

## Planning during COVID

During the COVID-19, business must adapt and innovate to survive. Kellehers Australia is observing two key adaptation models:

### 1. Incremental Changes to Operations

Adjusting operations to limit activity or remain open by whatever means possible:

- The local café offers takeaway and basic necessities - a pop-up convenience store;
- The local gym, psychologist or dance studio operate online from home;

### 2. Opportunity Operations

Increases or changed production to meet COVID needs:

- Manufacturers retool to make protective equipment for hospitals;
- Restaurants pack wholesale and retail canned food options;
- Farmers make woollen masks for food pickers;
- Dress shops make doctors' scrubs;
- 'Dark' kitchens centrally cook food, using an extensive delivery network.

**But**, adaptation may change the land use and can often involve building and works. These can breach existing planning controls. In recent weeks, astonishingly, clients of our firm found COVID-relating planning applications (often for very minor changes) facing long delays. Enforcement officers have visited other clients over minor matters. The Victorian Government and the Department of Environment Land Water and Planning (**DELWP**) have been silent on incentives for COVID-related land use changes. For comparison the Queensland Government passed, on 19 March 2020, amendments to their state Planning legislation to allow for these temporary changes of use together with relaxation of law relating to hours of use. Kellehers believes the Victoria Government is likely to introduce similar adjustments in the coming weeks and months.

We offer three essential tips:

### 1. Fast-track permit approvals

2. Kellehers has successfully found immediate work arounds. Fast tracking can include:

- A well-prepared application that assists planners to process it quickly;
- VicSmart applications;
- Minister for Planning "call in" requests; and
- Checking planning scheme exemptions.

### 3. Conditions on all existing planning and permits and all business licences

Carefully check your existing planning permit and/or business licence (e.g. your health or liquor license). You must ensure that business changes do not breach any permit or licence conditions. We can review and seek temporary amendments.

### 4. Permit Expiry

Most construction and development permits require commencement and completion by a fixed date. Failure to commence or complete ends the permit. These dates must be immediately extended were works will now extend beyond them. Kellehers can assist with a template extension letter.

Getting sensible and clear advice quickly is critical at this time. Contact Kellehers Australia Support Hotline on (03) 9429 8111 to discuss urgent COVID issues. It's 'business as usual', but all staff now work remotely.

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