

Submission to the inquiry into the protections within the Victorian Planning Framework

Submission from
Rita & Peter Fellows

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The need for the review is strongly supported as the current act and planning framework is inadequate. Tragically, in Melbourne our generation is leaving the next generation worse off in regard to, among other things, housing ownership and urban design, the maintenance of precious heritage buildings and character of Melbourne, and achieving some major and urgent environmental objectives.

Who believes that Melbourne is a better city now than, say, 20 years ago with the huge personal, environmental and economic costs from congestion and environmental degradation? Who is willing to predict that Melbourne will be a better city in decades given the direction we are currently heading?

Although the ambit of issues in this review is very wide, in this submission we mention only three major areas of inadequacy:

- controlling the State Government's misuse of power in regard to planning controls;
- allowable size of residential development; and
- developing a population policy and generating the debate that must be had on this issue.

Government misuse of planning powers:

We have seen this misuse during the process to redevelop a public housing site in Ashburton (Markham Estate). [The old flats on the site had been run down and needed demolishing.]

Out of the blue, in 2015 the Government announced that 71% of this public housing site would be sold to a private developer with only 29% left to public housing. This without any consultation and with dire housing needs for less-well-off people. Only the actions of the local community and Council got this proposal dramatically changed – so that now there will be no private development.

Since then, our experience with the Markham redevelopment demonstrates that the Government is too ready to ignore the very reasonable concerns of residents regarding the size, height and location of large developments and unwilling to properly consult with residents to achieve a reasonable outcome for both residents and public housing. The approach taken by the Government, both here and at other sites, has been to shut down community input and side line local councils as the responsible authority for making decisions on the development.

To manage the process the Government decided to “call in” this project, thus making the Government the “judge, jury and executioner” on all aspects of the development. The community has seen nothing that attempts to make the case for the State taking over the planning powers of the Council other than a farcical claim that this would speed up the

project. It has been the Government's fault that things have gone so slowly – certainly not community or Council who have always responded speedily on related matters.

The redevelopment now under construction is completely out of scale with the surrounding suburb exceeding the planning zone limitations set by the Government – a zone which was forced on the Council. The Government has assumed the role of the planning authority and, as a result, has used this power to do whatever it likes on this site. The Council's powers have been over-ridden and appeals to VCAT are not permitted.

The Government did not enter into meaningful interaction with the community about the proposal. We believe their approach was both adversarial and unacceptable. The Planning and Environment Act should seek to preserve third party appeal rights, the rights of residents to use VCAT for appeal processes and the role of local Councils as the responsible authority for local developments.

Public consultation was a farce - occurring to only a limited degree and mainly after the design had been finalised. For one of the larger "rubber-stamp" interactions between the State and residents and Council, the Government took off the table debate about the size of the development – one of the absolute key issues with the proposal.

Silence has been a powerful weapon that the Government has used with telling effect. For example, in the 6 years of Government revision to key redevelopment parameters, the local action group did not achieve one meeting with the Housing Minister or any of the Minister's staff or any housing department staff. The group only achieved one meeting with the Planning Minister and this was prior to significant changes to the proposal years ago.

Ironically, a private developer would have had to be far more accountable if it were to propose such a development.

Government planning powers need to be rewritten to stop their abuse.

Allowable size of residential development:

We are concerned about the size of these developments, the impact they have on local amenity and their inconsistency with neighbourhood character. The heights of the buildings in many instances exceeds the GRZ zoning for the area in which they are being built. We also have concerns about the number of dwellings that are being allowed on a housing block and the size of these dwellings. The size of the dwellings often means that there is insufficient garden space to plant or retain mature trees.

The Planning and Environment Act should restrict the number of dwellings on a block to 2 and mandate garden sizes so that mature trees can be retained or planted. This is vital to mitigate the effects of climate change and to insure that our cities are livable into the future not heat sinks.

The spread of development into the outer suburbs also needs to be curtailed as we are beginning to impinge on the green wedges that were set up in 1971. These areas are the lungs of the suburbs and must be protected for the health and well being of residents and to protect wildlife, water resources and biodiversity

Generating a population growth policy and leading the debate on issues that arise from it:

Population has been growing at historically extremely high levels for about the last 20 years, largely from overseas migration. An additional 2,000 people per week were being added to Melbourne prior to Covid.

Where has the case been made that this will be of benefit to Australia? Why has migration been so high? [Note that the level of refugee intake is a separate issue to the one being made here. As a wealthy and lucky nation, Australia should be increasing its intake.]

Australia desperately needs a population policy backed by objective analysis and debate. While the Commonwealth is responsible for migration, it is the States that bear the impact. And it should be the States who bring this issue front and centre in the national policy debate. Instead the current Government says almost nothing publicly about an issue which is so fundamental to the way we all live and our impact on the environment.

The Act and planning framework will always be inadequate while population growth is ignored. So many key issues that the review will examine are impacted by population levels. It sits behind most of them.

A significant reduction in population growth would make the objectives of the Act and planning framework so much easier to achieve.

Yours sincerely,

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January 2022