.
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.	We strongly support this suggested improvement. However, in our view it will not address the fundamental issue of there being no right recourse against a decision of planning scheme amendment.
A3 – Streamline the PSP process	
The PSP 2.0 approach should be implemented by the VPA and, as soon as possible, applied to the PSPs in the current program to speed up the rezoning of land and maintain the government target of a 15-year land supply.	We support the VPA's review of the PSP process under the PSP 2.0 project. UDIA understands that PSP 2.0 is currently being piloted, and further industry consultation is proposed in the coming months. UDIA welcomes the opportunity to be involved in the refinement of the process prior to a broader roll-out. We note that the ultimate success of a streamlined PSP process is dependent on the support and efficient decision making from the government agencies involved in the development of PSPs and their respective ICPs as well as Councils, to ensure that time saved in the PSP process does not result in further delays in post-PSP approvals. We therefore request that this recommendation is broadened to address the need for key government departments and referral agencies to also adopt any revised process.
The PSP 2.0 approach should be adapted to speed up the planning for the preparation of plans and precinct plans for regional cities' strategic sites prioritised by the Victorian Government (including those led by DJPR)	We support this suggested improvement, subject to review of the piloted process.
Differing views have been expressed by stakeholders regarding the most appropriate size of a PSP. The VPA should balance the need for strategic planning over larger areas with the desirability of approving manageable-sized precincts in a planned sequence that aligns with the delivery timeframes for new public transport and school infrastructure	In our view, the size of the PSP is less relevant than other issues such as: • Land fragmentation; • Critical infrastructure needs and funding requirements (a need to minimise supplementary ICP levies); and • Other land use planning challenges.
Once PSP 2.0 has been used in the development of a few PSPs, the approach should be evaluated to ensure that the process improvements are delivering reductions in delays and costs while maintaining quality outcomes.	We support this suggested improvement.
Guidelines should be developed to encourage the proper sequencing of development across a PSP, including the issue of permits for the first stage of development using section 96A and combining the assessment with the process for approval of the PSP	We support the development of guidelines to encourage proper sequencing of development. We note that whilst in some cases, and where identified early in the process, section 96A permits are useful to ensure rapid development following PSP approval. However it can also delay PSP preparation. Guidelines should address circumstances in which a 96A permit could apply.
Wyndham City Council's MOU approach with developers should be more widely utilised in growth corridor areas where the delays in bringing lots to market are a real constraint on competition and housing affordability	The Wyndham example has been largely successful, and opportunities to explore this beyond growth areas should be considered. However, this should only be seen as a short term stop-gap solution. The MoU user pays process was developed as a work around to current Council operational

<table>
<tr><td></td><td>challenges, due to a number of factors including funding constraints as a result of rate capping, operational inefficiencies, and challenges in attracting and retaining suitably qualified staff. Some of these matters are being addressed through various Streamlining for Growth projects.

Ultimately, Councils should be sufficiently resourced to manage their contribution to Victoria's growth, which has a broad benefit to the community, within statutory timeframes without the need for user-pays systems.

We also reiterate our recommendation to establish a body of technical specialists including planners, traffic engineers, acoustic engineers, civil engineers (and the like) that councils can use to assess permit applications on their behalf as well as to certify post-permit subdivision plans and functional layout plans. Further details are provided in Recommendation 3 of page 4 of the UDIA Victoria submission.</td></tr>
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A4 – Escalate planning for sites of strategic importance	
After consulting with councils and other stakeholders, 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 where the Minister could be the planning authority. The selection criteria could include whether: development is strategic and desirable to implement a direction in Plan Melbourne 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 the council concerned has failed to decide in a reasonable time or is not able to prepare a plan for its development.	We strongly support this suggested improvement.
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.	We strongly support this suggested improvement.

Part B – The Permit Approval Process	
B1 – More help with applications	
19. It would be useful for DELWP to provide a 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	We support the need for pre-application meetings to be meaningful and an opportunity to identify issues and the referral authorities who need to be consulted.

We agree checklists of materials should be developed to assist in the application process.

Having said that, we are also concerned about placing even greater obligations that are time consuming on councils in providing written advice after these meetings. Furthermore, the councils cannot express definitive or determined views about the substance of the proposal as this would amount to bias or an apprehension of bias |

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.	leading the council into an error of law. There is a balance to be struck between the council being facilitative and assisting but not required to go above and beyond assisting. It's the Applicant's responsibility to get the requisite information for 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.	We strongly support the suggestion that senior planners be involved. The degree to which representatives of statutory referral authorities and internal council experts are required to attend should be determined on a case by case basis. It is strongly recommended in the case of growth area subdivision permits.
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. Referral authorities could also consider formalising and offering pre-application meetings.	We support this suggested improvement.
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 and give each applicant a consistent contact with whom to discuss their issues.	We support this suggested improvement.
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.	Whilst we agree in principal with this suggestion, the legislation currently does not reflect this position and it would require legislative change.
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.	We support this suggested improvement.
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.	We support this suggested improvement.
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 state-wide goal would be for the DELWP website to offer a direct entry point to each of the 79 councils' planning web pages.	We support this suggested improvement.
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	We support this suggested improvement.

