



Enquiries: Anthony Petherbridge

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The Secretary  
Legislative Council Environment and Planning Committee  
Parliament House, Spring Street  
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Dear Secretary

## **SUBMISSION - INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK**

Thank you for the opportunity to provide a submission for the Inquiry into the Protections within the Victorian Planning Framework. The Victorian Planning Framework has evolved over many years and although measures have been introduced to streamline parts and reduce red tape, changes have also been introduced that have increased complexity.

The City has recently provided responses to the following, that also relate to the Victorian Planning Framework and this Inquiry:

- Inquiry into Apartment Design Standards – Submission provided to the Legislative Assembly Environment and Planning Committee on 31 October 2021
- Improving the Operation of ResCode – Submission provided to DELWP in December 2021
- Bushfire Planning Made Clearer – Submission provided to DELWP on 10 February 2022

The City's responses are provided under each of the Terms of Reference below. Please note that this submission is in addition to a joint submission lodged by both the Cities of Ballarat and Greater Bendigo in relation the World Heritage Listing of the Central Victorian Goldfields.

### The high cost of housing

The City is aware of the cost of housing, and its impact on current and future residents. Having access to housing is a fundamental human right and without it many other basic human rights are compromised. Being able to access affordable and appropriate

housing helps people secure and maintain a job, keep families safe, raise happy and healthy children, enjoy a better standard of living and contribute to their community.

Within the City of Greater Bendigo, 25.9% of all households were considered vulnerable to a housing crisis or eviction due to rental or mortgage stress.

In line with Council's Affordable Housing Action Plan, the following actions are recommended that will have an impact on the cost of housing, and importantly living, for our diverse community members:

- Increase the supply of social housing:
  - Work in partnership with State Government on Big Housing Build initiatives, in particular developing a long term strategic partnership to increase social housing in Greater Bendigo, and achieve sustainable design and health and wellbeing outcomes.
  - Identify well located surplus Government land in Greater Bendigo and work with Registered Housing Agencies, developers and Governments to deliver a mix of affordable housing on these sites.
  - Advocate to State Government to mandate inclusionary zoning in the Planning Scheme, to ensure that a proportion of housing in a development is set aside for affordable housing.
  - Investigate mechanisms to reduce the time taken to subdivide and to bring vacant residential land to market.
- Increase diversity of housing:
  - Advocate for and implement changes to the Planning & Environment Act 1987 and Planning Scheme to allow and encourage small secondary/ accessory dwellings.
  - Investigate advocacy for universal design requirements to be implemented through the Planning Scheme and/ or National Construction Code.
- Improve the quality of new housing:
  - Through the Council Alliance for a Sustainable Built Environment (CASBE), advocate to State Government to create mandatory ESD requirements and implement State-side through the Particular Provisions in the Planning Scheme.
- Reduce planning application timeframes:
  - Advocate to State Government for exemption of notice and review requirements in the Planning Scheme for social housing developments.

- Adopt a clear position on affordable housing:
  - Implement affordable housing data and relevant objectives, strategies and actions in the Greater Bendigo Planning Scheme.
  - Establish a clear pathway for negotiating affordable housing agreements under the Planning & Environment Act 1987.
  - Advocate to State Government to create a Ministers Guidelines for crisis accommodation (e.g. temporary homeless shelters) in non-residentially classified, public and private buildings.

The high cost of housing is extensively discussed amongst community members, including residents, developers and housing providers and associations. Some of the contributing factors that are regularly mentioned to City officers include:

- The supply of residential lots isn't keeping up with demand.
- Property prices are increasing and making it difficult for local community members to enter the market.
- Larger homes are accommodating smaller households, meaning it is harder for certain households to acquire the type of housing that suits their needs.
- There are rising costs to run homes.
- The rate of growth of new rental properties has been decreasing.
- The policy tension of accommodating and facilitating residential growth in the context of bushfire and native vegetation provisions (discussed further below).

### Environmental sustainability and vegetation protection

One of the challenges facing the City relates to balancing the competing priorities of vegetation protection, bushfire management and risk, and residential growth. While State policy regarding bushfire risk assessment is understood and necessary, the City is having difficulty in obtaining State government advice and guidance on a municipal wide bushfire risk assessment to assist with guiding the locations of residential growth and change. It is understood that other councils are facing similar issues.

