

# **Submission to the Environment and Planning References Committee *Inquiry into Environmental Design and Public Health***

Department of Planning and Community Development, August 2011

## **Introduction**

DPCD has a central role in managing Victoria's growth and development and building stronger communities.

DPCD is committed to engaging communities in planning for their future. We facilitate partnerships across Victoria's government, business and community sectors and coordinate whole-of-government responses to a broad range of economic, social and environmental issues at a local, regional and state-wide level.

The Department of Planning and Community Development (DPCD) advises and supports five Ministers and seven Ministerial portfolios. These include the Minister for Regional and Rural Development, Minister for Sport and Recreation Minister for Veterans' Affairs, Minister for Planning, Minister for Regional Cities, Minister for Aboriginal Affairs and Minister for Local Government. All these portfolio areas influence wellbeing and liveability of the community, although based on the focus of the Inquiry terms of reference, planning processes and urban design programs will be the main focus of this submission.

### *Role of planning*

The objectives of planning in Victoria as set out in the *Planning and Environment, 1987* (the P&E Act) cover matters directly linked to wellbeing and liveability: These include:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The objectives of the planning framework established under the P&E Act stress an integrated approach

“to enable landuse and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.”

Planning can play a significant role in influencing landuse and development to achieve improved wellbeing for the community. However, its main function is to set the conditions for sustainable development.

In summary, the main opportunities for intervention to influence health and wellbeing available through planning processes include:

- **determining appropriate locations** for development (e.g. Strategic settlement planning, zoning, overlays)
- **guiding spatial layout** (e.g. to separate incompatible uses, to leverage opportunities through linking uses and development of infrastructure)
- setting expected **built form outcomes** (e.g. defining performance standards and development conditions with respect to heritage, solar access, walkability, etc)
- **providing for development of essential urban infrastructure** (e.g. use of zoning, easements and master plans making provision for school location, recreation facilities, transport infrastructure, etc. That is, appropriate land is set aside or designated for such uses)
- **development conditions** (e.g. enforceable permit conditions relating to use of an approved facility such as hours of operation - to limit noise impacts, building height to protect solar access of neighbours, etc).
- **coordination with other processes to support orderly development** of landuse, settlements and urban areas. (e.g. planning approval processes can trigger action from other authorities and agencies leading to more integrated service delivery – transport planning, upgrade of infrastructure capacity and so on).

Detailed policies, performance objectives, design standards and permit requirements including many relevant to health and wellbeing considerations are outlined in the Victoria Planning Provisions (VPP). These form the basis of the 'State section' of all planning schemes<sup>1</sup>.

**Attachment 1** to this submission sets out further references to relevant planning policies and programs that support public health and wellbeing objectives.

Planning has a range of flexible tools to establish the conditions to enable effective delivery of public and private investment. The focus of planning provisions is on outcomes, with in many cases, capacity to allow for a variety of approaches to achieve a particular end. Planning measures have limited scope to influence the form or timing of investment in public and private infrastructure beyond funds collected through developer contribution plan processes (DCPs)<sup>2</sup>, which levy contributions from land developers by State and local government for the provision of certain government-provided infrastructure including roads, public transport, storm water and urban run-off management systems, open space and community facilities<sup>3</sup>. Planning does not have a significant role in determining individual behaviour (e.g. exercising), rather it provides the opportunity for further action by others in cases where built form and layout could otherwise restrict future opportunities (e.g. developing safe walking routes).

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<sup>1</sup> VPP Clauses. See [http://planningschemes.dpcd.vic.gov.au/vpps/combinedPDFs/VPPs\\_All\\_Clauses.pdf](http://planningschemes.dpcd.vic.gov.au/vpps/combinedPDFs/VPPs_All_Clauses.pdf)

<sup>2</sup> Development contributions are payments or works provided by developers towards infrastructure such as roads, storm water run-off management systems, open space and community facilities required to meet the future needs of local residents. In May 2011 the Minister for Planning established a Stakeholder Reference Group to provide advice on reforming the development contributions system across Victoria. The reforms are expected to reduce the time and cost to prepare a contributions plan.

<sup>3</sup> Development Contributions Plans (DCPs) – see <http://www.dpcd.vic.gov.au/planning/publications-and-research/codes-and-guidelines/development-contributions>

Not all development requires planning permission, being 'as of right'. The planning portfolio facilitates wider action through use of guidelines, training and grants programs to support action that complements urban development goals.

DPCD coordinates a number of urban design programs including the popular *Urban Design Training Program*<sup>4</sup>, the *Expert Assistance Program* (See **Attachment 2**) and the *Creating Better Places* program (See **Attachment 3**). These initiatives have been very effective in leveraging council and private sector investment, and in improving the amenity, safety and accessibility of urban precincts across metropolitan Melbourne and regional centres. External evaluation of these programs demonstrated a benefit cost ratio of 3.0:1. Qualitative evaluation based on stakeholder feedback indicates these investments have been effective as a catalyst for follow-on revival of precincts, and greater public safety, better linkages within neighbourhoods, and an improved 'sense of place'.

