

**Submission
No 256**

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

Name: Mr Peter Hengstberger

Date Received: 11 February 2022

Inquiry into Protections within the Victorian Planning Framework

Submission: Peter Hengstberger

I have recently become aware of the Legislative Council's Inquiry vis:

"Inquiry to examine Planning and Environment Act

The Legislative Council's Environment and Planning Committee is seeking submissions to its inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework.

"The Planning and Environment Act impacts a wide range of issues from housing affordability to environmental sustainability and heritage protection," said Committee Chair Sonja Terpstra.

"We want input from the community on improving the Act to take account of 21st century planning issues in our fast-growing state," she said.

In particular, the Committee is seeking community views on:

- *the high cost of housing in the context of the planning system*
- *environmental sustainability and vegetation protection within the planning framework*
- *delivering certainty and fairness in planning decisions for communities*
- *protecting heritage in Victoria.*

Within these broad areas I would make the following comments and voice my concerns for the Committee's consideration.

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

The rapid growth of Melbourne's population over the past 20 years is symptomatic of a system out of control.

Table 1 graphically shows the change in the rate of growth so evident to all who make Melbourne their home and are experiencing the problems of such lack of control first hand. The various Planning Schemes put in place by the three levels of government (a system of government we essentially enjoy and call *democracy* here in Australia) have increasingly been chewed at, watered down and warped in favour of growth at any cost.

It is important that this growth is recognised as not the panacea for happiness and wealth and wellbeing that we are being led to believe. Demand led economics DOES NOT WORK in the long term.

What we are currently experiencing is akin to a feeding frenzy, the Covid-19 pandemic barely altering the housing demand growth rate.

Where demand exceeds supply, prices go up. (I'm already hearing you yawn . . .).

I repeat, **where demand exceeds supply, prices go up !** To interrupt this cycle, one (or both) of the two factors involved must be changed.

