

**Submission
No 31**

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

Name: Name withheld

Date Received: 24 January 2022

Name
withheld

Parliament of Victoria
Legislative Council, Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

24 January 2022

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Inquiry to examine Planning and Environment Act 1987

I wish to make comment on the following terms of reference (TOR).

TOR 1. The high cost of housing including:

- a) **Provision of social housing;**
- b) **Access to first home buyers;**
- c) **The cost of rental accommodation;**
- d) **Factors encouraging housing as an investment vehicle; and**
- e) **Mandatory affordable housing in new housing developments.**

Governments at all levels have failed to invest in social housing. Over time social housing has been privatised and left to the investor class. Given the lucrative returns through negative gearing, and other tax incentives, investors have grasped the opportunity to maximise capital gains in the housing market. It is seen, through the eyes of the wealthy, as a legitimate means for increasing their wealth. Tenants are a by-product of these investments.

Negative gearing needs to be changed significantly to the point where it is not a lucrative investment scheme. Or it should be abolished completely.

I understand that this is a Federal, not State, issue but States can through other policy instruments dampen speculative investment in housing.

Access to affordable housing is shrinking. Long lease rental is rarely offered. Most landlords in Australia offer leases less than 2 years, some only provide a monthly option. This is not secure housing. Tenants live in fear that they may be evicted at any point, or burdened with unaffordable rent increases with little notice.

I consider the above situation is more about maximising profit from investments than providing secure housing for all Australians.

Outlying housing estates far from central Melbourne are not the answer. Poorly designed estates rely on private transport to access work and services thus increasing the overall cost of living. Employment, public transport and community services are not available close to these housing gulags.

The cost of rental accommodation is continually rising. Reference The Age 22 January 2022

“Melbourne housing affordability plummets, women hit hardest”

<https://www.theage.com.au/national/victoria/melbourne-housing-affordability-plummets-women-hit-hardest-20211107-p596po.html>

Families unable to cope with rent increases, as well as increasing costs of living, often find themselves homeless. This in turn threatens employment; children’s schooling; and social

wellbeing as individuals and/or families traipse from area to area looking for affordable secure and stable housing.

Many are forced to live in their cars or on the street as their only option. This is an appalling situation for Australian citizens.

Insecure housing has the potential to lead to disruptive schooling which has been proved to lessen the life chances for all children.

Mandatory affordable housing in new housing developments, while maybe good in theory, has its problems. Private transportation is required which is a huge added cost to those who can afford it least. Housing close to public transport must be offered to public housing tenants, and low-income earners alike, to enable them to access work, education, services and quality of life.

Incentives and government meddling in these markets have consequences. History has taught us that government money to support rental and/or housing in the past has bypassed the intended recipients and end up benefiting developers, sellers of land, real estate agents and property managers. This always increases property markets.

Ordinary Australians who work hard for basic wages (which have not increased for many years) have fallen so far behind that they are now at the mercy of wealthy investors and their sharp money advisers. A raft of instruments to maximise profit and minimise tax, such as capital gains concessions, negative gearing, family trusts etc are unavailable to ordinary Victorians.

The housing “market” is stacked against those who don’t have the means to participate in the “market”, and likely never will. Changes must be made to allow ordinary Australians the opportunity to own their own home with affordable repayments.

Family stability and inclusion builds strong communities and healthy people.

The situation in this State is sad and not working. Not only for the poorest and most vulnerable, but also the working poor, those on a low basic Australian wage.

This represents a growing percentage of the community who, without considerable change to the housing situation as it currently stands, are destined to a life of rental stress and disadvantage. This situation is already creating mental stress, domestic violence, homelessness and children deprived unnecessarily of stable education and community life.

We should be ashamed that we tolerate this situation in a State as wealthy as Victoria. The long-term consequence of our neglect will be felt for generations.

Change will only occur if:

1. Housing and rental incentives, grants and assistance only benefit first-home buyers and/or renters. Developers and investors must not benefit from such initiatives.
2. Change investment rules in property by removing negative gearing and other tax incentives which deny the ordinary Australian an affordable roof over the heads, or affordable rental.
3. Social housing must be proximate to employment, schooling, social facilities and transport.
4. Social housing must not be privatised. Social housing should be provided by Government, funded by taxpayers, ensuring the elimination of middle-man profiteering.

TOR 3. Delivering certainty and fairness in planning decisions for communities:

a) Community concerns about VCAT appeal processes.