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.	
28. The Rural Council Transformation Program should be extended to support initiatives that deliver online tracking and processing of planning applications for rural councils.	We support this suggested improvement.
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.	We support this suggested improvement. However, we consider the need for additional resources and training to be state-wide and not confined to regional councils. We reiterate our recommendation to establish a body of technical specialists including planners, traffic engineers, acoustic engineers, civil engineers (and the like) that councils can use to assess permit applications on their behalf as well as to certify post-permit subdivision plans and functional layout plans. We suggest this should be aligned with a new categorisation of planning permit applications into high value/ state significant, medium, and low value/ small.
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.*	We support this suggested improvement. UDIA could also assist in delivering these training packages and well as other private bodies. We note the importance of ensuring that training packages convey the range of perspectives of key stakeholders in planning and development processes.
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 state-wide experiences and regular regional meetings could be built on this.	We support this suggested improvement.
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	We support this suggested improvement.
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.	We support this suggested improvement. It will require legislative change in order for such notice to be 'formal'. Otherwise, such notice would be additional to what is required under the P&E Act and is welcomed.
34. DELWP could prepare an updated PPN on 'Best Practice' modern notification processes for different types of applications, in consultation with MAV and VLGA	We support this suggested improvement.
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.	We support this suggested improvement.
36. The proposed VicSmart Plus should enable 30-day streamlined issuing of permits for: • secondary dwellings on an existing lot; and	We support the development of a VicSmart Plus process, subject to detailed comment that UDIA is providing to DELWP.

• dwelling applications on a small lot in an established area	
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.	We support this suggested improvement.
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.	We support the suggested improvement in principle to contract timelines. We note, however, that depending on the quantum and complexity of information provided following an RFI, it may not be fair or reasonable for the statutory clock to be paused. Ultimately, it might need to be reset.
39. Set a deadline to encourage prompt assessment of the need for further Requests For Information and curb multiple requests – possibly based on the Queensland cut-off time of ten days.	We agree in principle with this proposed improvement. However, the P&E Act already establishes timeliness for this purpose and the proposal will require legislative change.
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.	We support this suggested improvement.

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.
	We support this suggested improvement.

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	We support this suggested improvement.
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	We support this suggested improvement.

• 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.	We support this suggested improvement, noting that it should apply to both strategic and statutory planning processes
45. Resourcing the VPA to enable it to provide continuous improvement assistance to referral authorities including: • hosting information sharing and inter-authority, authority-council and authority-industry relationship building at the regional level (many councils reported improved referral authority performance when inter-agency relationships and communication channels were maintained); • designing standard form publications about application guidance and decision-making guidance for referral authority use; and • strategically reviewing workloads for opportunities to rationalise the type of referrals that require individual review, those that may be addressed through standard conditions, or may only require notification or other methods.	We support this suggested improvement.
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.	We support this suggested improvement.
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.	We support this suggested improvement.
B9 – Make decisions in 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. This review notes that the effectiveness of these changes to timeframes would depend on the definition of 'complex', and that creating this definition would have other statutory implications. This review invites stakeholder feedback on whether creating a longer timeframe for more complex applications would improve the planning process on balance and, if so, what criteria would be best to use to define complex.	We recognise more complex permit proposals require more than 60 days to determine. We are also mindful not to extend the time to generously. There needs to be a balance.
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.	We support this suggested improvement.
50. As part of the proposal for user-focused concierge services that begin at the pre-application stage, 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.	We support this suggested improvement.
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.	We agree with the suggested improvement developing a best practice.
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.	We agree with the suggested improvement.
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.	The number of times a Council meeting is convened is a matter for each Council and regulated by the Local Government Act 1989. These are matters which cannot be easily streamlined.
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	We support this suggested improvement.