The City has identified a number of new residential precincts over a number of years in its Residential Strategy, however, there have since been State government policy changes which have impacted on these residential precincts being realised. The City welcomes the opportunity to work with DELWP to design and plan for residential growth, while having regard to bushfire risk and vegetation retention.

Council's Climate Change and Environment Strategy was adopted on 18 October 2021. The following focus areas are of relevance to this Inquiry and provide an overview of what the City believes is important to achieve greater environmental sustainability:

- Investigate and develop stronger planning controls to protect native vegetation under the Planning Scheme.
- Develop a local planning policy to increase tree canopy and vegetation cover in subdivision design.
- Implement an activation plan to increase community capacity to use active transport.
- Update the Environmentally Sustainable Design policy and deliver increased bicycle parking and change room facilities for new developments.
- Advocate for additional and more frequent public transport options that meet growing community needs.
- Advocate for bike sharing and car sharing programs.
- Advocate for the implementation of the Bendigo metro rail project.
- Develop a policy for the water quality reserve that advances Water Sensitive Urban Design outcomes for new developments and stormwater offsets.
- Develop flood mitigation studies.

#### Delivering certainty and fairness in planning decisions for communities

The following points are provided in relation to this Term of Reference:

- There is currently the ability to apply a wide range of planning scheme tools, including zones and overlays, that provides for mandatory height limits. The application of mandatory height limits should be strategically considered, and be supported by a strategy or structure plan, as is currently the case.
- Minimum apartment sizes are supported and will increase the liveability for current and future residents.
- Third party appeal rights are an important part of Victoria's planning framework and allow residents the ability to review impacts of proximate planning permit applications. While third party appeal rights are important, the timeframe involved in the appeals process is extensive and excessive, and can result in unnecessary uncertainty for community members, businesses and developers.

## Protecting heritage in Victoria

Similar to the discussion regarding the City's residential framework, the City's heritage framework has evolved over many years and it importantly protects and guides our heritage fabric.

The following points are provided in relation to this Term of Reference:

- The current process for considering and achieving heritage protection is extensive, however it is appropriate that certain criteria is met to ensure consistency.
- Heritage protection in Victoria is extensively covered by State and local government processes. Federal involvement in heritage protection is not considered necessary and may contribute to greater confusion regarding responsibility.
- Separating heritage protection from planning administration is not considered appropriate, as it will make it very challenging for planners to properly assess land use, development and subdivision applications, and achieve good urban planning and heritage outcomes.
- The appointment of heritage advisers is important for the understanding, protection and preservation of heritage. The City employs a heritage advisor who provides strategic advice, but also provides pre-application and planning permit application advice that improves the City's heritage fabric.
- Illegal demolitions and tree removals are of concern for our community and our City. In relation to the Planning and Environment Amendment Act 2021 that passed into law in March this year, City officers believe that it will be very difficult to achieve a successful prosecution for the illegal demolition of heritage buildings and tree removals. It is our understanding that without prosecution, it will be difficult to:
  - regulate or prohibit the development of land which had a heritage building that was unlawfully demolished (in whole or in part) or fallen into disrepair.
  - not grant a permit for the development of land which had a heritage building that was unlawfully demolished (in whole or in part) or fallen into disrepair, unless the development reconstructs, repairs or reinstates the heritage building.

Although the intent of the Planning and Environment Act 2021 is to be commended, it is not yet known whether this will successfully deter illegal demolitions.

## Ensuring residential zones are delivering the type of housing that communities want

The City has prepared and implemented a range of strategies and structure plans over many years that have resulted in the current residential zoning/ housing framework. The City is currently preparing a Managed Growth Strategy (and related Housing and Neighbourhood Character Strategy), to guide residential change as the Greater Bendigo grows from 120,000 to 200,000 residents. Upon completion of the Managed Growth Strategy, the City will review and undertake a planning scheme amendment to revise the suite of residential zones, and community engagement and input will be sought throughout the process.

Although the City is well-placed to guide this change, many smaller councils are not sufficiently resourced to undertake this necessary strategic work.

Once again, thank you for the opportunity to lodge a submission to this Inquiry. If you would like to discuss any of the above in further detail, please don't hesitate to contact me 

Yours sincerely



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