

## Planning in Victoria: a constant state of change

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Planning in Victoria seems to be in a period of high activity at the moment. The question I have been asking myself is: "Has there always been this much activity or am I just more aware of developments taking place at the State level?" Either way there's a lot going on so it's a fascinating time to be involved in planning.

This is a brief overview of planning in Victoria, from the legislation and planning schemes, to major new policy documents, and current planning reviews.

Under the *Planning and Environment Act* 1987, Victoria has one of the most open processes of public consultation and third party review rights in Australia.<sup>2</sup> Notice of an application is given unless the responsible authority is satisfied there will be no material detriment caused to any person<sup>3</sup> and objectors have the right of review of a decision by an independent Tribunal.<sup>4</sup>

In recent years, the most significant change to the *Planning and Environment Act* has been the introduction in 1996 of the Victoria Planning Provisions (VPPs).<sup>5</sup> The VPPs provide a template for all planning schemes in Victoria containing State planning policy and a suite of standard planning provisions from which individual schemes are developed.<sup>6</sup> As a state-wide reference document, it provides the framework to ensure a standard layout and consistency of provisions. Individual planning authorities must then incorporate their own local planning policy content which includes their Municipal Strategic Statement and local planning policies. The introduction of the VPP was designed to give a greater policy focus to decision-making.

In October 2002, the Victorian Government released *Melbourne 2030 - planning for sustainable growth* to manage urban growth across Melbourne and the surrounding region to cater for a projected growth of one million people over the next thirty years.<sup>7</sup> The strategy established an urban growth boundary around the existing urban areas of Melbourne to protect the surrounding green wedges, with final changes to this boundary being passed by the Legislative Assembly on 19 November 2003. With the exception of five designated growth areas which will be managed to provide an adequate supply of land, development will be increasingly concentrated in activity centres of various types and sizes within Melbourne. Accompanying the release of the strategy were draft Implementation Plans on six significant topics to provide further detail and guidance to all stakeholders on how the initiatives of *Melbourne 2030* might be implemented.

The strategy advocates sustainable urban growth by providing strong links to environment strategies of Government such as improving air quality, reducing greenhouse gases, sustainable management of water resources, promoting sustainability, reducing the amount of waste generated and encouraging reuse and recycling. In particular, it draws on the role that land-use development, transport and infrastructure planning and investment can play in the achievement of those strategies.

To support this principle of sustainability, in December 2002 as part of a restructure of State Government Departments, the Department of Sustainability and Environment (DSE) was created.<sup>8</sup> This brought together the portfolios of Planning and Environment into one department. This move reflects sustainability

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2 Victorian Department of Sustainability and Environment, *Better Decisions Faster: Opportunities to improve the planning system in Victoria*, Discussion Paper, (2003) p 44

3 *Planning and Environment Act* 1987 (VIC) s.52(1)

4 *Planning and Environment Act* 1987 (VIC) s.82(1)

5 *Planning and Environment Act* 1987 (VIC) s.4A -4J

6 <http://www.dse.vic.gov.au/planning/>

7 Victorian Department of Infrastructure, *Melbourne 2030 - planning for sustainable growth*, (2002)

8 <http://www.dse.vic.gov.au/planning/>

as a key policy driver for Victoria and established the Department as the lead agency for environmental sustainability.<sup>9</sup>

The release of *Melbourne 2030* has generated a flurry of activity with preparation beginning on a range of initiatives including growth area plans, activity centre guidelines, green wedge guidelines, planning process reviews and much more. One such review is a discussion paper released in August 2003 entitled *Better Decisions Faster: Opportunities to improve the planning system in Victoria* which addresses the need to update planning processes and in some cases may generate changes to the *Planning and Environment Act 1987*.<sup>10</sup> *Better Decisions Faster* identifies a number of opportunities for improvement within the Victorian planning system in response to recent criticisms regarding long timeframes, poor quality applications and policy confusion. The paper provides a useful and practical discussion on a range of options which could be adopted.

DSE are also exploring options for delivering sustainability through the development approvals process, releasing a paper in September 2003, *Sustainability in the Built Environment Project*.<sup>11</sup> The paper offers an insightful discussion on sustainability and what this means to the implementation of urban sustainability, differentiating between urban growth issues and the environmental performance of the built environment. The paper examines a range of sustainability strategies and regulatory frameworks taking a look at what role the planning and building systems might play in delivering the consistency and certainty required by the development industry. It provides a review of current council practices, industry responses and other approaches for achieving sustainability through development approvals with the aim of producing an integrated sustainability framework for Victoria.

An operational review has also been undertaken of the existing rural zones by a Reference Group appointed by the Minister for Planning. This review culminated in January 2003 with the release of the *Rural Zones Review Discussion Paper*.<sup>12</sup> The rural zones have been criticised for being 'one size fits all' with fundamental questions being asked about the purposes of the zones and what they were intended to deliver. Submissions to the discussion paper closed in July 2003 with the outcome of the review eagerly awaited by all.

Finally, a concurrent process of reform is being undertaken by the Victorian Civil and Administrative Tribunal (VCAT) with Justice Stuart Morris, President announcing on 13 August 2003, that substantial reforms would be made to the tribunal's Planning and Environment List to streamline appeals and ensure timelier decisions.<sup>13</sup>

These are just a few of the key developments and reviews occurring in and around the planning system in Victoria at the moment. As you can see they make for a very thought provoking and challenging time ahead.

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9. <http://www.dse.vic.gov.au/>

10. Victorian Department of Sustainability and Environment, *Better Decisions Faster: Opportunities to improve the planning system in Victoria*, Discussion Paper, (2003) p 1

11. Victorian Department of Sustainability and Environment, *Sustainability in the Built Environment Project*, Discussion Paper, (2003) Ch.1,2

12. Victorian Department of Sustainability and Environment, *Rural Zones Review Reference Group Discussion and Options Paper* (2003)

13. Victorian Civil and Administrative Tribunal, Media Release, 'VCAT President announces reforms to Planning and Environment List', 13 August 2003