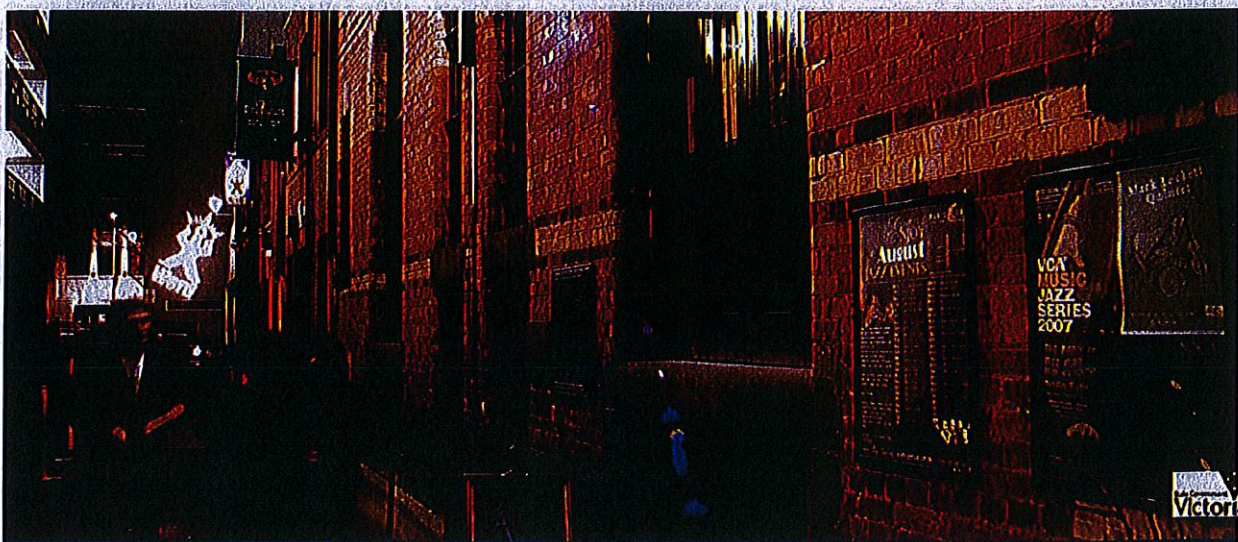


# Partnership Agreement

2014-18





1. Preamble

The Metropolitan Planning Authority (MPA) and the Municipal Association of Victoria (MAV), on behalf of councils in Victoria, commit to this partnership agreement (Agreement) that is based on a spirit of cooperation and shared commitment to implement *Plan Melbourne and regional growth plans*.

As Melbourne grows to a city of 7.7 million people, it will face an array of significant challenges and opportunities. Plan Melbourne is the blueprint for managing this growth. The Plan identifies targeted locations where growth will be accommodated and tasks the MPA to work with local government to unlock capacity in these locations and to plan for well-designed communities with high quality public spaces and good access to services. In regional areas the MPA will work with selected Council as directed to support implementation of the regional growth plans.

The MPA, MAV and local government are all working towards similar goals in the best interests of Victorians. The MPA recognises the significant role of local government land use planning in accordance with the *Planning and Environment Act 1987*, as well as an infrastructure provider and asset manager. This Agreement recognises the principle of subsidiarity and focuses on the areas of mutual interest for all parties.

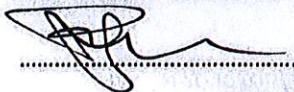
This Agreement, together with the *Victorian State-Local Government Agreement 2008 (and as amended from time to time)*, provides an overarching framework to guide current and future relationships, agreements and activities undertaken between the MPA, MAV and local government including but not limited to the MPA's activities in:

- planning for the strategic locations identified in Plan Melbourne including National Employment Clusters, Urban Renewal Areas, Metropolitan Activity Centres, green fields growth areas, health and education precincts and peri-urban towns and selected regional cities;
- operation of the Subregional Planning Groups including annual advice to Government on priorities for investment to support the implementation of Plan Melbourne;
- implementation of Plan Melbourne initiatives where the MPA is listed as the 'lead' agency including establishment of a permanent urban growth boundary and development of a Metropolitan Open Spaces Strategy; and
- other matters as directed by the Minister for Planning in accordance with the *Planning and Environment Act 1987*.