In addition, the planning portfolio undertakes a wide range of data gathering and monitoring activities. This information on such matters as land supply and demographic trends provides an essential basis for forward strategic planning.

Landuse and development outcomes relevant to wellbeing can also be significantly affected by the operation of other allied legislation administered within the Department, including the *Victorian Heritage Act 1995* which establishes functions to identify and protect heritage places, historic buildings, structures and precincts, and the *Aboriginal Heritage Act 2006* which links the protection of Aboriginal cultural heritage with the planning and land development processes.

The *Building Act, 1983* also provides for wellbeing outcomes as set out in the objectives of the Act which include:

- (a) protection of the safety and health of people who use buildings and places of public entertainment;
- (b) enhancing the amenity of buildings; and
- (f) facilitating the construction of environmentally and energy efficient buildings.

Other legislation managed by other departments which includes explicit interactions with planning processes includes the *Public Health and Wellbeing Act 2008*, the *Environment Protection Act, 1970* and the *Transport Integration Act 2010*.

The *Transport Integration Act 2010* incorporates consideration of social and economic inclusion (s8), environmental sustainability (s10), accessibility (s12) and safety and health and wellbeing (s13), and is notable for explicit provisions to foster effective integration of transport and landuse.

DPCD also collaborates with other agencies including the Department of Health and Department of Human Services (e.g. Neighbourhood and Community Renewal programs) over shared objectives to support health outcomes – notably with water authorities and Department of Health concerning waste and water management, ill health prevention through actions to support active lifestyles and a range of complementary activities to address the social determinants of health<sup>5</sup> across departmental activities in the fields of housing policy, urban renewal, growth area development, regional planning, indigenous policy and local government programs.

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<sup>4</sup> <http://www.dpcd.vic.gov.au/planning/urbandesign/urban-design-training>

<sup>5</sup> [http://www.health.vic.gov.au/healthpromotion/what\\_is/international.htm](http://www.health.vic.gov.au/healthpromotion/what_is/international.htm)

## **Specific planning process actions and processes that support public health and well being outcomes**

High level planning policy objectives are set out in the State Planning Policy Framework for all the matters described below. In making decisions, planning and responsible authorities must take account of the applicable policies to ensure integrated decision making.

DPCD has also developed the *Urban Design Charter* (The Charter)<sup>6</sup>. The purpose of the Charter is to embed good urban design in development processes across metropolitan and regional Victoria. Aimed at promoting exemplary design, the Charter is a commitment by the Victorian Government and other signatories to make cities and towns in Victoria more liveable through good urban design. Practitioners including local governments and industry are encouraged to become signatories (See **Attachment 4**).

Relevant planning measures that support public health and wellbeing outcomes include:

### **Health**

*Air quality* – The planning system supports air quality goals by managing landuse change and development to ensure incompatible uses are appropriately separated using zoning, overlays and buffers. Emission control is generally addressed by provisions of the *Environment Protection Act 1970* and programs managed by the Environment Protection Authority (EPA)

In addition, through influence over urban form, neighbourhood layout, and urban design, planning measures can create a built environment that facilitates walking and other sustainable transport options to minimise exposure of residents to vehicle emissions and help reduce the generation of transport related pollutants.

Separation of uses has generally been a successful means of protecting public health and amenity from adverse air quality issues, although there are particular 'hot spot' situations that present on-going issues, generally due to operational problems (e.g. landfill management) or as a result of an historical legacy (e.g. encroachment of sensitive uses).

*Noise* - The role of planning is to ensure that noise emission do not prejudice development and community amenity, using a range of building design, urban design and landuse separation techniques, as appropriate to the landuse functions and character of the area.

The main noise issue affecting most Victorians is road traffic noise. Structure planning, along with integrated planning and transport processes can ensure exposure of sensitive uses to noise from major transport thoroughfares is minimised, particularly in greenfields areas. In established areas, options are more constrained and the main opportunities for planning processes to achieve improvements include:

- urban design funding to support traffic calming measures
- action to support walking and use of public transport

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<sup>6</sup> Urban Design Charter. See: <http://www.dpcd.vic.gov.au/planning/urbandesign/urban-design-charter-for-victoria>

- contribution to the current Australian Building Codes Board investigation the feasibility of new building conditions for apartments (Class 2 & 3 buildings) subject to significant external noise
- liaison with VicRoads over road surfacing and other measures to minimise noise impacts.

