

Planning Processes and Permit Audit Report

Prepared for Strathbogie Shire Council
SD PLANNING

Contents

1	Background.....	1
1.1	Background.....	Error! Bookmark not defined.
1.2	Trends: COVID-19	1
1.3	Trends: Challenges for employment	2
2	Planning Permit Activity Data	5
2.1	Strathbogie Context	5
2.2	Strathbogie Trigger Points	8
3	Observations from Audit.....	10
5	VCAT and PPV Audit	14
5.1	VCAT Audit.....	14
5.2	Planning Panels Victoria Audit.....	16
6	Conclusions	19
6.1	Findings	19
7	Recommendations.....	20

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1 Background

Land use decisions are complex and multi-faceted and require an integrated approach by all levels of government to deliver state priorities. The land use planning system is one of the key tools used by local and state governments to meet these demands and deliver the state's priorities for connected, liveable and sustainable communities.

To do this effectively, planning schemes must be clearly focused, and policies must express the municipalities planning priorities and objectives. Effective and efficient processes must support the planning schemes for their implementation. This must all be done transparently, within the constraints of a politicised environment, to help ensure the community's confidence and trust in the planning system to deliver sustainable outcomes.

There is substantial investment in land use planning and development in Victoria, and it is important to assure stakeholders including the community about whether:

- the local and state's objectives for planning and the planning system are being achieved, and,
- the planning system is being implemented effectively, efficiently, transparently and accountably

Effective oversight of the land use planning system—including performance monitoring and reporting—is essential to provide Strathbogie Shire Council, developers and the community with confidence in the system. It is now timely to assess the effectiveness of the planning scheme to inform the Strathbogie Scheme Review 2022 and consider changes since its previous review in 2018.

In this audit, utilising a modified audit tool from the DPCD toolkit, SD Planning focused more on how effectively the land use planning system delivers sustainable outcomes that are within its influence. To do this, we examined a selection of over 50 planning assessments of land use and development proposals and statutory planning files. The audit of planning permit processes involved

- a detailed audit of 30 randomly selected planning permit applications (10 per year)
- a detailed audit of 20 randomly selected amendment applications / EOT (7 per year)
- assessments against a revised version of the DPCD permit audit tool
- utilising planning permit activity to describe trends and for comparison.

In undertaking the audit, our objective was to assess whether planners are effectively managing planning files and undertaking adequate planning assessments in accordance with the objectives of the Act and whether this has achieved the intended outcomes of state and local planning policy.

1.1 Trends: COVID-19

During the review period, unlike previous audits, it is important to record and discuss key trends that occurred during the timeframe, particularly the impacts that the COVID-19 Pandemic has had on the workload and working environment for Planners at Strathbogie Shire Council. The COVID-19 Pandemic has had a significant impact on how business was conducted for much of the Review period and highlighted some other opportunities that could readdress issues experienced within the team and by customers.

In particular, the challenges experienced included:

- The transition of the Planning team to work from home

- Increased general stress on the team
- Complications of service delivery and customer service
- Challenges of ability for officers to attend site inspections
- Increased workload and planning permits received

It is important to note the impact that these challenges may have on processing times and also the ability for the team to keep up with overall workloads.

It has also become increasingly important to consider better technology integration for managing planning permits, particularly in lodgements and online management. Anecdotely Councils who have had online systems have found that there has been a decrease in telephone calls to administration and planning staff to check status of applications. This has the opportunity to reduce workload and application specific enquiries.

The issues of working from home and inability to necessarily attend sites during lock downs should also be cognisant when undertaking audits and drawing conclusions with respect to making further recommendations.

1.1.1 Findings:

Having considered the COVID-19 Pandemic it has:

- had a significant impact on work practices and created challenges for day-to-day decision making
- highlighted the need for better technology systems
- highlighted the need for better collaboration with other teams and external agencies.

1.2 Trends: Challenges for employment

Town Planning has always been a dynamic role within a local government setting. Planning controls over many years have become complex, requiring a specialist and constant updated knowledge of frameworks and guidelines. As a decision maker, it is important to have a range of skills, including an ability to use spatial thinking and interpret complex data, a creative and integrative approach to problem-solving, drawing on various disciplines and methods, generalist knowledge and research skills; and advanced consultation and collaborative skills. These should be underpinned by a sound understanding of the municipality, professionalism and a commitment to community health and wellbeing.

In an Employment Outlook study undertaken by Jobs and Skills Australia, it was identified that from November 2021 to November 2026, the need for town planners is expected to grow very strongly with an increase, nationally, of an additional 2500 jobs (or 18.6%).¹

¹ Occupation Profile: Urban and Regional Planners, Skills and Jobs Australia, Australian Government

