

**Ms Fiona Delahunt**

Executive Director, Forward Policy and Business Strategy  
Planning  
Department of Environment, Land, Water and Planning

Dear Ms Delahunt,

**Reforming the Victoria Planning Provisions and Amendment VC148**

The Law Institute of Victoria (LIV) thanks the Department of Environment, Land, Water and Planning (DELWP) for the opportunity to provide feedback in relation to the implementation of Amendment VC148 (VC148), following the 'Reforming the Victoria Planning Provisions' consultation. The LIV's feedback has been developed by members of the LIV's Planning and Local Government Committee (the Committee), a Committee within the LIV's Property and Environmental Law Section.

Arising from the Victorian Government's Smart Planning program, VC148 was gazetted on 31 July 2018 introducing significant changes to all Victorian Planning Schemes.

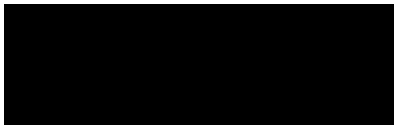
The LIV is broadly concerned on behalf of practitioners with the implementation of VC148. Concerns include that the amendment has come into effect without due consideration or management of its implementation in practice:

- VC148 was formally gazetted with no notification to practitioners of its pending gazettal. Practitioners learnt of the gazettal of VC148 only after it had been gazetted. Steps should have been taken to provide prior notice to practitioners before VC148 was gazetted. This created significant issues for practitioners commencing or in the course of hearings at the Victorian Civil and Administrative Tribunal;
- Notwithstanding that the amendment was formally gazetted, the new clauses were not actually available through the DELWP Schemes Online website, save for practitioners downloading the whole of the planning scheme. Due to the size of the planning schemes, practitioners download individual clauses from the conveniently arranged list of clauses on the Planning Schemes Online website. After some weeks, the newly amended planning schemes were made available with hyperlinks to individual clauses on the planning schemes online website however this should have been in place contemporaneous with the gazettal of VC148;
- Practitioners are disappointed that planning scheme numbering has now largely changed. The numbers of the clauses in the planning scheme, which practitioners were familiar with after many years of using those clauses, should have been retained. In some instances, the numbering inevitably would have needed to change, however, greater effort should have been made to retain the clause numbering where possible;

- VC148 has had implications for the conduct of hearings before both the Victorian Civil and Administrative Tribunal and Planning Panels Victoria that commenced prior to VC148. Every hearing unfortunately requires time and effort to update submissions and review council officer reports to identify the translation of relevant policy from the planning scheme pre-VC148 to the new Planning Policy Framework;
- The LIV is greatly concerned at the significant inconvenience, additional costs and delays caused by the Gazettal of Amendment VC148 with little benefit derived from the expedited process; and
- The LIV anticipates issues arising from the translation of local policies into the new Planning Policy Framework and seeks to be consulted in relation to that process.

If you would like to discuss any of the matters raised in this letter, please do not hesitate to contact me, or Meg Linke (MLinke@liv.asn.au) of the LIV's Property and Environmental Law Section.

Yours sincerely,



Belinda Wilson  
President  
Law Institute of Victoria