The findings of the recent metropolitan wide EPA noise survey<sup>7</sup> are consistent with the conclusion that existing planning measures are generally effective in separating incompatible uses.

DPCD is also working with the Department of Transport on the long term preparation for greater use of electric vehicles (EVs)<sup>8</sup>. Increased use of EVs offers significant benefits for local improvements in air quality and reduced vehicle noise.

*Heatwave mitigation* – The 2009 heatwave in Victoria was associated with 374 deaths. This event highlighted the extent of future risks from extreme heat periods.

Temperature projections from CSIRO<sup>9</sup> indicate a likely increase the frequency of heatwaves over the coming decades. Measures to increase the resilience of settlements and buildings to heatwave conditions can reduce risk to community health.

Planning can play a complementary role to actions led by the Department of Health to better prepare the most vulnerable members of the community. Increased urban 'greening' supported by increased use of urban stormwater presents an opportunity to 'cool' the urban environment. Master-planning urban development of greenfield sites offers the most significant prospect to further integrate urban and water planning objectives.

The specific measures and funding options for the delivery and retrofitting of stormwater infrastructure are under consideration by the Ministerial Advisory Committee (MAC), currently preparing advice to the Minister for Water on implementation of the Government's *Living Melbourne, Living Victoria* policy. This advice can also be considered as part of the development of the Government's Metropolitan Planning Strategy.

DPCD and DSE are also coordinating overflights of metropolitan Melbourne this summer (2011/12) to capture thermal imagery to assist with identification future heat amelioration options in conjunction with researchers at several Victorian universities and local government partners.

*Land contamination, major hazard facilities and management of landfills.*

The primary planning tools to address risks posed by these land uses consist of the use of separation distances in relation to landfills and application of EPA assessment procedures for potentially contaminated development sites when triggered by a proposal for a change in landuse to a more sensitive activity.

Management of major hazard facilities and landfills currently or formerly used for prescribed industrial (hazardous) waste present require significant attention to risk management. These sites are also a matter of public concern, particularly for local

<sup>7</sup> See [http://www.epa.vic.gov.au/noise/noise\\_surveys.asp](http://www.epa.vic.gov.au/noise/noise_surveys.asp)

<sup>8</sup> EV Trial: See <http://www.transport.vic.gov.au/projects/sustainable/ev-trial>

<sup>9</sup> <http://www.climatechange.vic.gov.au/regional-projections/port-philip-and-westernport>

residents<sup>10</sup>. The EPA, Department of Health and WorkSafe are the key agencies with responsibilities in this area, and provide technical advice to planning authorities with respect to assessment of planning permit applications and permit conditions.

## **Safety**

### *Safe neighbourhoods*

Planning measures aimed at improved public safety typically apply a combination of urban design funding and master planning. Action to enhance safety is an end in itself, as well as an important means to encourage exercise, greater use of public transport and enjoyment of open space.

Actions undertaken as part of master planning and urban renewal include improving public surveillance by placing walking routes within sight of busy public areas, homes and shops; investment in public lighting and improving the attractiveness of walking routes. Similar treatments apply to the location of public transport stops.

### *Safe settlements*

Managing the risk of physical hazards such as bushfires, flooding and coastal inundation is also important as part of protecting the health, safety and wellbeing of communities. Planning authorities have a duty to ensure land development approval processes do not place people in harm's way. In cases where risks are readily manageable, planning and settlement development has a role in ensuring appropriate siting considerations, along with suitable infrastructure performance standards (floor levels, drainage, setbacks, etc) are applied as part of permit assessment and approval.

Victorian building controls also have a key role in ensuring the design of structures matches identified risk. Building public and private infrastructure to a more resilient standard will help protect lives and reduce the need for significant expenditure on recovery in the future. Reducing exposure to hazards, planning and building controls can also improve capacity for post incident recovery through prior attention to precinct infrastructure, siting of structures on lots and design issues.

Effective responses to these hazards requires a cross sectoral approach. Planning alone is insufficient. Key dependencies or requirements from other agencies to allow effective planning and building controls include:

- identification and spatial mapping of each hazard (i.e. flood mapping)
- determination of risk based design thresholds (e.g. what conditions are being planned or designed for)
- technical guidance on appropriate risk minimisation responses (e.g. the engineering or expert technical basis underpinning planning decisions and permit conditions) to inform planning decisions and permit conditions.

## **Assess and walkability**

Similar to measures aimed at enhancing safety, master planning and urban design provide an important means by which movement networks can operate more effectively.

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<sup>10</sup> For example see: Tullamarine Landfill Community Health and Environment Report <http://www.epa.vic.gov.au/waste/docs/Tulla/Final-Report.pdf>

Existing planning objectives include measures to develop walkable catchments in planning public transport services and master planning urban centres (e.g. VPP clause 56.03-1 Compact and walkable neighbourhoods objectives). Easy access to activity centres by public transport, walking and cycling is a fundamental element of contemporary precinct planning.

