



Australian
Institute of
Architects

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of Architects

Modernising
Victoria's Planning
Act

**Submission to
Department of Planning
and Community
Development**

May 2009

SUBMISSION BY

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PURPOSE

- This submission is made by the Australian Institute of Architects (the Institute) to the Department of Planning and Community Development.
- At the time of this submission the Executive of the Institute is: Howard Tanner (National President), Melinda Dodson (President-Elect), Alec Tzannes (Immediate Past President), Rod Mollett and Shelley Penn.
- The Victorian Chapter Council is: Karl Fender (President), Professor Philip Goad (Immediate Past President), and Jose Alfano, Tony Battersby, Paul Coffey, Callum Fraser, Graeme Gunn, Ian Laging, Robert Puksand, Shelley Roberts, Delia Teschendorff, Tim Whitefield and Seung Hyuk Choi (SONA).
- The Chief Executive Officer is David Parken and the Victorian Chapter Manager is Elizabeth Raut.

INFORMATION

Who is making this submission?

- The Australian Institute of Architects (the Institute) is an independent voluntary subscription-based member organization with approximately 8,800 members, of which 6,070 are architect members. Members are bound by a Code of Conduct and Disciplinary Procedures.
- The Institute, incorporated in 1929, is one of the 96 member associations of the International Union of Architects (UIA) and is represented on the International Practice Commission.

Where does the Institute rank as a professional association?

- At approximately 9,450 members, the Institute represents the largest group of non-engineer design professionals in Australia.

Modernising Victoria's Planning Act

The Australian Institute of Architects continues to be highly supportive of the ongoing efforts of the Victorian Government to deliver improved processes and outcomes associated with the Planning system.

The Institute's primary concerns associated with the Planning system continue to be focused on the sentiment expressed by its members that the current development assessment system is not meeting efficiently expectations, resulting in lengthy delays, and additional compliance costs adding to the cost of development.

We encourage the Victorian Government to make substantive efforts towards the implementation and adoption of the **Leading Practice Model for Development Assessment in Australia**, developed by the **Development Assessment Forum (DAF)**.

As one of the key stakeholders and contributors to the **DAF** process and **Better Decisions Faster** initiatives, the Institute has expressed the view that the planning system at its basis must deliver effective, timely, transparent and efficient outcomes.

Given this position it also acknowledges the strength of the **Current Performance Based Victorian Planning Provisions (VPPs)** and would not contemplate the loss of the demonstrated advantages to **innovation in design** outcomes in Victoria since the introduction of the New Format Planning Schemes.

The Institute believes there is scope within the current Planning and Environment ACT and the VPP System to accommodate the incorporation of the DAF assessment streams without requiring a complete overhaul of the Act.

Anecdotal evidence from interstate membership indicates that with respect to Queensland in particular, the transitional arrangements in many cases have caused specific development sites to fall under the auspice of multiple planning schemes (ie old scheme and new DAF based scheme) which has in instances caused significant uncertainty and complexity associated with assessment and compliance.

We acknowledge that these issues are largely due to the regulatory change-over within the planning schemes.

The benefits of these changes to the system are seen as potentially significant and that based on the fact that the entire State will have a single **Integrated Development Assessment System** for all development applications.

In addition, the need for Planning Scheme Amendments associated with master planning, minor changes in land use and variation to local built form controls have generally been all but eliminated as part of a separate process outside of the development application assessment.

The Institute is confident that Victoria could benefit substantially from the introduction of a uniform and standardised development assessment framework in the aid of providing for improved decision making.

Associated Issues for Consideration

With a view to ensuring that adequate skills are brought to bear to the assessment process, the Institute is pleased to offer support for the following initiatives:

Registration of Planners

The Institute is supportive of the professionalization and statutory regulation of the planning profession. Given the role and significance of planners to the community and development industry including the associated costs, planners should be required to be registered, which should include meeting minimum education training criteria / core competencies, as well as ensuring consumer confidence through the provision of Professional Indemnity Insurance and mandatory continuing professional development consistent with other building Practitioners, Architects and Engineers within the State of Victoria.

Municipal Architects

The introduction of a suitably qualified architect into local Council teams could provide a significant improvement to the assessment planning process.

A Municipal Architect could offer:

- improved design outcomes for applicants and the greater community;
- a point of reference for applicants in need of design assistance;
- an accelerated planning permit process through the prompt identifications of key planning concerns and offer preferred outcomes/scenarios;
- considerable support to planning officers in key areas of architectural expertise;
- a voice and connection between the community, the Council and the Australian Institute of Architects;
- built-form outcomes which achieve better results in the areas of:
 - o architectural innovation;
 - o neighbourhood and user amenity;
 - o ESD initiative; and
 - o integrated developments (considering urban design, neighbourhood context, architectural expression, materials selection, landscaping, lighting, signage).

The Institute looks forward to the ongoing participation in the review of the planning system and offers assistance to the Department of Planning and Community development on the implementation of the DAF model objectives.

Third Party Review Rights

A fundamental problem with the current planning framework is that the 'Planning Bodies' (with their distinct rights, roles and responsibilities) tend to 'bottleneck' at the Victorian Civil & Administrative Tribunal (VCAT).

Consideration should be given to introducing 'Third Party Review Rights' (TPR) into the planning bodies framework. A TPR panel may be a team of appropriately qualified professionals appointed by the Minister for Planning in a similar way to the Priority Development Panel. The current system is choked, with frustratingly long delays. These delays and the uncertainty associated with this system has been an enormously expensive burden to the Victorian economy for some time.

The costs associated with a VCAT appeal are significant, whilst too many frivolous and vexatious objectors succeed in stalling worthy projects for a \$267.00 appeal fee. A TPR panel could expedite the appeal process and bring back a level of efficiency and certainty to the system.

Conclusion

The Australian Institute of Architects looks forward to an ongoing involvement in this review process. Please contact Elizabeth Raut, Victorian Chapter Manager, on telephone 8620 3802, if you require further information.