Number of Workers

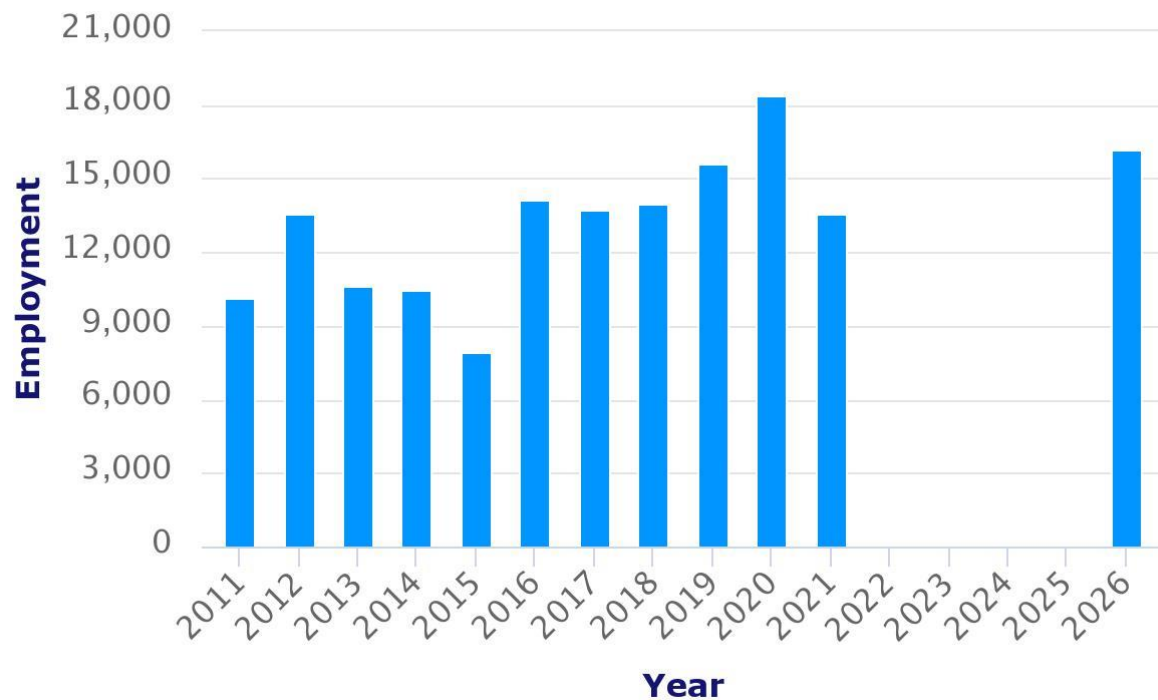


Figure 1: Town Planner employment projections to 2026 (Source: Skills Australia)

Currently, it seems that the growth does not necessarily reflect the labour shortages experienced by the industry. For many years there has been an identified lack of skilled planners for recruitment, particularly in regional areas. A 2004 State of Planning in Australia inquiry found that rural and regional areas suffer from a long-term shortage of planners in particular. They find it challenging to recruit planning staff².

This issue has been further intensified by the COVID-19 Pandemic, where lack of labor force in Australia is a tension experienced across employment types across Australia. The low supply of available workers has translated to almost a third (31 per cent) of businesses struggling to find suitable workers, ABS data released. Most of these businesses attributed their struggles to applicants not having the required skills (59 per cent) and a lack of applicants (79 per cent). The inability to find workers is also not sector-specific, with the shortage affecting every industry.

² Findings and Recommendations of the National Inquiry into Planning Education and Employment, 2004

Firms reporting labour as a significant constraint (%)

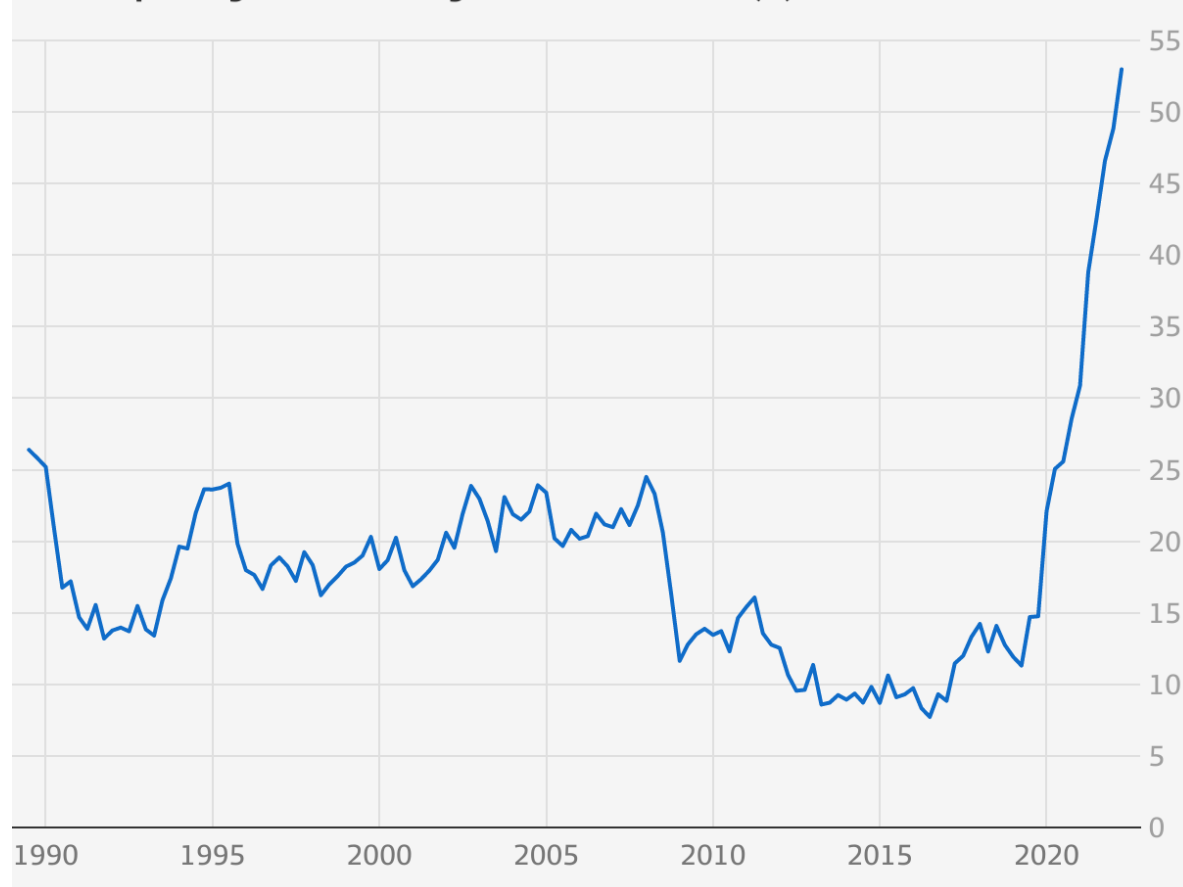


Figure 2: NAB data³

The reasons for the shortages of planners across the nation include:

- workforce changes i.e. maternity leave and retirement,
- people leaving the sector due to burnout
- recent halt in immigration
- increased intake of planners by the State Government for jobs.

1.2.1 Findings:

- Labour shortages are not isolated to planning and are being experienced across industries
- Although not a new pressure having considered the employment trends it has highlighted that there are likely to be ongoing pressures and difficulties to attract and employ planners.

³ Why we don't have enough workers to fill jobs (in four graphs), Financial Review, June 27 2022

2 Planning Permit Activity Data

2.1 Strathbogie Context

Based on activity over the last four financial years Council has received an average of 230 applications and determined an average of 200 applications per annum (refer to Figure 1 below⁴). The trend for the current year to date (to November 2022) indicates a significant increase in the number of permits received and an increase in application process time from the previous four years.