The *Transport Integration Act 2010* also plays an important role to support integration of landuse planning, transport planning and transport infrastructure delivery.

Thousands of hectares of new urban land are being progressively developed across Melbourne's growth areas. Precinct Structure Plans (PSPs) and associated processes demonstrate the translation of planning policy to development of new, walkable and connected suburbs<sup>11</sup>.

To support the urban development process DPCD has recently developed a walkability modelling tool. This assesses the 'permeability' of any location to enable identification of 'choke points'. All major activity centres have been assessed and information is available to all local governments to assist with their master planning.

### **Passive and Active open space and facilities**

Current planning policy also recognises the importance of open space in developing liveable urban areas. Standards for open space provision governing subdivision are set out in planning schemes.

The recent Victorian Environment Assessment Council (VEAC) Metropolitan Melbourne Investigation<sup>12</sup> (August 2011) provides a systematic assessment of open space across metropolitan Melbourne and an assessment of availability by municipality and population per hectare.

The VEAC study will inform preparation of the Metropolitan Planning Strategy (the Strategy). The Strategy will address the Government's planning agenda as outlined in 'A Plan for Planning', including the policy to: 'Assess all public parkland and open space requirements across Melbourne to ensure that as the city grows, adequate open space and parkland exists for public use'.

Planning responses alone are insufficient to meet the future recreation and open space needs of Victorian communities. DPCD provides program and funding support across Victoria for the delivery of active open space facilities including targeted grants to improve the drought tolerance<sup>13</sup> and the useability of facilities such as sporting fields. DPCD also has a role in directly supporting major sporting events and assisting junior sport, women in sport and indigenous sport.

New open space (both active and passive) is being developed as part of the precinct structure planning process for greenfields suburbs, as led by the Growth Areas Authority.

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<sup>11</sup> See examples such as the Officer PSP and associated documentation in August 2011 through amendment C149 to the Cardinia Planning Scheme. <http://www.gaa.vic.gov.au/ContentTwo.aspx?PageID=264>

<sup>12</sup> See <http://www.veac.vic.gov.au/investigation/metropolitan-melbourne-investigation>

<sup>13</sup> See details of the DPCD Sustainable Sports Grounds Program - <http://www.dpcd.vic.gov.au/home/grants/all-grants/sustainable-sports-grounds>

A long standing challenge is matching population growth in the established parts of Melbourne with sufficient open space resources. As land availability is usually constrained in established areas, particular attention is applied to improving the useability and carrying capacity of existing open space. Long term action through a local open space strategy<sup>14</sup> is also important. These strategies apply a range of planning and non planning approaches and are in place across many local municipalities.

The Southbank Structure Plan developed by the City of Melbourne provides an excellent example of this approach at a precinct scale. As noted above, DPCD through Sport and Recreation Victoria works with local government and sporting associations to support improvements the capacity of sporting facilities, as well as to develop new facilities in both greenfields and established areas to contribute to meeting future demands.

### **Creating a sense of place**

Creating a liveable neighbourhood is a function of a multitude of influences. They include all the preceding issues, as well as good design, protection of significant heritage values, consideration of access to sunlight and design of places that offer protection from chilling wind in winter, but cross flow breezes in summer.

All these matters are incorporated as policy and design objectives in Victorian planning schemes, particularly Clause 56 of the Victoria Planning Provisions and the neighbourhood character standards set out in 'ResCode' (the residential development provisions). Whether the right 'mix' of complementary and competing objectives is achieved across Melbourne is often a matter of public debate.

DPCD recognises that getting this intangible mix right is hard to measure, but its absence is readily apparent, and this can prejudice the enjoyment of certain urban places.

To help tackle these issues, initiatives such as urban design training, best practice guidelines, promotion of the Urban Design Charter and grants programs such as Creating Better Places continue to be supported.

The Minister for Planning has recently established an Advisory Committee to review the planning system in Victoria. The Committee is to address ways to improve the Victorian Planning System, with a focus on the functional operation of the provisions of the Victorian Planning Provisions (VPPs) and planning schemes. This process provides an opportunity examine current approaches and to identify innovations to improve delivery of health and wellbeing outcomes as part of developing and shaping cities and towns across the State.

The consultation processes associated with development of the forthcoming *Melbourne Planning Strategy* will offer another opportunity to review how to best achieve wellbeing, health and liveability goals.

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<sup>14</sup> For an example see City of Kingston Open Space Strategy:  
[http://www.kingston.vic.gov.au/page/Page.asp?Page\\_Id=1229&h=1](http://www.kingston.vic.gov.au/page/Page.asp?Page_Id=1229&h=1)