

10 October 2023

Susheila Vijendran  
Executive Director & Deputy Registrar of Titles  
Land Registry Services  
Department of Transport and Planning

Delivered via email: [luv.consultation@delwp.vic.gov.au](mailto:luv.consultation@delwp.vic.gov.au)  
[susheila.vijendran@delwp.vic.gov.au](mailto:susheila.vijendran@delwp.vic.gov.au)

Dear Susheila

### **MAV feedback to Land Use Victoria: Registrar's Requirements Consultation**

The Municipal Association of Victoria (MAV) welcomes this opportunity to respond to Land Use Victoria's consultation on proposed changes to the Registrar's Requirements.

We understand that there is strong desire within government to streamline planning and development systems to unlock land supply. The MAV and councils support measures to make processes simpler and to improve consistency for communities. However, in the rush to streamline systems, it is essential that unintended negative consequences are avoided.

The MAV has consulted with a number of councils regarding the proposed changes to the Registrar's Requirements. Of principal concern for many councils is proposed new Registrar's Requirement 16 – Recording of Approved Building Envelopes only accepted in an agreement lodged under section 173 of the *Planning and Environment Act 1987*. These concerns are:

- **Preparing, executing, monitoring and enforcing more section 173 agreements moves an administrative burden to councils.** As a party to section 173 agreements, councils will be a legal party to their ongoing management and amendments. Under existing settings, councils have a minimal role in the enforcement of envelopes and other restrictions except for when a lot holder seeks to amend the envelope through the normal planning permit process. The result of this change will be the cost and administrative burden falling from Land Use Victoria and the Registrar onto councils.
- **There will be times council will not want to be party to an agreement,** especially when building envelopes are not affected by a planning provision or via permit conditions. In many circumstances councils do not see a need to require restrictions for building envelopes. Requiring councils to enter into agreements will create issues for the most resource-stretched councils, particularly greenfield growth area councils and rural and regional councils.
- **Managing, enforcing and amending section 173 agreements can still be a time-consuming and legalistic process, requiring consultation and assessment against the planning scheme.** Different councils have different levels of resourcing and expertise available to them. While larger, well-resourced councils might be able to effectively monitor



and enforce more 173 agreements, many growth area and rural and regional councils are already struggling to train and retain well qualified and experienced planning staff.

There is currently a state-wide shortage of planners, surveyors and engineers which councils rely on to plan for and manage development in their communities. The problem is most acute for fast-growing growth corridor councils and rural and regional councils. It does not appear this resource impact has been considered by LUV.

With potential increased resource burdens for already stretched councils, we ask that the LUV not proceed with this change pending further consultation with the MAV and councils. As the level of government closest to the community and responsible for overseeing the vast majority of subdivision permit matters, council planning departments are subject matter experts and would be willing to share their detailed insights for improvement.

Should you have any queries about this matter, please contact James McLean, Senior Policy Adviser – Built and Natural Environment at [jmclean@mav.asn.au](mailto:jmclean@mav.asn.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kelly Grigsby', with a long, sweeping horizontal line extending to the right.

KELLY GRIGSBY  
Chief Executive Officer