

**Submission
No 85**

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

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Submission to the Environment and Planning Committee inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection

I wish to make a submission regarding the following:

(1) the high cost of housing,

(a) provision of social housing

I support the provision of social housing in all communities, as it creates understanding, and opportunities for the current and next generations. The shortage of social housing traps people in degrading situations where they sleep rough or couch surf or have to continually beg for help. They struggle against disadvantage and poverty and it is inter-generational. It creates and perpetuates the division into haves and have-nots. New housing developments should include social housing. This can be paid for by governments either directly or through incentives for shared housing schemes or by making it mandatory in housing developments.

(b) access for first home buyers

Many young people will probably never be able to afford a home. Their only hope is when their house-owning parents die. In France, for houses sold within 30 years of purchase, any capital gain goes to the government. This stops people buying properties for short term capital appreciation, reduces the speculative increase in house process and means that there are more affordable houses available. Perhaps something similar with a ten-year time frame could be considered here going forward.

(c) the cost of rental accommodation

The high cost of rent means that young people cannot save for a house, or have to return to live with their parents while they save, not always possible and often not an ideal situation. If rents were kept low and rent increases were limited, it may make housing investment less attractive and people may be forced to sell some of their properties. With more supply, prices may not increase so dramatically, and first home buyers may be able to get into the market.

I think a related problem is empty houses, where people buy a house and leave it empty waiting for its appreciation, or only use it for one month a year. Many people who work in the lower paid jobs, such as nursing, aged care and teaching, cannot find or afford inner city or regional rental property. These empty houses could be made available for the months that they are not used by the owners. I am sure that there are models for this, including incentives. Limiting overseas residents investing in housing may be a strategy as well. I know that non primary houses are subject to land tax, perhaps the rate needs to be increased for each additional property.

(e) factors encouraging housing as an investment vehicle

I believe that the current tax arrangements support and encourage housing as an investment, vehicle for example, negative gearing and housing investments in superannuation portfolios. I think that a review of the tax incentives for owning multiple houses is required at the State and Federal levels. Perhaps with each additional property the land tax increases. Even if this did not encourage people to sell their excess houses, the extra tax may pay for social housing.

(2) environmental sustainability and vegetation protection;

Plant biodiversity.

As a resident of the Green Wedge in Nillumbik I have witnessed the significant loss of habitat over the last 40 years. The Green Wedge needs protection from inappropriate development for the enjoyment of people from across Melbourne and national and international visitors. It is the "lungs of Melbourne" and also a biodiversity reservoir.

Nillumbik has one of the most floristically diverse plant communities in Victoria. It is the jewel in the crown, but very little appreciated.

One of many special sites in the Nillumbik Green Wedge is Professor's Hill in Warrandyte. David Cameron, a botanist conducted a botanical survey of Professor's Hill covering the period 1974-83, for all months of the year. Such surveys must be conducted in all seasons of the year, to detect grasses and

orchids, and need to be done over as many years as possible as some plants only flower after fire or a good season.

Taking data that were well known for other local reserves and Victorian State Parks, David was able to demonstrate via comparison, that Professor's Hill had incredible diversity. For example, there were 37 orchid species on Professor's Hill then, more than any other reserve or Mt Buffalo National Park, and nearly as many as Fern Tree Gully National Park and half the number of those at found at Wilsons Promontory National Park.

David presented similar data for grasses (an indicator species for disturbance), lilies, daisies, peas and other species.

David used the mapping of Professor's Hill and a scientific landscape rating approach to argue that Professor's Hill was floristically extraordinary. There are many other similar sites in the Green Wedge, and most are under threat, due to lack of appropriate planning laws, and where there are laws, the failure of Councils to implement them.

The Green Wedge is for all of Melbourne

The Covid pandemic has demonstrated just how important the Green Wedge is to residents of Melbourne, who flocked here to enjoy the natural environment of the Green Wedge and its State parks. Having discovered its beauty and value during Covid, people from Melbourne continue to come to the Green Wedge and Yarra environs in very large numbers to exercise, swim, picnic and walk.

The river up and down stream of Warrandyte has for many years had very low bacterial or other contamination. For this to continue, the Green Wedge needs protection through good planning laws and their implementation.

Each weekend and Public Holiday hundreds of people from all over Melbourne bring kayaks, rubber boats and other floatation toys to drift down the river, enjoying the bush environment that is so close to Melbourne. Yet this environment is under threat due to weak planning laws at State and Local Council levels, and a failure of State and Local governments to appreciate what we have, or a willingness to prioritise it.