Table 1: Summary of applications by year

Financial Year	Applications received	Applications determined	Number refusals
2021/2022	260	239	3
2020/2021	260	239	1
2019/2020	201	171	2
2018/19	204	161	1

Expanding those figures over the past eight (8) financial year periods, it is apparent that since 2014/2015, there has been a significant increase in applications being applied for within the municipality.

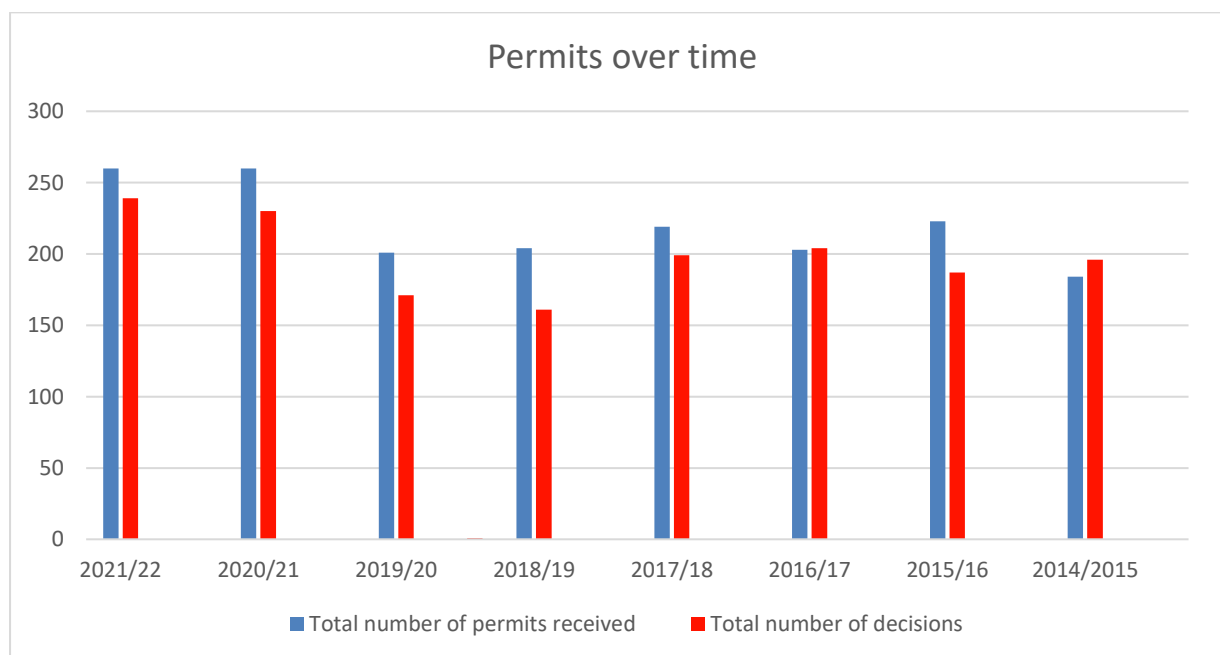


Figure 3: SSC Planning Permit Activity over time (PPARS original dataset)

Based on the data, although there has been an increase in applications being made, the number of decisions being made has kept pace. This shows that internally while there might be an apparent level of stressors over

⁴ Planning Permit Activity in Victoria data sourced from [PPARs.planning.vic.gov.au](https://ppars.planning.vic.gov.au)

the new increase in numbers of applications, the team has generally managed to keep up with the work load.

2.1.1 Time taken for decision making

In Victoria all Councils have a statutory requirement to decide upon planning permit applications within 60 days. In reality, the time taken to determine a planning permit application is often far greater, with a current state-wide average for buildings and works applications, close to 120 days. At Strathbogie Shire Council, during the Review period the average time taken to determine applications (gross days) was 71 which is close to half the days of the state-wide average.

Using the median number of days taken between receipt of a planning application and the decision being made we have compared Strathbogie to the average for other similar Councils in 2021/2022⁵. The results are outlined in Figure 4. It shows that since 18/19 their performance has increased in time for assessments, that is from, average of 45 days to 71 days. While this could be concerning, when comparing to the average for similar Councils and 'all Councils' data shows that this trend is being seen across the board. Which means that while Council should continue to monitor these trends they are issues across the industry.

