

**ORDINARY MEETING OF COUNCIL
14 SEPTEMBER 2009**

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| 5 | PLANNING PERMIT AMENDMENTS AND THE IMPACT ON CAPITAL WORKS |
| LOCATION/ADDRESS: | N/A |
| GENERAL MANAGER: | GREG WOOD, ACTING GENERAL MANAGER CITY AND INFRASTRUCTURE SERVICES |
| PREPARED BY: | SAM HEWETT, MANAGER ASSET SERVICES |
| FILE NO.: | |
| ATTACHMENTS: | ATTACHMENT #1 – COMMUNITY CONSULTATION FLOWCHART |

1. EXECUTIVE SUMMARY

- 1.1 Council has been advised that Councils will no longer need a planning permit for its Capital Works projects under \$1,000,000 in value.
- 1.2 This report outlines a process which ensures the community is consulted about Council works under \$1,000,000 in value.

2. RECOMMENDATION

That Council:

- 2.1 Endorses the new community consultation process for all Council capital works projects to ensure open, transparent and inclusive decision making.
- 2.2 Notes that this process replaces the previous planning permit process for Council works under \$1,000,000 which no longer exists after changes were made to the relevant planning schemes.

3. BACKGROUND AND CONTEXT

- 3.1 In March 2009 the Minister for Planning has amended all planning schemes (Amendment VC53) to introduce an additional permit 'exemption' (to Clause 62.02-1) for *'buildings or works with an estimate cost of \$1,000,000 or less carried out by or on behalf of a municipal council'*.
- 3.2 The exemption from a planning permit is all inclusive, applying to *'any requirement in the scheme'*. Accordingly, planning permits will no longer be triggered for a wide range of Council's capital works (including road works, street furniture and open space projects). This includes proposals in Heritage Overlay areas (although the exemption will not apply to places listed on the

Victorian Heritage Register which require permits pursuant to the Heritage Act 1995.)

- 3.3 The exemption has been introduced by the Minister as an initiative under the 'Cutting Red Tape Program', with the objective of stimulating the economy.
- 3.4 The planning permit process has, to date, provided a process for obtaining internal comments on capital works projects (for example, heritage advice), and for notifying the immediate community of proposals. Alternative processes will now need to be put in place to ensure appropriate community consultation and internal referrals are still undertaken.
- 3.5 The process proposed in this report will ensure community consultation occurs for all Council capital works projects.

New Process

- 3.6 Officers will need to find out about any permits that may be required for the capital project, talk to any internal stakeholders, consult the ward Councillor, talk to the project's neighbours and other key external stakeholders and/or consider getting professional advice.
- 3.7 The project manager should prepare the project proposal for consideration by all (internal and external) stakeholders.
- 3.8 The following community consultation process may include (as appropriate);
 - Informing the adjacent neighbours via letter
 - Informing the wider community via letter
 - Informing known stakeholder or resident groups via letter
 - Erecting signs on site
 - If the project is likely to have broader interest, an advertisement in the local press may be required.
- 3.9 At this time, interested residents are to be informed that written submissions should be directed to the appropriate General Manager. A minimum of 14 days consultation is required.
- 3.10 If opposition to the project is received, the General Manager is to convene a meeting with the ward Councillor and those residents/stakeholders as well as Council staff and other experts, as required. The purpose of this meeting is to negotiate a solution. The outcomes possible from this meeting are;
 - Opposition withdrawn - submitter should withdraw their objection in writing. In this instance the project should proceed
 - Negotiated solution – the proposal is modified to satisfy both the resident/stakeholders and Council. In this instance the project should proceed
 - Maintained opposition – no resolution can be reached. In this instance, the project proposal should be directed to the Council for a decision.
- 3.11 The Council will decide on the proposal where opposition remains. A report will be written by the project manager and submitters/stakeholders are to be

invited to address the Council at the meeting. At this time, Council can amend the proposal, instruct that the project proceed or place the project on hold.

New step in the process – Review process by Council.

- 3.12 The process outlined above makes provision for an appeal process to the Council. This process proposes that should negotiations not resolve the submitter's concerns; the decision will be referred to the Council for a decision. The resident will be informed of his/her right to address the Council at this time.

4. CONSULTATION AND STAKEHOLDERS

- 4.1 Internal departments that have been consulted on this new process include City Development, Asset Services, Parks and Open Space, Infrastructure Services and Communications and Stakeholder Relations.
- 4.2 This process will ensure consultation with community members and external stakeholders as capital works projects are developed.

5. DISCUSSION

5.1 OPTIONS

- 5.1.1 Council is not obliged to create a community consultation process to replace the previous planning process, but by doing so, Council delivers on its commitment to the community to open, transparent and inclusive decision making.

5.2 ALIGNMENT TO COUNCIL PLAN

- 5.2.1 The process being proposed is consistent with the Council Plan 2009 – 2013 through the following strategies;
- 5.2.1.1 Enhance Council's engagement with the community by maximizing community feedback to ensure open and inclusive decision making.
- 5.2.1.2 Promote a culture of good governance.
- 5.2.1.3 Provide for an appropriate Council planning cycle that maximizes community comment and input.
- 5.2.1.4 Review services to ensure they meet community needs.

5.3 POLICY IMPLICATIONS PLAN

- 5.3.1 Given that the previous planning permit process no longer applies to Council works under \$1,000,000, Council is advised that a replacement consultation process would be expected by the community. This new process would ensure open, transparent and inclusive decision making on council's capital works program

5.4 FINANCE / RESOURCE IMPLICATIONS

- 5.4.1 There are only minor financial implications in relation to this new process. These costs relate to the consultation process (mail outs, signs, advertising) and will be met through existing operational budgets.

5.5 LEGAL & RISK IMPLICATIONS

- 5.5.1 There are no risks associated with the implementation of this new process.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

- 6.1.1 This new process will be implemented immediately and all Council staff responsible for the delivery of capital works will be trained in the new process.

6.2 COMMUNICATION

- 6.2.1 Council will ensure that changes to the planning permit process will not diminish Council's commitment to community consultation.
- 6.2.2 Council is committed to ensuring the community is consulted about all Council capital works projects.
- 6.2.3 Council has ensured a process which makes provision for an appeal to the Council where no agreed resolution with Council officers can be reached
- 6.2.4 Council will continue to respect the unique features of this municipality particularly in relation to areas with a heritage overlay.

7. OFFICER DIRECT OR INDIRECT INTEREST

- 7.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.