Shadow Minister for Planning

David Davis MP

And in a blink the bulldozers had rolled in

Imagine waking up tomorrow morning and finding bulldozers in your neighbouring backyard. Under the Andrews Labor Government's new planning amendment, one day you may get that frightening opportunity.

Under Planning Amendment VC194, Daniel Andrews and Minister for Planning, Richard Wynne, are silencing the Victorian public and granting themselves the excessive power to approve State infrastructure projects without the formalised process of a planning permit application. This is just another example of a state government that sees itself to be above the checks and balances of true and fair process, and another example of the excessive power grab of the Andrews Labor Government that I for one reject.

The specifics of the amendment create new rules for State government projects and Local Government projects. For State government infrastructure projects, Clause 52.30 removes the approval authority of any *'state project'* from the local council and grants it entirely to the Minister for Planning, Richard Wynne. VC194 also allows for the Minister to designate any project a *'state project'* if it meets a very broad definition. This definition requires the project to have some level of association with the State Government – be that in funding or proposer – and requires the project to contribute to Victoria's COVID-19 economic recovery. Essentially, this definition allows the Minister to pick and choose any project and give it the label *'state project'* in order to circumvent the need for a consultative planning permit process.

What is clear to me in this amendment is that the Andrews Labor Government does not wish to listen to what the community has to say. Communities have legitimate interests in the future of their own local land use planning and bypassing these will lead to a democratic deficit.

The Clause removes *"the need for separate planning scheme amendments or planning permits for applicable projects"*. These novel provisions certainly make it easier to deliver and facilitate projects *"delivered by or on behalf of, or jointly in partnership, or funded by the State of Victoria or public authorities or crown land"* and certainly include transport infrastructure projects, water projects, water and sewerage projects, public and private use, and a host of others. Noble objectives, but huge power – virtually without check or filter.

Even those – like me – who want to get the economy moving and see targeted projects as a key way to do it will be very uneasy that these provisions strip away long-standing rights and protections. Hypocritically, the Andrews Labor Government repeatedly sweeps aside rules and checks on its own activities while treating differentially private sector projects which are left on the backburner, often for years.

Infrastructure projects are important. Development is important. But in 20 years' time we do not want to be facing the consequences of poorly planned, neighbourhood inappropriate and unsuitable development that does not cater to the needs of the community it serves. There is a reason for public consultation: there is a reason for a formalised planning application process. Although I understand this, it is becoming more and more evident that the Andrews Government does not.

Every Victorian understands the need to kickstart the economy coming out of the COVID-19 pandemic and we are all in favour of streamlined planning processes that help achieve this objective – but without any process, without any checks or balances? Few believe that a process centrally controlled without real consultation and perhaps with no consultation will lead to better planning outcomes. After all, the wide list of projects contemplated is enormous requiring only that *"the minister is satisfied that a proposed use or development is a state project"* and applies until 30 June 2025.

Local Government can be seen as both a winner and a loser under these rules; gaining powers to advance projects without checks and balances; but also losing powers where State Government projects can be rolled into their municipalities without normal checks and balances, and where the Local Government is no longer the responsible authority.

The second limb of the amendment exempts certain local government projects *"from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the act"*. Local councils can now proceed with projects valued at less than $10 million without a planning permit under Clause 52.31 – that is without traditional consultation or review rules. How is it possible to make informed decisions in the best interest of Victorian communities while shutting them out of the process? This planning amendment, VC194, has done just that. The Minister has made himself the gatekeeper on consultation with his power, like a roman emperor, able to give the thumbs up or thumbs down.

I say that local communities must be involved in the planning process for projects that affect their local spaces, and not just to the satisfaction of a distant tower-based Planning Minister. I also say local councils should be the responsible authority as they are best placed to know what is in the interests of their local community. With respect, Minister Wynne should not have unchecked power and free reign on the future of our suburbs.

Victorians should not face the prospect of waking up one morning to find bulldozers in their neighbouring backyard, all because the consultation requirements have been dispensed with by the Minister for Planning.

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