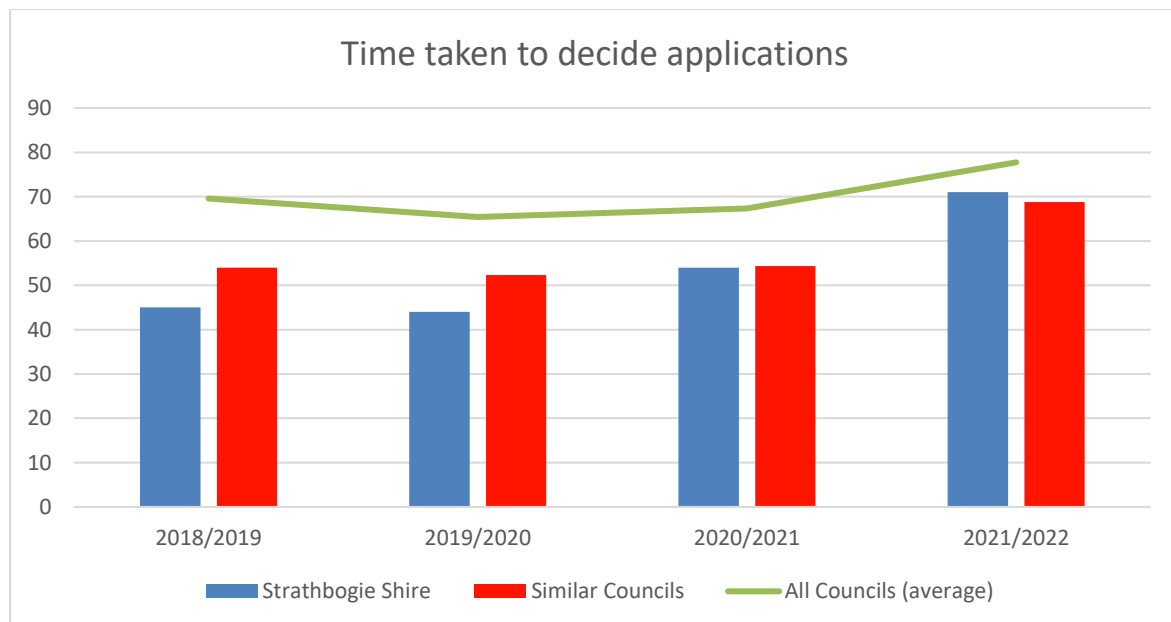


Figure 4: Performance Trend

During this same time-period, 86% of planning applications were determined within the 60-statutory day timeframe. This has been a slight decrease from the previous 4-year period where, on average, 88% of planning determinations being made within the 60-statutory day timeframe. These statistics are still above the Victorian average for rural councils which is 76% of decisions are made within the 60-statutory day timeframe. From a State-wide perspective, only 61% of decisions were made within the 60-statutory day timeframe in 2021/22. These statistics show a high level of compliance and are reflective of excellent processing by the statutory planning team, which is consistent with the later audit report.

In 2015, the Victorian State Government introduced VicSmart which streamlined the planning process for the

⁵ Know your Council data

more straightforward planning permit applications.. Key features of VicSmart include:

- a ten day (working days) permit process;
- applications are not advertised; and,
- information that applicants are required to submit is predetermined.

Strathbogie Shire Council planners have an average of 80% compliance for approval of VicSmart applications with its prescribed ten day timeframe⁶. This is shown in Figure 4.

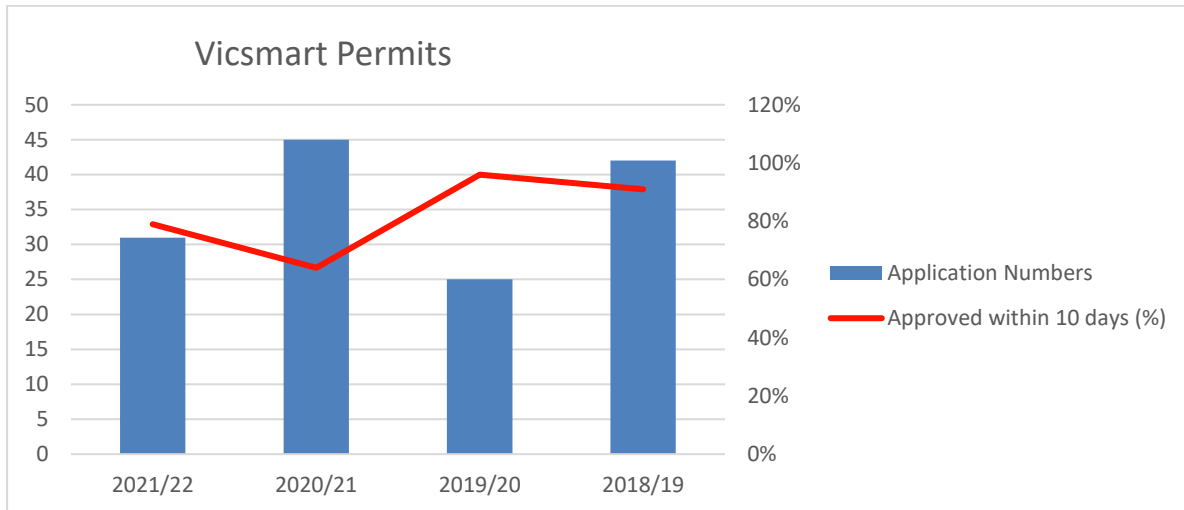


Figure 5: Vicsmart approval dataset (PPARS original dataset)

An interesting analysis is combining the results for meeting 'compliance' decisions relating to Vicsmart (within 10 days) and regular applications (within 60 days) and providing a comparison. This is diagrammatically outlined in the below figure 6.

Such a comparison demonstrates that Strathbogie has a higher percentage of decisions being made than when compared to both similar Councils and All Councils. For example, in 2021/2022 Strathbogie had a rate of 78.25% of decisions made within the 'compliance' timeframes compared to similar Councils (69.11%) and all Councils (67.31%). It is also noted that there has been a decrease in decisions being made in the timeframes but again this is a trend across the state. These trends are discussed later in this report.

⁶ PPARS

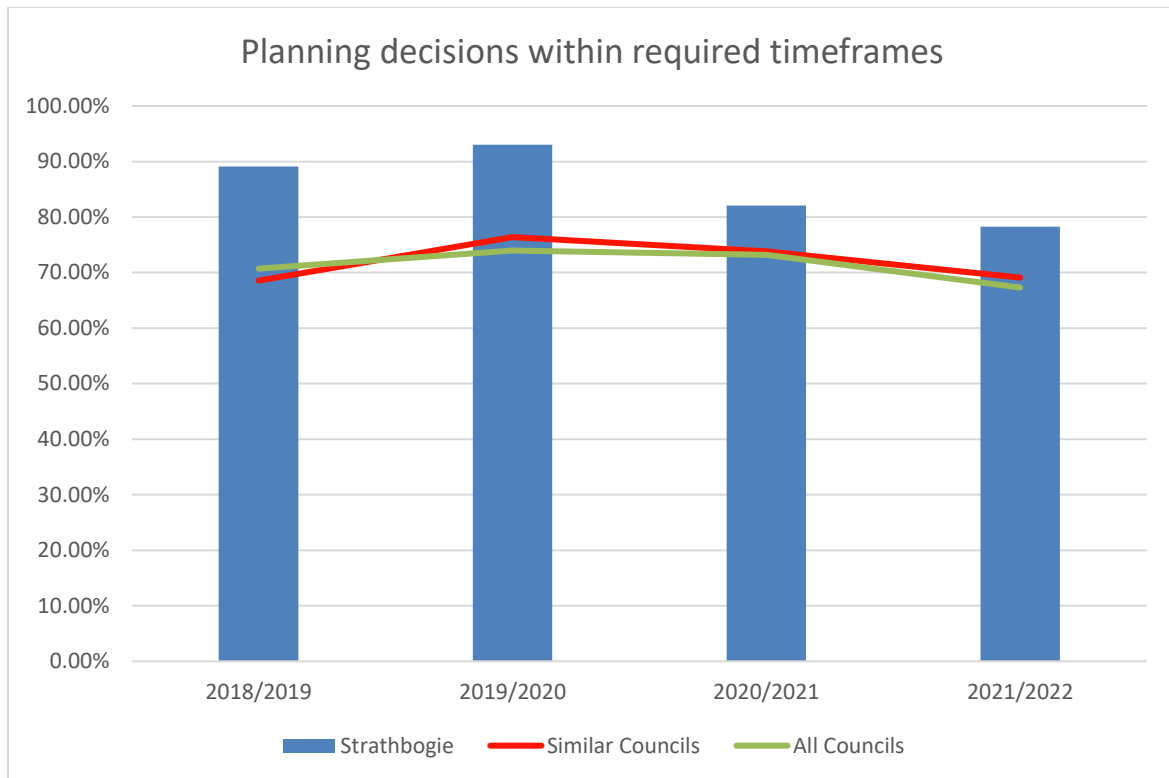


Figure 6: Percentage of Vicsmart (10 days) and regular planning applications (60 days)

