

**Submission
No 13**

**INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN
PLANNING FRAMEWORK**

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Inquiry into the protections within the Victorian Planning Framework

Ms Annette Cooper

Organisation Name:
Your position or role:

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Annette Cooper

**Submission to the Parliamentary Inquiry into the
Protections within the Victorian Planning Framework**
Annette Cooper, Camberwell, Victoria, 04/01/2022

My submission addresses the following areas:

Environmental sustainability and vegetation protection

Much greater legal protection needs to be given to the protection of vegetation, both on private and public land. Simply planting 1000 young trees will never replace the biodiversity, habitat and shading qualities of established trees that have stood the test of time.

Much greater legal protection also needs to be given to the protection of period homes. Their retention is much more 'environmentally sustainable' than bulldozing and replacing them with new developments.

Both environmental sustainability and vegetation protection are made all the more difficult if **unsustainable population growth** and **over-consumption of resources** are not addressed. These underline most of the world's problems today, including Victoria. If not addressed, then 'green' initiatives like recycling and solar panels, whilst commendable, will be seriously undermined. The planet is a finite space – the concept of endless population growth and resource consumption is not sustainable.

Climate change is also impacting both these issues, which, in turn, is exacerbated by over-population and over-consumption of resources.

Delivering certainty and fairness in planning decisions for communities

There needs to be mandatory height limits and minimum apartment sizes which, in turn, need to be far smaller than currently set. Vague prescriptive statements about building controls need to be removed to prevent developers from bypassing community needs for their own profit. Better design of new developments also needs to be mandated, both aesthetically and environmentally. I understand the UK government has stated that 'beauty' needs to be factored into any new development. Equivalent legislature needs to be introduced here if we are to avoid the continual erosion of our streetscape character. And, fundamental to this, is the protection of *existing* period homes and gardens, so that new buildings are kept to a minimum, and when they are absolutely needed, must be better designed. I have outlined this in more detail below.

The **Green Wedges** and **Urban Growth Boundary** must be protected, rather than being continually eroded to satisfy population growth. We cannot simply keep eating into these important initiatives and conveniently forgetting why they were established in the first place.

I also have concerns about the fairness and neutrality of the **VCAT** appeal process. It seems that it has become a means by which developers appeal and overturn Local Government decisions. I experienced this when I lived in the Melbourne suburb of Brighton. A large Edwardian home with an established garden was bulldozed to make way for five double-storey townhouses. A small number of mature trees were ear-marked for retention, but the developer successfully appealed to VCAT to have these removed, thereby achieving the 'blank slate' which they (and the majority of developers) wanted all along. There was an apparent bias exhibited by the Senior Member in favour of the applicant (an architectural firm) at the Full Hearing I attended. The solicitor acting for Bayside City Council argued that the proposed construction represented an over-development of the site, did not

allow for sufficient landscape gardening and was contrary to neighbourhood character, which I agreed with. Specific aspects of the Senior Member's conduct which concerned me were as follows:

- His statement that the development did not really constitute 'five' buildings, but 'two plus three', was a distortion of the truth bordering on the absurd, and indicated a bias in favour of the applicant.
- The description of the site's current large and established garden as a 'patch of dirt' served to de-value the site, again in favour of the applicant.
- The repeated statement that Council recommendations should not be seen as 'hard and fast' rules, thereby allowing the applicant to operate outside these parameters.
- An inappropriate engagement with the applicant's representative - for example, rolling his eyes in response to a comment by the solicitor.
- The frequent interruption of the solicitor during her submission, including constant questioning of terms such as 'visual bulk' and 'sense of spaciousness', to the point of pedantry. By contrast, when the applicant spoke, there was minimal interruption.
- An apology at the end of the Hearing to the applicant over the delay in the application, and a determination not to add to this delay any further.
- A suggestion that the architect should also receive an apology because his original plans had already been compromised during the previous Hearing.

I also have concerns about **Ministerial 'call-ins'** in relation to developments that are deemed important for Victoria's economy. These are effectively just a means to bypass community consultation and hence the democratic process.