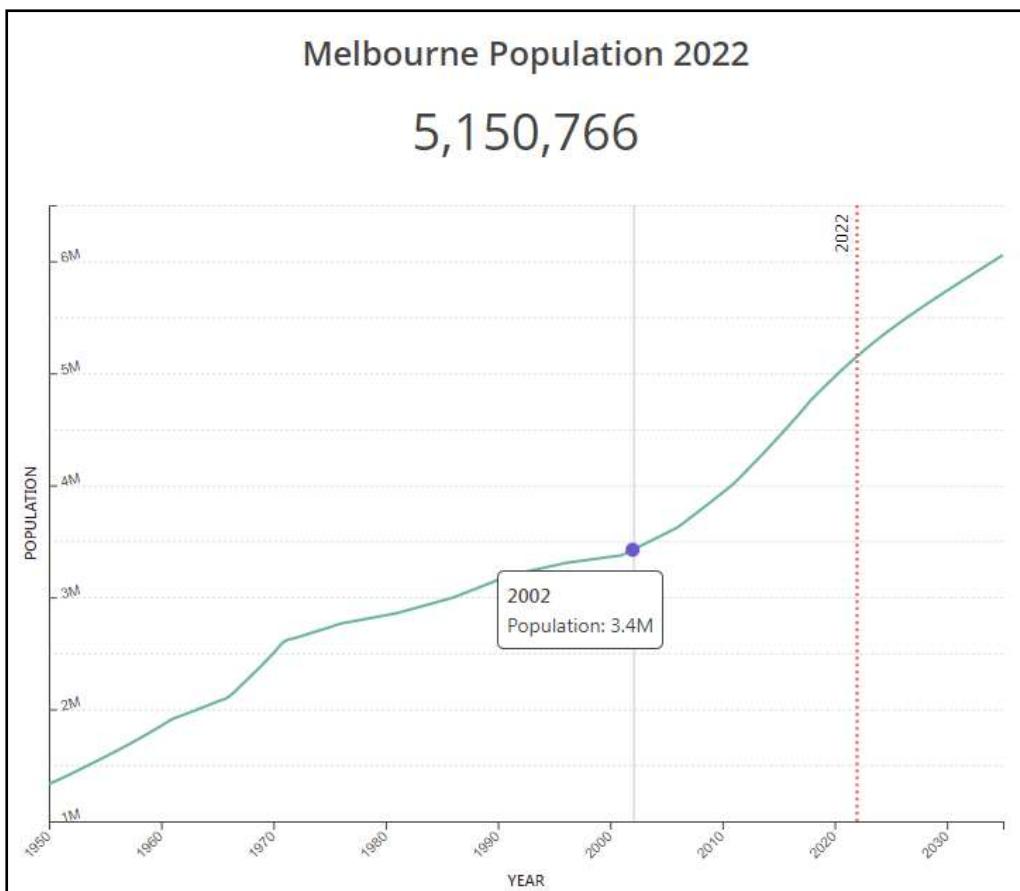


Table 1

It is time to forget the economic stimulus to the Victorian economy everyone trumpets about and look at the long term sustainability of our country, our way of life and the benefits **controlled growth** has delivered to Australia and Melbourne in particular and which was, until recently, the envy of the world.

Melbourne is no longer “the world’s most liveable city”.

We (including this committee) face a perplexing problem. How to restore growth rate control, satisfy demand, but at the same time :

- *EASE the high cost of housing in the context of the planning system*

whilst at the same time

- *PROVIDE environmental sustainability and vegetation protection within the planning framework*

The answer is actually quite easy.

Stop bowing to commercial pressures. Put planning decisions POWER back into the hands of the most representative form of government we have, Local Government councils

AND ,

put some real teeth into the existing laws pertaining to environmental sustainability and vegetation protection within the planning framework.

Stop VCAT being the first port call for every large and small developer who doesn't like a council's considered decision. Every year, in every council, millions of dollars of ratepayer's money goes into :

- a. reviewing a developer's plans and dealing with their objections in a fair, OPEN and reasonable way, only to have those rejected plans go straight to VCAT where . . .
- b. yes, you guessed it, every year, in every council, MORE millions of dollars of ratepayer's money goes into legal fees and further council staff time and resources where money and influence wins.

I implore the committee, please find a way to stop this waste of time and money, stop changing the rules just because big business doesn't like the decision. Put some power back into the hands of the people.

AND whilst I'm at it, how did the Legislating Council ever allow the law to be changed so as to allow the Minister of Planning (of the day) to declare himself the sole arbiter of rezoning decisions. Talk about giving a blatant nod of approval influence peddling, graft, corruption and deals for mates. Yes, hang your collective heads in shame and reverse this parody of a law.

Putting some power back into the hands of the councils will also help with several of the others of the committee's stated concerns.

- ***delivering certainty and fairness in planning decisions for communities, and***
- ***protection of heritage in Victoria, and***
- ***ensuring residential zones are delivering the type of housing that communities want.*** (YES, communities, not just big business)

Environmental sustainability and vegetation protection.

Building onto Victoria's 19th century's primarily agricultural life style , the 20th century saw Melbourne grow into a significant city, where residential (primarily suburban) housing was predominantly single dwellings on quarter acre blocks, providing the dream of a back yard with space for a gardens with trees, clothes line (the Hills Hoist) and children's play area. This was particularly evident following the death tolls and family privations engendered by World War I & II .

Now this has well and truly changed, with increased density and urban consolidation in established suburbs to meet the housing needs of this recent massive population increase. On the urban fringe, new housing developments on the urban fringe are now built on blocks 400 sqm or smaller, **with NO USEABLE SPACE for trees, gardens or family enjoyment.**

Yes, families actually enjoyed and played in their back gardens, grew fruit trees, invited friends over for get-togethers. Kids played cricket in the back yard with dad !

Within existing suburbs, developers are systematically clearing the entire site to build multi-units All gardens and trees are removed.

Over the last 20 years, the loss of unencumbered land within the suburban context is staggering.
This IS A CONTRIBUTING FACTOR in global warming.

In addition, suburban streets once designed for single dwellings are now clogged with cars from the new multi-unit developments residents, due to **lack of adequate provisions within planning**

regulations. A street designed in the second half of the 20th century, for say 20 single dwelling houses, built when households owned a single vehicle, now exhibits around 2.5 vehicles per house and we are not talking of a Morris Minor or FJ Holden.

They are ALL essentially SUV trucks, generating serious pollution, access and parking problems for existing residents.