I have personally, along with many other community members, supported my local Council, Moorabool Shire, in numerous planning applications that were deemed to be detrimental to the future of the area,

From personal experience VCAT has repeatedly overridden local government planning decisions and community views. VCAT appears to be working from a different set of rules to Local Government by overturning planning decisions which have been developed with the community through exhaustive community consultation processes.

As an example, I will discuss what has happened in my small town of Gordon (population of approximately 1200 residents) which is an undulating forest village between Ballarat and Ballan. It has a treed canopy which is home to all manner of wildlife.

The neighbourhood character and natural environment is exceptional but generally ignored by VCAT when making their final Order. Consultation with local government does not happen before decisions are made. Local Government is powerless, and seemingly irrelevant, when it comes before VCAT. Local Government needs to be given more weight in planning decisions.

This situation can lead to most unsuitable outcomes. It sets damaging precedents! Repeated applications of inappropriate development soon follow, effectively destroying areas reducing them to treeless urban ghettos.

A few years of this uncontrolled development will totally trash rural and regional towns with trees felled and the neighbourhood character disregarded. Control of planning must remain in the hands of local government and citizens.

VCAT has the power to overrule planning schemes and local government planning decisions thus taking the development of towns out of the hands of those who choose to live and work in the area. Local government has Planning Departments to appropriately plan their Shire with a view to respecting the neighbourhood character and preserving the natural environment; and liveability of towns.

Planning schemes are developed with extensive community consultation to enable the best possible outcomes for the towns we choose to live in. I have attached links below to the following planning permits issued by VCAT in recent years. These highlight the overriding power of VCAT to ignore the Planning Controls put in place by Councils entrusted to ensure the future planning of the whole shire in an orderly way.

VCAT must work with local government not against as seems the case. Small towns are being seriously eroded of their character and natural beauty when local government planning is overruled by VCAT.

I, along with many other concerned residents of the Moorabool Shire have spent many hours preparing submissions to present at VCAT supporting local government. The process is time consuming, costly and exhausting. The frequency that VCAT overrules local government planning is heart breaking.

Local planning schemes developed specifically to retain the character of towns is defenceless against the powers of VCAT. I welcome the opportunity to write on this subject and am hopeful that it will bring about changes to the powers VCAT wields to the detriment of the environment and communities.

The letter in the local free paper is an indication of the dissatisfaction of residents to VCAT decisions.

a. Moorabool News 21 December 2021:
<https://themooraboolnews.com.au/?p=8014>

b. See attached Letter to the Editor Moorabool News 18 January 2022.

Appearing at VCAT to support local government decisions is becoming a waste of time. We are losing the battle.

Without orderly planning administered by Local Government with community input into planning decisions development is out of control and developers' rule.

Summary of VCAT decisions that I have been involved in, or observed, including web links that demonstrate how the power of VCAT has overridden the authority of Local Government:

1. PA2019141 - 6 lot subdivision at **█ O'Donnell Street Gordon**.
 - a. Council (DAC) report **15 July 2020** - Refused:
<https://www.moorabool.vic.gov.au/About-Council/Councillors-and-meetings/Council-meetings/Council-Committees-2020>
See attached summary.
 - b. VCAT order (Hearing date 4 June 2021 Order date 19 October 2021) - Approved:
https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2021/1199.html?context=1;query=Farrugia%20v%20Moorabool;mask_path=au/cases/vic/VCAT
2. PA2016-311 – Three (3) Lot Subdivision **█ Lyndhurst Street, Gordon** (later referred to as **█ Corbetts Road, Gordon**).
 - a. Council (OMC) Report **6 September 2017** - Refused:
Note Minutes Ordinary Meeting of Council (OMC) Reference 11.2.1 Page 26:
<https://www.moorabool.vic.gov.au/About-Council/Councillors-and-meetings/Council-meetings/Agenda-and-Minutes-2017>.
 - b. VCAT order (Hearing 5 June 2018 Order date 13 September 2018)- Approved:
https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2018/1423.html?context=1;query=provost%20moorabool;mask_path=au/cases/vic/VCAT
3. PA2020185 - Multi-Dwelling Development, Staged Subdivision and Removal of Easements at **█ Gisborne Road, Bacchus Marsh**.
 - a. Council meeting decision **2 June 2021** (Council Meeting Agenda/Minutes) - Refused:
<https://www.moorabool.vic.gov.au/About-Council/Councillors-and-meetings/Council-meetings/Agenda-and-Minutes-2021>
 - b. VCAT Order (Order 8 December 2021) - Approved:
https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2021/1483.html?context=1;query=101%20Gisborne%20road;mask_path=au/cases/vic/VCAT