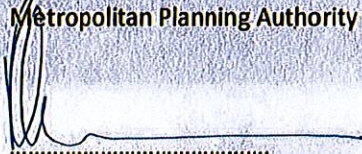
The parties intend to give effect to this Agreement but acknowledge that it does not create, and must not be construed as creating, a legally binding and enforceable contract.

Signed on the 18. day of 6. 2014

Rob Spence,  
Chief Executive Officer  
Municipal Association of Victoria  
on behalf of local councils in Victoria



Peter Seamer  
Chief Executive Officer  
Metropolitan Planning Authority





## 2. The partners

### *The Metropolitan Planning Authority*

The Victorian Government has established the MPA to support implementation of the Metropolitan Planning Strategy – *Plan Melbourne* over the long term. The MPA will also have a role in supporting councils to implement the regional growth plans as directed by the Minister. The MPA is formed on the statutory basis of the Growth Areas Authority under the *Planning and Environment Act 1987*.

The MPA will operate in accordance with Part 3AAB of the Act and with the powers conferred upon it by the Minister for Planning from time to time.

### *The Municipal Association of Victoria*

The MAV, formed in 1879, is the legislated peak representative body for Victorian local government established by the *Municipal Association Act 1907*. The Act vests the MAV with responsibility to promote the interests of and represent all 79 councils in Victoria. In this capacity, the MAV has negotiated and entered into this Agreement on behalf of all Victorian councils.

As the sphere of local government in Australia, councils have legislative authority and community responsibility based on an electoral mandate to plan for and regulate development in their local areas. Local government is recognised in the Victorian Constitution and has statutory authority principally derived from the *Victorian Local Government Act 1989*.

Where council is referred to in this agreement, it consists of council officers and or elected councillors whichever is most appropriate considering the relevant delegation and importance of the issue.

## 3. Obligations of the partners

### The MPA and MAV agree to:

- work together to support the Government to implement Plan Melbourne and regional growth plans;
- recognise that the role of the MPA is to focus on implementation of State Government policy and matters as directed by the Minister for Planning rather than duplicating the role of local government in local planning;
- support the Subregional Planning Groups in accordance with the Terms of Reference and Guiding Principles for those groups ([Attachment A](#));
- where the MPA becomes Planning Authority or Responsible Authority, to do so in accordance with agreed protocol and establish appropriate governance arrangements to involve relevant local councils in setting the future urban structure for these areas;
- engage in timely, cooperative and meaningful consultation and negotiation regarding the planning for areas which affect the other party;
- be respectful, cooperative and transparent;
- relate to the other party in a manner that is coordinated and consistent;
- ensure that specific contracts, arrangements, policies and plans entered into or carried out by the parties are complementary with the Agreement;
- subject to privacy legislation and policies, share relevant data and information to inform strategic planning and service delivery;
- develop processes to promote a common understanding of mutual priority needs; and
- develop a process to review the effectiveness of this Agreement, with progress assessed twelve months from the date that the Agreement comes into effect.

## 4. Relationship of this Agreement to other Agreements

This Agreement is not intended to supersede or alter existing contractual arrangements or other agreements between the MPA and MAV or councils.



The parties note that the *Victorian State-Local Government Agreement* entered into by the Minister for Local Government (on behalf of the Victorian Government) and the President of the MAV (on behalf of local government in Victoria) on 14 May 2008 (currently subject to review) states overarching principles for improving interaction between the Victorian Government and councils.

#### 5. Managing differences

The parties agree:

- that they have legitimate differences in governance, roles and responsibilities;
- that local government is a key partner in land use planning and also has a lead role as an infrastructure and asset manager;
- to work constructively to honour the terms of the Agreement; and
- that in the event of a party stating that one or more undertakings in the Agreement is not being fulfilled, the parties will use best endeavours to ensure that the undertaking is satisfied or that an alternative solution is agreed.

#### 6. Evaluation and review

The parties agree:

- to monitor the implementation of the Agreement and evaluate its effectiveness after the first/second year of operation and following that, as agreed on a joint basis;
- to participate in forums that may be convened by the Minister from time to time discuss issues and opportunities in metropolitan and regional planning; and
- that the CEOs of the MAV and the MPA will meet regularly to discuss matters relevant to this Agreement.