Part C – The Post-Permit Approval Phase	
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.	We support this suggested improvement.
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: • 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 effectively or appropriately manage compliance; and • clearly communicate draft conditions to applicants before a permit is granted, to ensure that there is a common understanding.	We support this suggested improvement.
57. DELWP together with PIA and VPELA could develop an education and guidance program aimed at promoting: • more effective and targeted use of conditions; and • collaboration between councils to develop consistent conditions.	We support this suggested improvement.
58. Encourage the development of a state-wide 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.	We support the development of standardised engineering infrastructure guidelines. Flexibility for Councils and authorities to consider and approve innovative outcomes suitable for site context must be maintained. Any guidelines must be reviewed against other planning objectives to ensure these are not planned out by rigid engineering requirements.
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.	We support this suggested improvement.
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)	We support this suggested improvement.
C2 – Streamline variations to the terms of a permit	
61. VCAT's Short Cases List could be used more often to hear secondary consent disputes quickly.	We support this suggested improvement. We also reiterate our recommendation that a Post Permit Approval List be introduced under the Planning and Environment List. The list would exclusively hear and determine post permit approval disputes arising under the *Subdivision Act 1988* (or the *Planning and Environment Act 1987*). The intent is the Tribunal will hear and determine these types of disputes expeditiously without the significant delay currently experienced by the developer industry having consequential adverse cost implications.
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.	There is a large body of law guiding decision-makers when exercising secondary consent powers under a permit condition. The nature of the changes sought under secondary consent are not confined to simple changes to the permit (or the plans forming part of the permit). The body of law clearly recognises changes can be wholesale and substantial provided it does not amount to a transformation (among other constraints).

	The problem is many officers at Council do not understand and therefore inappropriately apply the body of law governing their exercise of discretionary power. We do not think there is any problem with secondary consent conditions, if anything, they are very important as they provide important discretion to Council to change permit conditions without the need for third party notice.
	Having said that, we agree it would be prudent to develop a practice note setting out the body of law governing secondary consent powers and set out suggested timelines depending on the nature and complexity of the amendment sought to the permit (or the endorsed plans forming part of the permit).
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.	We support this suggested improvement.
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.	We support this suggested improvement.
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.	We support this suggested improvement.
C3 – Reduce timelines for electricity connections	
66. The ESC should amend the Electricity Distribution Code to include an appropriate performance framework for distributors in respect of the non-standard connection. The framework would encourage continuous improvement, maintain safety standards and include consequences for non-compliance. Specific targets could be set for each stage of the non-standard connection process which are not contestable for each distributor. For example, targets could be that 90 per cent of applications are completed within: • 20 business days for master planning design approval; • 15 business days for practical completion; • 5 business days for initial audit; and • 20 business days for tie-in of new developments.	We support this suggested improvement.
67. The Civil Contractors' Federation and Energy Safe Victoria could lead work with all five distribution businesses to develop training and support for contractors and subcontractors with the aim of decreasing construction audit failure rates. This could involve: • enhancing shared understanding and engagement between civil contractors and distribution businesses; • the promotion of the role of a site coordinator; • setting of minimum standards for professional accreditation and qualifications for design, engineering, civil construction and project management; and • establishing clear and accessible technical and construction standards	We support this suggested improvement.
C4 – Simplify payment of infrastructure contributions	
68. The VPA, developer organisations and councils should continue working towards an agreement on how to move to a simpler arrangement that can deliver an ICP for developments in a parallel timeframe to approval of a PSP.	We support this suggested improvement.
69. Efforts to streamline the staged payment system should continue with the goal of achieving the four-week target timeframes for processing staged payment requests and a simple method to roll over SPAs when the GAIC liability has not been triggered within the financial year.	We support this suggested improvement.
70. The VPA should be funded adequately to enable it to process in a timely way the collection of GAIC – possibly by enabling it to be reimbursed in the same way as the SRO is for its costs.	We support this suggested improvement.

71. SRO's current work with LUV to fully integrate GAIC notices will facilitate land transfers within the electronic PEXA system and the SPEAR system used to manage subdivision plans, and the availability of an online calculator for staged payments will further improve response times.	We support this suggested improvement.
72. A regular meeting (at least annually) should be held with VPA, LUV and SRO senior staff and representatives of the land development industry to monitor the implementation of reforms and deal with other issues as they arise.	We support this suggested improvement.
73. The GAIC Hardship Board should be abolished by repealing the relevant sections of the Planning and Environment Act.	We support this suggested improvement.
74. DELWP, councils and MAV should develop model section 173 agreements and explore the opportunity to create benchmark prices for standard infrastructure that can be applied across Victoria	We support this suggested improvement.
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.	We support this suggested improvement.
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.	We support this suggested improvement.
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.	We support this suggested improvement.
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.	We support this suggested improvement.
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.	We support this suggested improvement.
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.	We support this suggested improvement, noting the need for local catchment flood mapping held by Council to be included in an overall mapping package
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.	We support this suggested improvement.