2.2 Strathbogie Trigger Points

For discussion purposes Figures 6 and Figure 7 demonstrate the types and quantity of applications that were processed in each financial year since 2018. This indicates how many applications are considered in the various categories of application. It is noted that a large proportion of applications are in relation to single buildings and extensions or development of dwellings. This is consistent with the type of development expected in and around Strathbogie. The number-specific applications relating to subdivisions has declined during this period however the number of lots being developed seems to have increased during the same period. This may reflect a larger number of lots applied for within each application, i.e. more nine lot subdivisions rather than two-lot subdivisions.

The table of uses is for new uses established during the same period reflects a correlation with development applications with the most common category being accommodation. Accommodation includes the use of land for residential use, i.e. Farming Zone requires both a use and a development application for a dwelling to be approved on land.

APPLICATION TYPES (DEVELOPMENT)

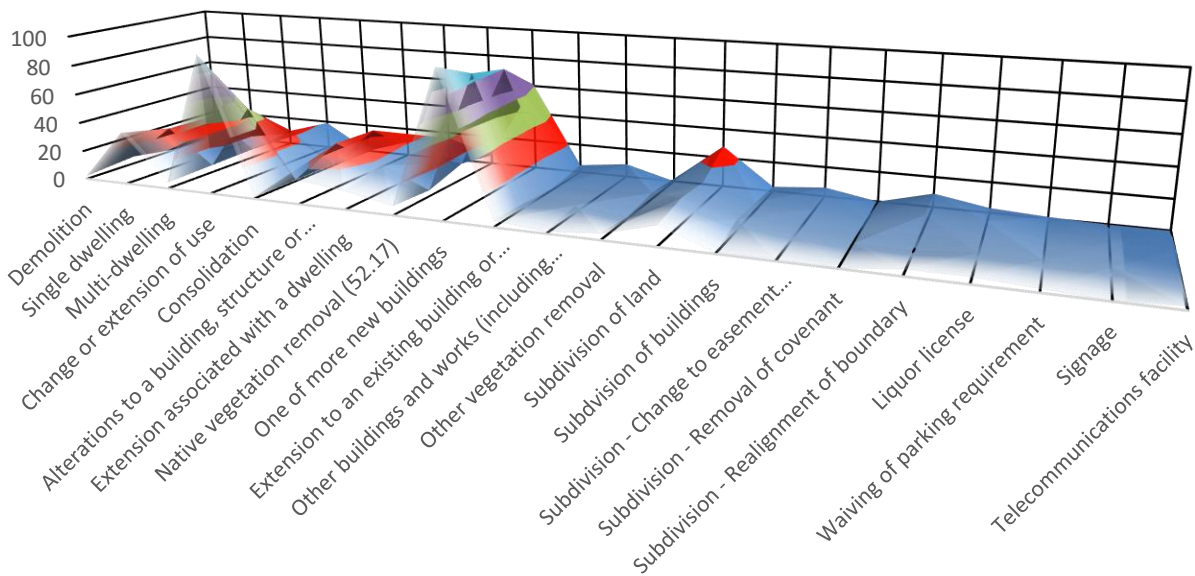


Figure 7: Applications Determined by Type

APPLICATION TYPES (USE)

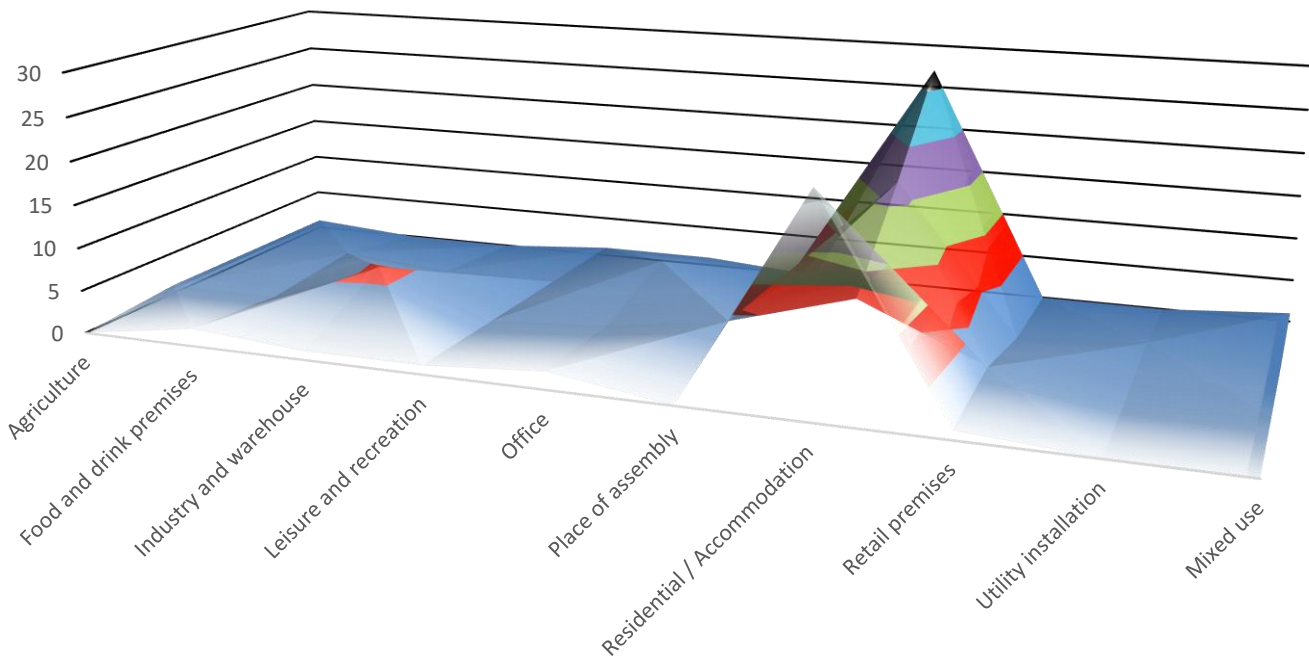


Figure 8: Applications Determined by Type

3 Observations from Audit

3.1 Permit description

The majority of applications accurately described the proposal in all stages of the application process. There were a few anomalies to this where an element of the proposal had not been included on the description on the notices.

