

STRONGER PLANNING ENFORCEMENT

A risk assessment framework and supplementary resource for planning enforcement in councils

RISK ASSESSMENT TOOL

STEP ONE: IDENTIFICATION

Having in Step Two determined the likelihood of various risks occurring, consider the significance of those risks by determining a priority rating for addressing each risk. The priority rating is an evaluation of the importance of each identified risk, having regard to the potential consequences.

Each situation must be evaluated according to the particular circumstances, however the following Priority Rating Matrix may be used as a guide to the priority ratings that might be allocated according to the likelihood of a particular risk occurring. This step requires a priority rating to be assigned to each risk identified in Step Two, having regard to the likelihood of that risk occurring. Generally, the more likely a risk is to occur, the higher the priority rating will be, as demonstrated in the Priority Rating Matrix (below). The gravity of the potential consequences of a risk may affect the priority rating given. For example, a risk to life that is likely (50-90% chance), might be allocated the 'very high' priority rating, whereas an amenity risk (e.g. noise) that is almost certain (>90% chance) might be allocated the lesser 'high' priority rating.

After considering a priority rating for addressing each risk, an overall priority rating could then be determined.

PRIORITY RATING MATRIX

IDENTIFIED RISK	A. Very high	B. High	C. Medium	D. Low	E. Very Low
Rare (< 3% chance)					
Unlikely (between 3-10% chance)					
Moderate (between 10-50% chance)					
Likely (between 50-90% chance)					
Almost certain (> 90% chance)					

CATEGORY	PRIORITY RATING	DESCRIPTION OF PRIORITY RATING
A	Very high	Moderate/high/very high risk to life and/or health. High/very high impact to someone, amenity, environment, vegetation or on historical significance. Matter non-reversible. Urgent action necessary.
B	High	Moderate cost involved and/or moderate impact to someone or the amenity or environment. Some urgency.
C	Medium	Some cost and/or works involved with minimal impact to someone or to amenity or environment. Little urgency.
D	Low	Easily resolved with minimal cost and little impact to anyone. Little urgency.
E	Very Low	Easy to resolve with minimal cost or effort and no impact to anyone. Not urgent.

Once a priority rating for each risk has been assigned, it can be used to determine the priorities for auditing and enforcing, which is the focus of Step Four.

STEP THREE: DETERMINE THE PRIORITY RATING

Part A: Proactive enforcement

Identify:

- (a) all planning permits issued by the council (include details of the use and development permitted, zone and overlay provisions that apply, specific permit conditions; can be divided into specific categories, e.g. multi-unit developments in residential zones, subdivisions in areas subject to the Bushfire Management Overlay);
- (b) known uses and development in the municipality which require a planning permit under the planning scheme; and
- (c) known uses and development in the municipality prohibited under the planning scheme.

Part B: Reactive enforcement

Identify complaints made to the council that relate to an alleged breach of a planning permit and/or the planning scheme or a section 173 agreement.

STEP TWO: ASSESSMENT OF RISK PROFILE

Using the lists created in Step One, assess and evaluate the risk profile of:

- (a) a breach of a permit issued by the council (an actual breach or a possible breach);
- (b) known uses and development in the municipality which require a planning permit under the planning scheme, which are being carried out in the absence of such a permit; and
- (c) known uses and development in the municipality prohibited under the planning scheme, which are being carried out,

by considering each of the following:

- I. How likely is any risk of harm to human life (death or injury)?
 - (a) Rare (< 3% chance)
 - (b) Unlikely (between 3-10% chance)
 - (c) Moderate (between 10-50% chance)
 - (d) Likely (between 50-90% chance)
 - (e) Almost certain (> 90% chance)
- II. How likely is any risk of harm to property?
 - (a) Rare (< 3% chance)
 - (b) Unlikely (between 3-10% chance)
 - (c) Moderate (between 10-50% chance)
 - (d) Likely (between 50-90% chance)
 - (e) Almost certain (> 90% chance)
- III. How likely is any risk of harm to the environment?
 - (a) Rare (< 3% chance)
 - (b) Unlikely (between 3-10% chance)
 - (c) Moderate (between 10-50% chance)
 - (d) Likely (between 50-90% chance)
 - (e) Almost certain (> 90% chance)
- IV. How likely is any risk of harm to animals (e.g. wildlife) (death or injury)?
 - (a) Rare (< 3% chance)

- (b) Unlikely (between 3-10% chance)
- (c) Moderate (between 10-50% chance)
- (d) Likely (between 50-90% chance)
- (e) Almost certain (> 90% chance)

V. How likely is any economic risk (e.g. cost to others; cost to the Council)?

- (a) Rare (< 3% chance)
- (b) Unlikely (between 3-10% chance)
- (c) Moderate (between 10-50% chance)
- (d) Likely (between 50-90% chance)
- (e) Almost certain (> 90% chance)

VI. How likely is any social risk (e.g. amenity, heritage, proximity to sensitive uses, community relations)?

- (a) Rare (< 3% chance)
- (b) Unlikely (between 3-10% chance)
- (c) Moderate (between 10-50% chance)
- (d) Likely (between 50-90% chance)
- (e) Almost certain (> 90% chance)

VII. How likely is any risk to the Council (e.g. potential legal liability, reputational risks)?

- (a) Rare (< 3% chance)
- (b) Unlikely (between 3-10% chance)
- (c) Moderate (between 10-50% chance)
- (d) Likely (between 50-90% chance)
- (e) Almost certain (> 90% chance)

VIII. How likely is any other identifiable risk, not otherwise specified in I to VII?

- (a) Rare (< 3% chance)
- (b) Unlikely (between 3-10% chance)
- (c) Moderate (between 10-50% chance)
- (d) Likely (between 50-90% chance)
- (e) Almost certain (> 90% chance)

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Having determined the priority rating in Step Three, determine what resources to allocate to auditing compliance and responding to complaints. Greater resources should be allocated to enforcement activities where the priority rating for addressing a risk or multiple risks is high or very high. Take appropriate enforcement action if a breach is identified. Enforcement action should be proportionate to the degree of risk.

Further information

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STEP FOUR: AUDIT AND ENFORCE