The bush abutting the river is home to hundreds of species of mammal, bird, reptile, amphibian and invertebrates. Many of these can be easily seen and are also endangered. For example, the koalas have disappeared from Warrandyte, due to a combination of increased urban development, and stress due to drought and disease. Goannas have also disappeared for similar reasons. There are still platypus in the river, and populations of wallaby and kangaroo, Wedge Tailed Eagles, Powerful Owls and more throughout the Green Wedge. These will not survive increased development in the area. Councils in Green Wedge areas are under pressure from developers. Planning laws are required to protect the Green Wedge for future generations. In addition the laws must be understood and implemented.

Continuing to expand the urban boundary and subdivide productive land or bush environments produces unproductive wastelands. The urban boundary needs to be settled now at its current limits, and not further eroded.

There is a great risk from inappropriate land use and development. Councils seems powerless to act. Nillumbik CEO Carl Cowie recently described the problems of tree and land clearance in Nillumbik as "intractable". Land owners know that they can undertake wholesale land clearance or other forms of habitat destruction such as the illegal dumping of fill, and that they will only have a very small fine, say \$1000. If they have to restore the land, this usually means planting a few trees, where thousands of rare grasses, orchids and other plants have been removed. At the moment the planning laws appear to support developers and land owners who believe they have the right to do whatever they wish to their land with no regard to future generations, biodiversity or to the environment. VCAT, unlike its predecessor the Planning Appeals Board, appears to place more weight on the rights of developers than the future of the Green Wedge and preservation of biodiversity. These land vandals are stealing our heritage.

I recommend that the environmental and planning laws be strengthened and that the consequences of habitat destruction be significant. The penalties need to match the situation. Currently they are a joke.

Perhaps forfeiture of the land, meaningful fines in the range of hundreds of thousands to millions of dollars, and requirements to restore the land to its original state.

(3) delivering certainty and fairness in planning decisions for communities, including but not limited to —

(b) protecting Green Wedges and the urban growth boundary;

I have concerns regarding the effectiveness of current processes for Green Wedge maintenance and protection. I think consideration should be given to:

- (a) Strong laws to protect the Green Wedge
- (b) Stronger incentives for land owners in the Green Wedge to protect the land
- (c) establishing a special Tribunal to hear Green Wedge appeals,
- (d) the appointment of a Green Wedge protector with appropriate powers, including penalties for illegal habitat destruction, tree removal and bush clearance (as the bush is also important for biodiversity),
- (e) giving Councils more power to protect and enhance Green Wedges, in fact making it a mandatory role for them.
- (f) Independent Green Wedge advisors to assist Councils regarding appropriate strategies and policies to protect and enhance the Green Wedges

(c) community concerns about VCAT appeal processes;

From my experience of VCAT decisions over the last 20 years, and prior to that the Planning Appeals Board, VCAT decisions seem to be overly supportive of developers. This may be because they are bound by the planning laws which are pro development.

I recommend that the government strengthens the planning laws regarding protection of the Green Wedge areas. This will in turn strengthen the hands of local Councils, who often feel powerless. Councils, such as Nillumbik, often say that they grant a permit for an inappropriate development because they think that if they don't, the developer will go to VCAT and their decision will be overturned. It is very costly for small Councils to defend cases at VCAT, so they give in and support inappropriate land use and development.

(d) protecting third party appeal rights;

Those directly impacted by a proposed development or changed land use are important objectors. However, regarding them as the only valid objectors is taking a very narrow short-term view.

Green Wedge Bushland and Yarra River environs have high biodiversity value and are important to all current and future residents of Melbourne. They should have the right to object to a proposed development or changed land use. For example, because I hike up Mt Lofty (in the Green Wedge) only once a year, does not mean that I don't have a valid view regarding its protection, or that I am not a stakeholder.

(e) the role of Ministerial call-ins;

The general perception is that Ministerial call-ins are used when the Minister for Planning wants to support a totally inappropriate development. However, they could be used for good, for example, when a local Council or regional development authority is acting corruptly or supporting inappropriate development or land use.

(5) ensuring residential zones are delivering the type of housing that communities want; and

Household structure has changed over the last few decades and the planning laws regarding housing need to change to reflect this. For example, older people want to "age in place" or at least in their community, not in a distant nursing home or gated housing development for aged people.

In Nillumbik where people have lived on larger properties, these may not be appropriate in their later years. They have strong community connections and need housing in their community that is appropriate for their needs. There is an excellent example of this in Warrandyte where there are two five-unit developments for

older people downsizing from larger more challenging properties, under a Housing Cooperative arrangement. This was supported by Manningham Council.

In addition, many couples are choosing not to have children, or want a small affordable or “sustainable” house, so the large mansions common in the Green Wedge are not needed or appropriate in the townships. People want to be near employment, shops, transport and services, not in remote housing developments. I support more housing options in the townships, and the preservation of the bushland in the Green Wedge without further development.