#### 7. Term of the agreement

This agreement will have a four-year term, commencing from the date of signing.

# **Protocol for the MPA as Planning Authority and Responsible Authority**

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## **Introduction**

This protocol applies where the Metropolitan Planning Authority is Planning Authority or a Responsible Authority under the *Planning and Environment Act 1987*.

This protocol is not intended to impact on the decision-making powers or discretions of the MPA, but recognises that councils will have valuable local knowledge and information that may assist decision making including local community preferences, and a knowledge of the potential financial impacts that may be associated with development in terms of council asset management systems.

## **Aims**

Decisions of the MPA will:

- have regard to previous land use planning work undertaken by councils;
- be made with the benefit of council knowledge and information;
- be consistent with any directions from the Minister for Planning;
- have regard to council reporting and meeting cycles when seeking comment or submissions;
- recognise councils' role in infrastructure, asset management and land use planning.

## **Procedures**

These procedures set out the working arrangements between the MPA and councils.

- The extent of the MPA's involvement as Planning Authority for sites will be determined on a site by site basis having regard to structure planning work undertaken by a council and any action required to deliver on *Plan Melbourne*.
- If a structure plan or similar work is to be undertaken by the MPA, the MPA will:
  - consult with council at the commencement of the planning work to determine the extent of work already undertaken;
  - engage in an appropriate way with community members likely to be affected in the process.
- Where the MPA reviews strategic work of the relevant council, an explanatory report accompanying a planning scheme amendment will address the council's strategic work.
- Council will provide evidence-based advice on local government issues including infrastructure provision, maintenance requirements to the MPA as required.
- The MPA will seek comments from council prior to exhibition of any planning scheme amendment.
- The MPA will commence exhibition of an amendment at a time that accommodates officer reporting to council.
- All efforts should be made to minimise any areas of disagreement between the MPA and council as soon as practicable.
- Council will provide to the MPA the names and addresses of land owners as required to enable the MPA to carry out its statutory functions.

- The MPA will advise council when a permit application is lodged.
- A tailored, permit assessment processes (consistent with statutory obligations) may be applied at the discretion of the MPA. These will be discussed with the council on a case-by-case basis.
- Upon being advised that a permit application has been lodged, the MPA will discuss the application with the council.
- Council will provide, in a timely manner, any information held that is relevant to the assessment of an application such as the permit history of a site, infrastructure data and a list of standard planning permit conditions.
- When providing comment or submission to the MPA on a permit or planning scheme amendment a response will be provided having regard to the view of the council, *Plan Melbourne* and the municipal planning scheme.
- The MPA will work with councils to determine appropriate enforcement arrangements and responsibilities on a case- by- case basis.
- Where the MPA issues permits, it will have regard to standard planning permit conditions provided by council in order to ensure that such permits can be efficiently and effectively enforced by local government if required.
- In the event that a council is to become a Responsible Authority for the purposes of enforcing a permit, the MPA will provide all files and relevant documents, and conduct a formal hand over
- All records must be transferred in an orderly state that enables efficient and effective enforcement action to be undertaken by local government prior to the transfer of responsibility.



# **Attachment A – Subregional Planning Group – Endorsed Terms of Reference and Guiding Principles**

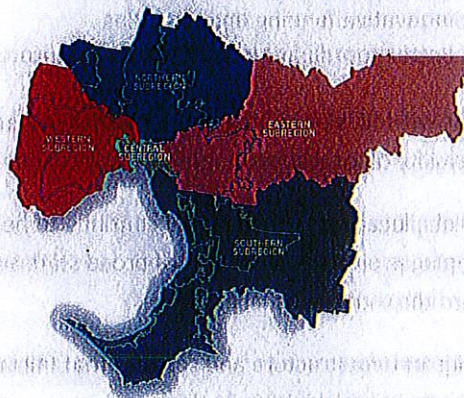
## **Subregional Planning Groups - Terms of Reference**

### **Strategic context**

The Victorian Government has created five new Metropolitan Subregional Planning Groups (SPGs) to acknowledge the key role of local government in supporting the long term implementation of the Metropolitan Planning Strategy.