Protecting heritage in Victoria

Heritage in Victoria must be given much more legal protection, and incentives should be given to people to retain their existing period homes rather than demolishing them. The Victorian Government, with its over-reliance on the building industry to drive the economy, is allowing our heritage to be 'trashed' through its planning policy. **This includes both our built and natural heritage.**

Such a planning policy is at odds with other Government policies, such as those relating to climate change, urban forest and biodiversity, and needs to be brought into line.

For example, the State Government has created a new *Climate Change Act*. In their words, this 'is a crucial step in positioning Victoria as a leader in climate change action. It will drive our transition to [an] ... economy with net zero emissions by 2050 ... and embed climate change in government decision-making.' There is a need to 'increase green spaces and cool zones', to prepare for 'an increase in the incidence of flooding events' and to work 'effectively with local government to help Victorian communities meet the challenges of climate change'.

As it currently stands, however, **Victoria's planning policy is leading to an exacerbation of climate change**, through the loss of period homes and established gardens, and increase in hard surfaces.

In addition to enhancing neighbourhood character, biodiversity and street value, period homes and gardens are a significant weapon in the fight against climate change. With passive cooling features such as verandas, eaves, pitched roofs, porches, thick insulating walls, high ceilings, relatively small windows, large gardens and shade-producing trees, they have less reliance on electricity-hungry devices such as air-conditioners. Gardens also act like 'sponges', soaking up rain during flooding

events. And plants are net absorbers of the dominant greenhouse gas, carbon dioxide, with older trees absorbing more than younger ones.

For these reasons, **the greenest buildings are in fact the ones we already have**. Yet, under current planning policies, they are being lost at an alarming rate - and, with them, all those passive cooling features that made them such a cost-effective weapon against climate change. Their demolition also creates more landfill, which leads to increased methane emissions (another greenhouse gas).

Their replacement with huge houses and multi-unit developments is leading to a further exacerbation of climate change. The resulting increase in hard surfaces and dependence on greenhouse gas producing appliances such as air-conditioners is leading to increased temperatures, increased risk of flooding, and an even greater dependency on artificial temperature control. Some new developments appear to be nothing more than black boxes occupying most of the site – some even being built with **polystyrene** - an extraordinarily poor planning and design outcome.

Even if new homes are built to be truly energy efficient (and there is evidence to suggest many are not), research reveals they can eat up as much energy as they did a decade ago, because they are 30% larger. More square footage, more appliances, more of everything. And all these factors are greatly magnified when a single period home is replaced by a multi-unit development, which is currently occurring in 'growth' areas such as Box Hill.

Over-population is exacerbating climate change. Australia is a fragile country environmentally but its residents are typically 'high impact' people, consuming large amounts of resources. Yet, despite this, population growth is seen as a good thing for the economy by many politicians and developers. For Victoria, in particular, whose building and construction industry is a major driver of the state's economy, population growth is seen as a good thing, as more people mean more houses need to be built. But 'riding the bulldozer's back' and supporting unsustainable population growth is incompatible with climate change policy.

Reducing population growth can be achieved by encouraging people to have smaller families and putting pressure on the Federal Government to reduce its immigration intake (eg. to 70,000 per annum), as well as not *actively* enticing those immigrants to Victoria.

The Victorian Government's planning policy also makes a mockery of its **urban forest policy**, with greater density and the bulldozing of trees being allowed, particularly on private land.

The loss of habitat for wildlife also means less **biodiversity**. Again, the Government's planning policy is undermining its biodiversity strategy (*Protecting Victoria's Biodiversity – Biodiversity 2037*). The Environment and Planning Committee of the Victorian Legislative Council tabled their Report in Parliament in December 2021 and included that: 'The ongoing removal and degradation of native vegetation is a key driver of ecosystem decline and is threatening Victorian biodiversity.'

There should not just be much greater penalties for illegal demolitions of property and tree removal, but legislation needs to be changed to drastically reduce *legal* ones as well.