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Significant Social Effect – Further changes

Significant social effects were introduced as a mandatory consideration in permit applications and planning scheme amendments in 2013. Our earlier work, including the ‘test’ case of *Rutherford*¹, that we conducted, explored this important issue. ‘Significant social effect’ is a complex term that can incorporate a vast array of factors including cultural norms, historical trends and ethnic demographics².

Recently, on 26 May 2015, the Minister for Planning introduced legislation further exploring the term. The *Planning and Environment Amendment (Recognising Objectors) Bill 2015*, which reverses earlier VCAT approaches, provides that the number of objectors must (where appropriate) be relevant to assessing significant social effect:

“For the purposes of subsection (1)(f), the responsible authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect” (italics added).

It also requires VCAT to take objector numbers into account ‘where appropriate’.

In his Second Reading Speech, the Minister explained that ‘[t]his bill makes it clear the number of objectors may be a relevant fact that ought to be considered in this assessment’. He noted that:

“Social effects are not defined in the act but may include matters such as:

*the demand for or use of community facilities and services;
access to social and community facilities;
choice in housing, shopping, recreational and leisure services;
community safety and amenity;
the needs of particular groups in the community, such as the aged”.*

This amendment reinforces the legislative significance of the 2013 changes and the importance placed on objector concerns in shedding light on significant social effects.

The Bill came before the Legislative Council on 11 June 2015, but debate was adjourned. On 24 June 2015, a sessional order of the Council’s Standing Committee on the Environment and Planning, established a self-reference inquiry into the Bill and will report its findings and recommendations to the Council by 4 August 2015³.

So, watch this space.

Hubert Algie
16 July 2015

¹ *Rutherford & Ors v Hume City Council* [2014] VCAT 786; 202 LGERA 361

² Leslie A Stein, *Principles of Planning Law*, 164.

³ Parliament of Victoria, Legislative Council, Daily Hansard, Proof Version, Thursday 25 June 2015.

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KELLEHERS AUSTRALIA: www.kellehers.com.au / e: kelllegal@kellehers.com.au

497 Swan Street, Burnley, 3121, Victoria, Australia