3.2 Pre-application

The majority of applications reviewed did not attend or arrange pre-application meetings. Usually, a pre-application meeting assists with highly complex planning applications to provide background and ensure that the applicant is advised of permit requirements and supporting reports. However, these processes can at times take too much time and may impede other tasks such as issuing and assessing submitted applications.

It is considered that the observed lack of pre-application meetings has not in this instance been a barrier to the processing of applications. Where applications have had no pre-application meeting the processing times are still highly efficient.

3.3 Further information

In nine of the applications audited was noted that letters were sent requesting further information, the letters were sent are between 6 and 35 days after the receipt of the application by Council. Mostly, the requests for further information were within the required statutory timeframes. In the more complex cases, requests took longer due to the officers undertaking a more in-depth assessment. Where an applicant requested an extension of time to provide the information (and in some cases further requested this several times) this was generally granted.

Using PPARs data, it appears that on average 50% of applications receive further information requests to assist planners to get the information required to assess proposals.

Based on experience of the auditors this appeared to be a good rate and did not indicate that officers were using the FI process as an opportunity to 'stop the clock'. Further, the requests for information appeared proportionate and a basis for information gathering which would genuinely assist decision-making.

3.4 Public notification

Through the audit, public notification was undertaken for appropriate applications, and recording reasons for not requiring notice is adequate. Using data comparison between other similar Councils (shown below at table 1) through PPARs available data, it appears that the Strathbogie percentage is slightly higher than the average.

Table 2: Summary of applications

Financial Year	Applications determined	Applications advertised	Percentage applications advertised	Similar Council Average
2021/22	239	97	37%	32%
2020/21	230	71	32%	29%
2019/20	175	69	34%	33%
2018/19	161	73	33%	31%

Another observation has been that the requirement to undertake advertising once all information was received was usually a fast process, highlighting that applications' processing is excellent with little need to implement improvements. Applications took between 10 days and 104 days to be advertised, with the majority of cases taking over under 20 days for the notices to be sent out and site notices displayed.

3.5 Objections

Throughout the audit, it has been noted that where there were objections (and not all applications advertised received objections), the reports all correctly and thoroughly highlighted the grounds of objections made and then discussed their validity in depth.

3.6 Referrals

In general, the audit found that referrals were undertaken in accordance with the statutory timeframes. Where applications were referred internally and externally, these requests were sent out between two days (the quickest) and 78 days (the longest) after receipt of the application or receipt of further information. Ten were referred in under 28 days which highlights that these applications are being dealt with efficiently.

Internal responses are received quickly between 6 and 29 days after the requests have been sent, although there was one application that took 49 days it was a more complex application which warranted an appropriate level of scrutiny.

The external responses took a lot longer, with timescales ranging from between 10 and 74 days. The main referral authority for the files audited was the CMA which resulted in usually fast turn around times for referral responses. The majority of responses took between 2 and 30 days, but there were some very delays which occurred in applications that required broader referral to Vic Roads and CFA. In a couple of instances, no response was received from some external responses.

It is noted that during consultation with the external agencies the Strathbogie planning team were commended for the information supplied and general knowledge. In particular, the CFA commended them and stated that they were very happy with the team's level of information and basic bushfire knowledge.

3.7 Site Inspection

A high proportion of the applications audited were not the subject of site inspections. This is something that was highlighted in the audit as an area that planners could improve through their processing.

Although it is acknowledged that during the review period a number of barriers have been identified as;

- site inspections can be time-consuming and cumbersome for planners and if not managed appropriately, can affect application statistics
- reliance on 'google street view' and other technologies has resulted in less of a need to attend sites in person,
- working from home during Pandemic may have not restricted the ability for adequate site inspections due to:
 - Lockdowns dissuaded people from venturing outside of set perimeters
 - Council cars not being available.

Site inspections are an essential part of the planning process. If done correctly, they can be advantageous for experienced and inexperienced planners. Being on-site and understanding the context of the site, fall, vegetation, adjacent landowners, use of existing land can assist with good decision-making. The introduction of aerial imagery and technology advancements has resulted in a reliance on this information to assist decision-making, at times replacing the need to get on-site and investigate the real-life context of sites.

We note that given the limitations of a random audit it may not be the practice of planners not to visit sites, or, site inspections were undertaken but not clearly documented on file. Notwithstanding these issues, we believe that there are benefits for recording site inspections with a form/photo montage that would sit within the delegate report and planning file.

3.8 Application Assessment

The quality and content of the majority of the reports were good. The reports while simple provided adequate discussion of the issues, proposal and were satisfactory in providing commentary on the application. The reports all detailed and listed the relevant policies of the SPPF and LPPF; then discussed how the application did or did not comply with these policies.

Similarly, in all applications audited the relevant controls, i.e. zones, overlays, particular provisions were always identified and discussed in the assessment. The assistance and use of tables in the delegate report provided an excellent framework for assessments and given that the table comments were used appropriately the discussion provided clarity and guidance to the reader about the particular application. The fact that during the audit no significant errors were identified and the fact that discussion within the reports provided value, overall it demonstrated that the planning team display a high level of competence in the assessment of planning applications and proposals.

The audit showed that conditions were identical on the signed reports and the permit/NoD in both the number of conditions and their wording.