The subregions are:

- Central Subregion
- Western Subregion
- Northern Subregion
- Eastern Subregion
- Southern Subregion



The subregional boundaries have been designed to:

- optimise natural economic flows and flows of people around the city;
- reflect approximate communities of interest; and
- be of a roughly similar population size as the city grows toward 7.5 million people.

The Metropolitan Planning Authority (MPA) will establish and oversee the SPGs and will work with them to integrate planning and infrastructure to support jobs, housing and investment in infrastructure and services to support implementation of the Metropolitan Planning Strategy over the long term.

This process will not replace the existing State budget process but will operate alongside and inform this process. The SPGs provide an opportunity for local government to inform and influence State Government decision-making regarding subregional priorities.

The SPGs have a clear role, which is separate but complementary to the existing Regional Management Forums (RMFs). In particular, the SPGs will:

- support the MPA in preparing advice to the Minister for Planning on subregional context and priorities related to the Metropolitan Planning Strategy, with this advice to provide an input into the Annual State Budget process;
- support the MPA in working across departments and agencies to support a holistic and collaborative approach to long term economic, and social and community priorities for the subregions;
- inform consistency of approach and content in infrastructure planning processes; and
- inform a better long term forward view for Government and agency decision-making and investment.

## **Subregional Planning Groups - Functions**

SPGs will consider strategic priorities to support the integrated delivery of the Metropolitan Planning Strategy across the subregion, including:

- Land use planning priorities – e.g. rezoning/structure planning required
- Transport opportunities to better connect people to jobs and services
- Infrastructure and service delivery priorities – eg bus services
- Social and community priorities (e.g. community facilities, education, health, emergency services, open space, sporting fields)
- Research gaps and requirements
- Partnership opportunities
- Investment opportunities
- Innovative funding opportunities
- Better coordination of infrastructure provision with development sequencing.

The SPGs will focus on subregional priorities rather than on matters that would normally be the sole responsibility of local government, are low cost or are matters of wider state significance.

Small scale, local infrastructure will continue to be planned and delivered by councils. Large scale, city-shaping projects and matters of broad state significance will continue to be planned and delivered through the usual processes.

The range of infrastructure and services that fall in between these categories will be the focus of the SPGs and may include projects that:

- Deliver on the objectives of the Metropolitan Planning Strategy in the subregions;
- Affect or benefit areas that expand beyond individual municipal boundaries ; or
- Offer opportunities for integrating funding, delivery and/or operation that justify collective consideration.

### **Chair**

The CEO of the Metropolitan Planning Authority will chair SPG meetings.

### **Participation in the SPGs**

Membership of the SPGs will be open to:

- Chief Executive Officer of the MPA and relevant MPA Directors
- Chief Executive Officer of each council within the relevant subregion
- Secretary of the Department of Transport, Planning and Local Infrastructure (or relevant Deputy Secretary delegate)

The Chair will have the discretion to invite interested parties to attend any meeting as observers to maximise input to the SPG process, e.g. adjacent council CEOs or RMF Champions. Broader briefing of elected representatives will be a matter for their appointed officers.



## **Operation and support**

The MPA will be the Secretariat for the SPGs, assuming responsibility for the administration and technical support of the SPGs. The MPA will also coordinate input and actions.

The SPGs will be supported by working groups to be chaired by the MPA. Working groups will comprise representatives from relevant departments, agencies and local government.

Agreed actions from SPG meetings will be documented and circulated to SPG members and working groups following each meeting.

## **Governance and Reporting Framework**

The process governance and reporting framework is illustrated in Attachment B. This process will be an annual process that will seek to align with the timelines for the annual State Budget process.

Two meetings are proposed to be held in the first year to identify strategic directions and priorities. These will be held in February/March and May/June. Future meeting schedules will be discussed by the SPGs and will be at the discretion of the Chair. Additional SPG meetings may be held if required, as determined by the Chair.

Collaborative efforts within the SPGs will inform the MPA's annual report to the Minister for Planning. This report will be provided to Government early in the annual State Budget process. It will focus on identifying the barriers and opportunities, and identifying a package of solutions that support integrated delivery of the Strategy over the long term.

In preparing its advice on infrastructure priorities for the Minister for Planning, the MPA will inform itself through the SPGs as well as through agency consultation and technical analysis through the working groups.

