

**Submission
No 210**

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

Organisation: City of Ballarat

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The Secretary
Legislative Council Environment and Planning
Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Dear Secretary,

**RE: SUBMISSION TO THE PARLIAMENT OF VICTORIA LEGISLATIVE COUNCIL
INQUIRY INTO PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK**

The City of Ballarat welcomes the opportunity to provide input to the Victorian Parliamentary Inquiry into Protections within the Victorian Planning Framework with a submission. This submission has been prepared by Council officers and is not the result of a formal resolution of the City of Ballarat, however much of the recommendations and discussions derive from existing adopted strategies and policies or are current recommendations to Council through more recent analysis and research.

Council officers have reviewed the terms of reference and are pleased to provide the recommendations below be considered by the Victorian State Government.

1. The high cost of housing in the context of the planning system

- The following issues arise from a housing market that is increasingly maladapted to our communities' needs:
 - Lack of investment in social and public housing has seen an ageing housing stock in our municipality fail to provide an adequate standard of living for many tenants. An increase in households remaining in the private rental market rather than progressing to home ownership means the available supply of houses for lower income households has not kept pace with growing demand
 - Housing affordability within Ballarat has declined significantly in recent years, resulting in increased housing stress for homebuyers and renters, substantial social housing waiting lists, and rising levels of homelessness within the municipality. Demand for housing and homelessness services significantly exceeds capacity, and the gap between supply and demand is becoming larger
 - An increasingly significant percentage of households in Ballarat are experiencing housing stress, and limited diversity in our housing supply has seen many households poorly matched to the dwellings they live in

- While the Victorian Government has recently committed to significant investments in social and affordable housing as part of the Big Housing Build, ongoing commitments to increasing housing stock and investing in maintenance of existing dwellings is necessary
- In the above context, Council requests the State Government undertake a 'full life-cycle' review of the affordable housing system, to give consideration to:
 - The introduction of inclusionary zoning in Planning Schemes
 - The introduction of strong policy mechanisms to enable Planning Authorities to require a specific mix of housing in multi-lot subdivisions or apartment developments
 - Delivery models and mechanisms for different forms of diverse and affordable housing
 - Full demographic analysis to establish specific types of housing required by our communities, both in terms of ownership models and dwelling location/size
 - Housebuilder engagement
 - Increased funding for social and affordable housing providers to ensure that new homes are, where appropriate, transferred to those providers in perpetuity
- Recognition of the importance of research to understand all the components driving increased house prices relative to wage rises, many of which (land prices; availability of skilled labour; decisions regarding mortgage lending) are outside the ambit of the planning system

2. Environmental sustainability and vegetation protection within the planning framework

- Update Clause 52.17 *Native Vegetation* to require local native vegetation offsets, and also ensure that offsets are, unless impracticable, provided by way of new planting
- Update Clause 44.06 *Bushfire Management Overlay* to require local native vegetation offsets where native vegetation is to be removed to provide defensible space
- Requirement for increased leadership and guidance from DELWP in protecting biodiversity and biodiverse habitats within Planning Schemes
- Strategically manage co-existence with local animal populations
- Increased penalties for the destruction of native and protected exotic vegetation undertaken without a planning permit
- Further consideration of bushfire exemptions within Planning Schemes, particularly in relation to removal of canopy trees, and the subsequent impact on biodiversity
- Significantly and urgently increase the prominence of climate change adaptation and mitigation actions within Planning Schemes, to reflect:
 - The *Climate Change Act*
 - Adaptation Strategies released by the Regional Climate Adaptation Groups in 2021 under the auspices of DELWP

- The declaration of climate emergencies by multiple Victorian Councils, alongside Position Statements regarding climate change issued by peak bodies such as the Planning Institute Australia
 - Ongoing work regarding Elevating Environmentally Sustainable Design conducted by MAV under the auspices of CASBE and 31 partner Councils
 - Ongoing work regarding the Sustainable Subdivision Framework trial conducted by MAV under the auspices of CASBE and 31 partner Councils
 - Substantive review of how Growth Areas are delivered to ensure climate responsive development is delivered through Precinct Structure Plans / Framework plans, giving Councils the policy tools to require new homes to be comfortable, liveable, and safe for their full lifecycle
 - Provide a policy mechanism for the introduction of locally specific climate change responses
- 3. Delivering certainty and fairness in planning decisions for communities**
- The time, cost and effort required by Councils and applicants throughout the planning process, particularly when VCAT become involved, can be quite high.
 - Investigate reviewing the planning scheme and third party notice and appeal rights to reduce the number of likely and unnecessary objections and appeals.
 - Review the VCAT process and investigate options to progress more appeals on papers or for small applications or applications with limited issues to be fast tracked.
 - Investigate introducing clear guidelines as to who should be afforded status to lodge a 3rd party appeals.
- 4. Protecting heritage in Victoria**
- Enhanced Archaeological place protection, including introducing ways to include cultural heritage controls into the planning scheme to provide enhanced transparency and consistency.
 - Requirement for increased leadership and guidance from DELWP and Heritage Victoria on local heritage matters relating to the planning scheme. This includes a requirement to maintain and update guidance for heritage matters on a regular basis
 - Resource and implement the findings of the *State of Local Heritage Review* undertaken recently by the Heritage Council of Victoria.
 - Support Councils to understand and implement the changes brought about by the recent changes to the *Planning and Environment Act* regarding demolition by neglect and illegal demolition
 - Require the Minister for Planning to more readily support the effort to apply Interim HO to places identified in independent heritage studies while the preparation of studies, exhibition or panel process occurs.
- 5. Ensuring residential zones are delivering the type of housing that communities want**
- Residential Zones should deliver houses communities want, in the context of established need and having full regard to:
 - The sustainability of housing on larger, rural lots and the high cost borne by Councils servicing this form of development

- Ensuring sustainable patterns of development within our existing settlements, keeping communities connected and vibrant through easy access to services and amenities
- Greater guidance from DELWP around how to prepare design guidelines for new developments in areas with valued neighbourhood character.

Other matters

- Provide enhanced training opportunities for planners across Victoria to make more thorough planning assessments and decisions, with consideration given to a partnership approach between DELWP and peak bodies such as Planning Institute Australia, Australian Institute of Architects, CFA, CMAs
- State Government funding or subsidy to support local governments to engage Heritage Advisors and to maintain heritage data, including funding to undertake heritage studies, to review old studies and address identified typological, thematic, geographic and other gaps

We would welcome the opportunity to engage with you further on this inquiry and our recommendations as listed above, and look forward to connecting in the near future.

Yours Sincerely,



Natalie Robertson
Director Development and Growth