3.9 Timely processing

While many applications have been dealt with quickly and efficiently (between 10 and 60 days), it is obvious

that some applications have experienced significant time delays to process from date of receipt until a decision was made. There were four applications that took between 84 and 216 days to make a decision. Identified delays from these applications include:

- Significant time is taken for initial referrals and public notification from receipt of the application or further information (as discussed above);
- Delay in receiving some external referral comments particularly Vic Roads and CFA; and,
- Delay in receiving further information from the applicant.

Many of the delegated reports on (electronic) files lack a signature and date (although more recent files have these). Where the report's approval date is provided or the date that the application went before the delegated planning committee, a permit of NoD was always issued in a timely manner.

3.10 Other issues

During the audit, it was noted that all files were kept in good order with most of the relevant documents on file. The structure and scanned versions that were kept were logical and easy to find information and associated reports.

Requests and assessments of applications were undertaken consistently with similar requirements for information across types of applications.

3.11 Findings:

The Review finds that:

- Overall the consistency of decisions and requirement for appropriate information to support applications was excellent.
- Application processing and delegation reports demonstrate a sound knowledge of planning principles and approaches to processing applications.
- More site inspections are warranted.
- Investment in the online planning platform is required and may result in efficiencies for the administration team and application-based enquiries.

5 VCAT and PPV Audit

5.1 VCAT Audit

Applications can be made to the Victorian Civil and Administrative Tribunal (VCAT) to review different types of planning decisions made by a responsible authority.

The right to an independent review of specified decisions is set down in the Planning and Environment Act 1987 (the Act). One of the objectives of the Act is *‘to provide an accessible process for just and timely review of decisions without unnecessary formality’*.

The Act establishes opportunities for VCAT to independently review decisions about planning permits made by the responsible authority administering the planning scheme. In this review Strathbogie Shire Council are the ‘responsible authority’ (RA).

VCAT makes an independent assessment of the relevant issues. Most of the applications for review involve decisions about planning permits for the use and development of land. VCAT also has other decision-making powers in circumstances where no review of an earlier decision is made because the application is made direct to the Tribunal. For example, applications to cancel permits, and applications for enforcement orders.

In undertaking the review of the Strathbogie Planning Scheme and audit and analysis of all VCAT decisions during this period has been considered. During the review period there were a total of eight (8) cases heard. In terms of the cases it was a 50/50 split in terms of decisions, that meaning;

- VCAT supported Council’s decision (affirmed or varied) in six cases and
- VCAT did not support Council’s decision (set aside) in one case.

5.1.1 Matters considered

Name of decision	Date of decision	Policy matter raised
Brodzik v Strathbogie SC [2019] VCAT 744	23 May 2019	Subdivision Water supply district
Hall v Strathbogie SC [2019] VCAT 1978	12 December 2019	Place of assembly in FZ
Helman v Strathbogie SC (Red Dot) [2021] VCAT 1274	28 October 2021	Interpretation of notice provisions (red dot) Warehouse (fireworks, explosives and ammunition storage)
Monahan v Strathbogie SC [2018] VCAT 921	18 June 2018	Subdivision of GRZ Flooding
Parklea Developments Pty Ltd v Strathbogie SC [2022] VCAT 938	16 August 2022	Subdivision Farming Zone High value agricultural land Caravan/camping.

		Amenity of surrounding properties
Total Outdoor Media Pty Ltd v Strathbogie SC [2019] VCAT 1421	17 September 2019	Major Promotional Signage Amenity on gateway

5.1.2 Discussion

Over the four-year period, the 1% rate of appeal to VCAT is considered to be a very low rate of review. In total there were seven decisions and one Standing Advisory Committee (SAC) referral heard against a total number of 801 decisions for the same period (2018 – 2022).

Across the eight VCAT appeals, there were not many similarities or consistencies; all decisions were very much on a case-by-case basis. This indicates that there are not necessarily any fundamental concerns with the Strathbogie Planning Scheme that have seen repeated appeal or review to VCAT.

In the *Total Outdoor Media Pty Ltd v Strathbogie SC [2019] VCAT 1421*, Senior Member Baird does make a number of comments in relation to the lack of protection through signage controls along the Old Hume Highway noting at paragraph 6

“My decision has had regard to the relevant provisions and policies within the scheme that the parties have addressed.

...

It is notable that there are policies guiding Euroa’s future development but no local policies guiding decisions about advertising signage (whether generally or specific to this local area).”

Council successfully argued that the proposed signage, despite this apparent gap, was still inappropriate in the context of the site. Council could consider including further controls to better reflect Council’s aspirations for Euroa and its gateways.

In the matter of *Hall v Strathbogie SC [2019] VCAT 1978*, Member Wilson in setting aside Council’s decision to grant a permit she noted that it was on the basis of insufficient information before her with respect to noise impacts on adjacent agriculture. She also noted at paragraph 24

“My primary concern in relation to this proposal is potential impacts arising from noise. In essence, I find there is insufficient information for me to reach a conclusion that the proposed function centre will avoid unreasonable noise impacts in the area.”

The case was the only one where Council’s decision was set aside. The only internal process improvement can be suggested on the basis of the VCAT review and that was in an instance where not sufficient information had been considered in making a decision within the Rural Zone. In this instance (and balanced with the permit audit) it is considered that this is likely an isolated case. The case was more so a reminder of the powers that can be utilised through an application to request further information and the ability for the RA to condition controls for future management of amenity concerns.

5.2 Planning Panels Victoria Audit

No matters were referred to Planning Panels Victoria during the review period. However, the Minister has the power, under Section 58 of Schedule 1 of the Victorian Civil and Administrative Tribunal Act, to call-in appeals being reviewed by the Planning Division of the Victorian Civil and Administrative Tribunal, where the Minister considers that:

- the proceeding raises a major issue of policy; and
- the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives.

The Minister has the option of appointing an advisory committee to review these appeal call-ins. Whilst they are appointed as advisory committees under Section 151 of the PE Act, these matters are generally referred to as an Appeal Call-in. Relevantly, in 2021 a matter was referred to a Priority Development Standing Advisory Committee under Section 151 of the PE Act consider a matter in Nagambie.

As a result of an appeal to VCAT, the Minister for Planning exercised his powers to Call in planning permit P1151/2020 and refer the matter to a SAC.