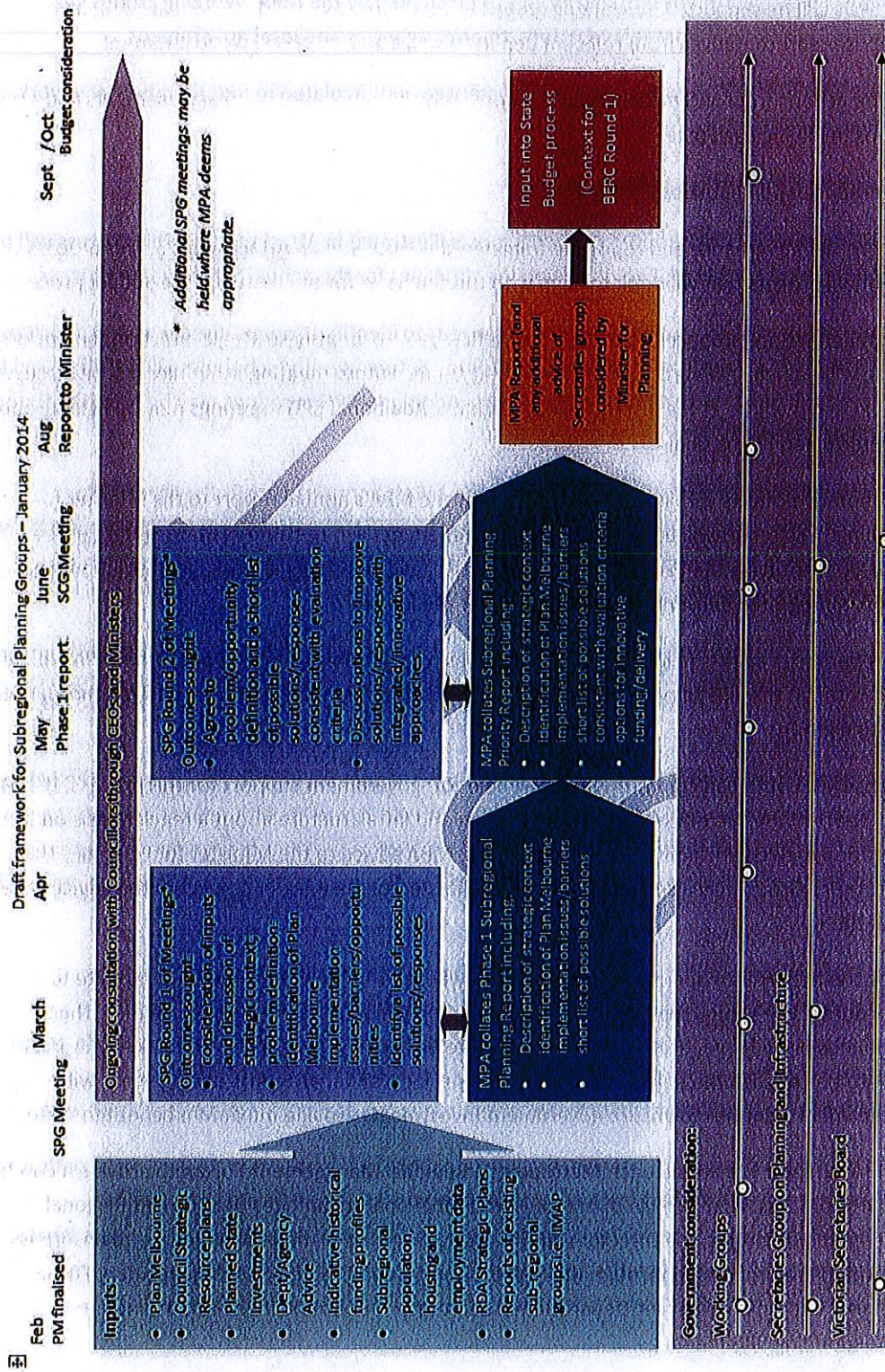
To ensure a continued commitment and whole-of-government support for this process, the MPA will report to the Secretaries Group on Planning and Infrastructure about a regular basis on the operation of SPGs, including as part of finalising MPA advice to the Minister for Planning. The Secretaries Group may also elect to brief the Minister for Planning in respect of the advice received from the MPA.

