



**DAVID MORRIS MP**  
Member for Mornington

## Planning Changes – Some Good, Some Bad

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Mr MORRIS (Mornington) (16:58): If there was one member I thought I would not be following on this bill, it was the member for Burwood, but there you go, these things happen.

This bill proposes significant changes to the Planning and Environment Act 1987. It is only one bill, but the changes range across a number of areas, and of course the Planning and Environment Act is a complex act to start with. It is 34 years old. It has been changed 146 times—the current version is 146. It has been changed again and again, and it is almost unrecognisable from the original legislation.

This bill with its 74 clauses makes further significant changes.

It is interesting that the member for Broadmeadows and the member for Burwood both spent a lot of time talking about the heritage aspects of the bill—and the member for Burwood, to be fair, did talk about a number of other aspects too.

But this bill is not just about the heritage aspects, it is about compensation for the acquisition of private land, rezoning and the failure to impose public acquisition overlays. It is about wholesale changes to access to information, and moving the whole process online. It is about significant changes to the way planning panels operate. It is about significant changes to the way councils respond to the planning reports.

As has been said, there are some significant changes also to the funding, or the access to funds, for the Victorian Planning Authority. There are significant changes to the way the Parliament deals with changes to green wedge issues. As we all know, there are some changes that need to be brought to the Parliament. This bill makes significant changes to those powers. And perhaps most interestingly of all—and there has been no comment on it as far as I know from the government in any way—there are significant enhancements to the power of the Minister for Planning when it comes to the amendment process.

Now, what has the commentary been from the minister around the bill? When you look at the one and only media release that was put out on 2 February, just before the bill was introduced, the headline, not surprisingly, is 'Protecting our heritage from demolition'. In this release we have got seven paragraphs and another three paragraphs of quotes around heritage protection. There is one solitary sentence that talks about the rest of the bill:

The Bill will also improve the efficiency and operation of Victoria's planning system, in

relation to the publication of notices, the inspection of documents and for panel hearings.

There is nothing about the compensation aspects. There is nothing about the funding for the Victorian Planning Authority. There is nothing about green wedge, and the government knows damn well that green wedge issues are top of mind for those affected communities and for most of Melbourne.

Most of Melbourne has a stake in protecting the green wedges around the city, but there is no comment there at all and no comment with regard to the changes to the powers of the minister. You do wonder why. I will not go any further than that, but you do wonder why the government is being so silent on these far-reaching changes to the Planning and Environment Act.

Now, the changes to the Heritage Act 2017 have been well canvassed. The commentary has revolved around the Corkman atrocity, you cannot put it any simpler than that.

Let us not kid ourselves that we cannot legislate or could not have legislated to protect that property. Of course we could have. We have seen house after house after house protected by local heritage provisions knocked over. This has been going on for two decades—and more intensely for the last decade with the significant uplift in property values.

We have known this was going to happen, it was inevitable and it should not have happened. I am pleased though that these provisions are potentially going into the bill, and they are worthy of support.

With regard to the compensation aspects, it is of course entirely appropriate that Governments have the capacity to acquire land, but landholders need to be adequately recompensed. And if a rezoning occurs and they lose value, there is a value drop in the land or they want to move on and sell that land, they should not suffer from a zoning decision. They should not suffer from public purposes being ascribed to that land which was previously entirely private.

That is the point we are making here. No-one is saying you should not do it, but it needs to be a fair process for the landholder and a fair process for the state, and I am not sure that this bill gets it right.

The bill makes some administrative changes around the publication of notices and inspection of documents, and they are all welcome. It moves the process online, and to a certain extent that probably should have been done long ago. COVID has hastened that, of course.

There are also changes to arrangements for panel hearings; allowing them to be conducted by video link. Again, I do not think there is any contention about that; it simply streamlines the process and makes it more accessible as well. There are changes around the speed with which councils must deal with panel reports. Again, this is also welcome.

But part 5 makes what are referred to as 'miscellaneous amendments'. Now, I understand that 'miscellaneous' means 'a number of things', but often it is taken to mean matters of smaller importance, matters of a minor nature, and that is not what is in this part 5.

Permits on land for extractive industries will be extended post the expiration of use effectively from two years to 10 with very little justification. No other use has that sort of 10-year limit. The permit lapses after two. If you want to use the land for that purpose, you can

get a permit again. You go through the process. This extends it to 10, again without justification. It is not a trivial matter.

Part 5 removes references to municipal strategic statements. Okay, they are redundant at the moment, but where is the strategy going to come from? It is not going to come locally, as it has done in the past; it is going to come from the department, it is going to come from the minister.

Division 3 of part 5 is, again, not trivial. This is the Victorian Planning Authority aspect, clauses 62, 63 and 64. The minister says in his second-reading speech:

The Bill also introduces amendments to establish a transparent and equitable funding system for structure planning costs whereby all landowners who benefit from the Precinct Structure Planning (PSP) approval contribute to the costs.

Nonsense. That is not what this bill does. It does not go within a bull's roar of doing that. You look at Clauses 62, 63 and 64. Clauses 62 and 63 simply remove the prohibition on the Victorian Planning Authority recovering costs.

That is all it does. It does not put in place a structure. And in the case of clause 64 there is a comparable change. It does not do what the minister suggests, it does not do what the explanatory memorandum suggests and it does not do what the public commentary or the commentary in this debate has suggested so far. It does not achieve that. That is our objection to it.

Also there are issues with two further clauses as far as I am concerned—with clauses 67 and 69. Clause 67 is a significant expansion of the powers of the minister. It will enable him to provide directions when it comes to the preparation of a planning scheme amendment—in other words, to completely override anything a local council may wish to do.

That is a significant expansion of the powers of the minister and it is being done completely under the radar with no public comment, and I am sure most councils have not caught up with that. That needs to be reconsidered.

The final point relates to the green wedge provisions. Again, we have had no explanation why. We have had nothing from the minister. We have had no public commentary. It may be legitimate; we simply do not know.

So, in summary, there are some good elements to this bill, but there are some real shockers too, and it needs to be reconsidered.