5.2.1 Discussion

The Committee found

- The status of the 2014 Master Plan and any required approvals pursuant to the Aboriginal Heritage Act 2006 needs to be confirmed prior to the issue of any planning permit.
- That generally, the proposal to remove native vegetation is broadly consistent with the intent of the CDZ1 and the 2014 Masterplan.
- The removal of native vegetation is generally acceptable with Committee recommendations to reduce the need for removal of large trees in patches where possible.
- In terms of State level housing policies, the proposal is also appropriate. The ability to develop affordable housing options on the subject site clearly responds to the objectives and relevant strategies of Clauses 16.01-1S and 16.01-2S and will result in well-located, accessible housing at a site that is envisaged in policy for that purpose.
- The development of the masterplan will result in economic benefits as required in Clause 17 (Economic Development).

In its recommendations to the Minister that prior to any approval occurring that the

- *The Minister for Planning commission DELWP, including a legal opinion, if necessary, to review the planning process for the introduction of the planning controls and associated endorsed/approved plans that relate to the Elloura Estate, including confirmation of the status of the 2014 Master Plan.*
- *The Minister for Planning satisfy themselves, including seeking legal advice if necessary, as to whether the requirements of the Aboriginal Heritage Act 2006 have been met prior to the issue of the planning permit for native vegetation removal.*

The discussions within the body of the SAC report were quite instructive regarding the approval and perhaps scope creep of the approvals occurring on the site. It noted:

The Committee wishes to highlight at the outset of this report that it has some concerns about the way in which the statutory planning and approvals framework that applies to the subject land, and the broader Elloura Estate area, appears to have dealt with the site layout that has 'evolved' over time.

The Committee refers to its comments in Section 3.2 in relation to the 'approval' of the 2014 Master Plan and its questions that were asked at the roundtable about the way in which the approval of that 'current' Master Plan took place. The Committee also refers to the endorsed plan associated with the Planning Permit P2005-182 (discussed in the previous section), which shows a different location for community facilities on the site, as well as a slightly different road and lot layout in the southern portion of the subject land, when compared to the 2014 Master Plan.

The Committee acknowledges the commentary of both Council and the applicant that the changes that have taken place to the site layout over time offer a range of improved outcomes – including environmental improvements via a significant reduction in the number of trees proposed to be removed from the site.

However, the Committee remains concerned that the revised site layout that has resulted in these improved outcomes may not be addressed appropriately in the statutory planning framework that applies to the broader estate.

Accordingly, the Committee recommends that prior to the issue of any further approvals for the broader Elloura Estate, including the current permit application for native vegetation removal, a review should be undertaken by DELWP, including if necessary the seeking of legal advice, on the planning controls and associated endorsed/approved plans that relate to the Elloura Estate, to confirm that due process has been followed in terms of the status of the 'current' Master Plan.

Following receipt of the SAC's report, further review was undertaken by DELWP, and the Minister subsequently recommended that no permit is granted as the outstanding matters could not be resolved.

This issue highlights a common issue that can occur over many years with new updates and amendments to Master Plans as well as Development Plans. This is not an issue isolated for Strathbogie Shire Council. It is an issue that was also raised during consultation whereby the CFA raised concerns in relation to older approved development plans that have not been developed and were previously approved under previous regulations. Although not necessarily directed in relation to the Elloura Estate it is considered that there should be an in-depth audit to review plans that have been approved and reconcile those with best practice planning provisions, it should also consider 'scope creep'.

It is also noted that currently Council is still in the process of seeking to implement a Gaming Strategy and clause that additional guidance for future gaming applications through Amendment C78. It is understood that the development of this policy in response to the case that was considered by VCAT in *Alston v Strathbogie SC* [2014] VCAT 760 (26 June 2014). Pre-gazettal has been received at the time of the report being developed.

5.3 Findings

The Review finds that:

- Council has had a high degree of success at VCAT which indicates that generally there are no issues with the planning policy framework.

- Controls could be updated to improve outcomes for key gateways for townships and not rely on background documents to provide guidance i.e. Euroa Township Plan (2010)
- Council has not referred any matters to PPV since 2018.
- A SAC was referred a VCAT call in and they found that there are valid concerns about scope creep where Development Plans or Master Plans have been approved as older documents.

6 Conclusions

As an overall observation, we are satisfied that Council has achieved a high level of statutory compliance in its processing of planning permits. In particular delegate, assessments demonstrated high competency and understanding of key issues associated with the application.

The Review period has seen a very challenging work environment with the COVID-19 Pandemic which has introduced some very real challenges for the team including;

- Transition of Planning team to work from home
- Increased general stress on team
- Complications of service delivery and customer service
- Challenges for ability to attend site inspections
- Increased workload and planning permits received

Despite these challenges the statistics and processing times should be commended. It is also noted that while processing times have increased during this period this is reflected across the industry and in comparison the Strathbogie planning team are performing well.

There are a few areas for improvement that could further enhance the process and provide for good decision making, particularly concerning documenting pre-application meetings, on-site inspections, and investment in technologies.

6.1 Findings

Despite the COVID-19 Pandemic has had an impact on the team, resulted in increased workload and has limited the ability for site inspections, the Review finds that:

- Council has achieved a high level of statutory compliance in its processing of planning permits. In particular delegate, assessments demonstrated high competency and understanding of key issues associated with the application
- The statistics and processing times should be commended
- There are a few areas for improvement that could further enhance the process and provide for good decision making, particularly concerning documenting pre-application meetings and on-site inspections
- Better technology is required to aid the ability for Council to receive applications online as well as ensure that external users can view the planning register.

7 Recommendations

It is recommended that.

- Investment be provided to improve new technologies to streamline and make more accessible the planning application processes
- Internal procedures be adopted to improve communication across Council and with Agencies including;
 - Integrated Planning Committee (internal) – monthly meetings to discuss larger projects
 - Meeting and engaging regularly with external agencies to highlight large projects that are on the horizon
 - Reviewing older Development Plans to ensure they reflect best practice planning
 - MOU in relation to jetty permits
- Statutory Planning processes be improved to:
 - Ensure that 70% of proposals have site inspections should be undertaken before exempting applications from notification;
 - Investigate the better integration of technology and reports including better use of photography within reports.
 - Including, Ensure that delegate reports provide the opportunity for digital imagery to be included within the body of the reports, to demonstrate knowledge of site and site visitation;
 - That a pre-application form is utilised to record understanding of any prior pre-application meetings.