After the first year of operation, consideration will be given to whether it is appropriate to incorporate the annual report into the Government's investment lifecycle guidelines. These guidelines provide practical assistance to anyone developing investment projects in Victoria and seek to better align the policies, programs and projects of departments and agencies with government priorities to ensure government investments provide maximum benefit to Victoria.

A MPA Director will attend each Metropolitan Regional Management Forum to provide a conduit to the SPG process. To maximise operational and functional advantages of SPGs and Regional Management Forums, the Director will give strategic consideration and guidance to ensure issues identified are progressed through the appropriate group. The Regional Management Forum Regional Champion (relevant Departmental Secretary) will also be invited to attend the corresponding SPG meetings.



## Attachment B





**Proposals put forward by the MPA for consideration by government will:**

- 1. Respond to clearly identified barriers or opportunities regarding the implementation of *Plan Melbourne* in the subregion. In particular, proposals will identify integrated solutions to support jobs growth and better connect the growing population to jobs and services**
- 2. Have significance beyond a local area to support a stronger subregional and community and economy**
- 3. Offer an opportunity to bring forward collaborative investment or action by optimising funding from a range of sources including the private sector**
- 4. Be based on a clearly demonstrated need/demand**
- 5. Consider opportunities for appropriate Commonwealth support where it is demonstrated that the project also supports improvements to national productivity**
- 6. Consider options to better align State/local government/community services sector, resources, particularly for improved service delivery outcomes**
- 7. Recognise realistic funding levels in the light of competing pressures for State resources**
- 8. Consider options for low cost, staged or alternative responses to the problem/opportunity i.e. advocacy, partnerships, planning studies, operational improvements, etc.**
- 9. Consider capacity and capability constraints or risks that may impact on the successful delivery of the proposal.**
- 10. Align broadly with State Government policy, strategic directions and, in particular, *Plan Melbourne*.**







# Addendum to the MAV/MPA Partnership Agreement

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## Introduction

The MAV received feedback on the operation of the Partnership Agreement in November 2014. Acknowledging the importance of the relationship with local government, the MPA agreed to the following amendments. The addendum should be read in conjunction with the Protocol forming part of this agreement.

### 1. General matters

- a) The MPA will work with relevant councils in scoping its land use planning activities
- b) Planning Permit and Planning Scheme Amendment processes will mirror the requirements of the *Planning and Environment Act 1987*

### 2. Planning authority matters

- a) Where the MPA formally adopts a planning scheme amendment, it will make a copy of the adopted amendment and officer reports available on its website at the time it is submitted to the Minister for consideration
- b) The MPA will have due regard to recommendations of Planning Panels Victoria in considering its advice to the Minister for Planning
- c) In the event that the MPA proposes recommendations different to those recommended by Planning Panels Victoria, they will be discussed with council officers prior to being submitted to the Minister for consideration
- d) The MPA will seek the views of the relevant council prior to requesting that the Minister consider a 20(4) amendment
- e) The MPA would generally support the Minister publishing reasons for intervention.

### 3. Responsible authority matters

- a) The MPA will invite councils to relevant pre application and planning permit application meetings
- b) The MPA will provide copies of development applications to council and provide sufficient time for council to consider or request further information on a planning permit or amended application and make comments
- c) The MPA will inform council of its intent to determine a planning permit application no later than two days before any formal decision and provide it with a copy of a draft delegate report and planning permit conditions
- d) The MPA will publish delegate reports for planning permit decisions on its website at the time the decision is made
- e) The MPA, in conjunction with council, will inspect completed developments to ensure that the outcomes resulting from permit approvals are consistent with policy objectives

### 4. Council matters


- a) Councils will develop processes to facilitate timely feedback to the MPA on planning permit and planning scheme amendments
- b) Councils will send appropriate staff to meetings to provide input and table concerns as early as possible

- c) Where relevant, Councils will inform the MPA and the applicant of its preference for land or a cash payment in lieu pursuant to Clause 52.01 (Public Open Space)

Signed on the <sup>24</sup> day of <sup>2</sup>/2015



Rob Spence  
Chief Executive Officer  
Municipal Association of Victoria



Peter Seamer  
Chief Executive Officer  
Metropolitan Planning Authority