Borrowing from other reports and in fact from the Legislative Council's desire to look into existing self-evident problems, the current planning regulatory environment is allowing for uncontrolled urban consolidation of established suburbs. This is impacting negatively on residential amenity, due to:

- Loss of sunlight and privacy
- Inappropriate height limits of new developments
- Loss of the suburban backyard and tree canopy, exacerbating the urban heat problem and air quality of our city
- Inadequate parking provision requirements for residential developments
- Resultant pressure on community facilities and infrastructure
- Developer driven planning approvals, seemingly rubber stamped by VCAT, if rejected by the local council as planning authority
- Planning legislation failing to protect residential amenity and neighbourhood character

The result is that suburbs with single dwellings are now being priced to reflect the land value to a developer for the building of multi-units. This feeds back into the lack of affordable housing.

As a consequence many houses are now sold for demolition and multi-unit redevelopment, providing the seller with significant price uplift. They say (the developers) it's needed to cater for the expected growth in population. No . . . I say it's just for profit. The old saying proving very true over the past 20 years . . . ***If you build it, they WILL come !***

Our community deserves better than this and assuming the Melbourne population continues to grow as forecast. I recommend the Committee look seriously at:

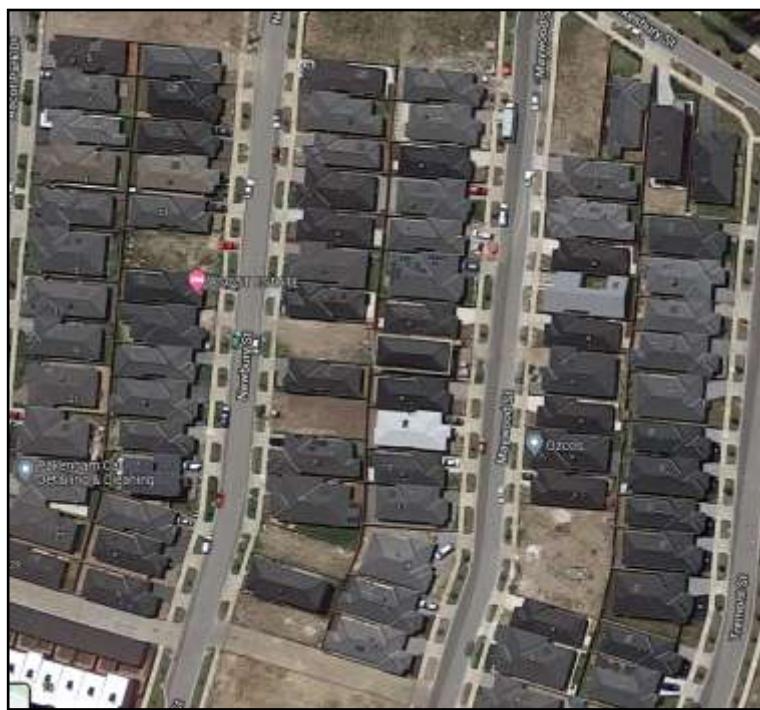
- Imposing a community charge on all new multi-unit residential developments, to be **paid by the developer**. The amount to be paid bearing a direct relationship to loss of unencumbered space and the price uplift from the most recent council stated CIV for that single dwelling site to new developed site. This charge to be held in trust, then returned to the local community with spending on infrastructure, provision of new tree canopy and additional community open space.
- Recognition of and improved **legislative** protection of existing neighbourhood character to assist with neighbouring properties privacy, loss of sunlight, height limits and to enforce **adequate off-street** parking requirements for residential development. Keep the streets clear for access AND visitors.

But I digress a little.

Urban sprawl.

This must stop, NOW !

Apart from the encroachment over invaluable farm land that Australia (Victoria) cannot afford to lose ANY MORE, the lack of unencumbered space in these new developments is scary.



The photo at left shows the current development mentality seen in an aerial view of Pakenham.

Yes there are competing demands. But these demands can be met in ways other than green-field development.

One thing is for certain, infilling within the existing urban boundaries must be undertaken with care. For example, let the (re)developers look to converting the hundreds of under-utilised light industrial areas in the existing 25km radius inner Melbourne circle.

Above all, do not let a single golf course, market garden, race course or vacant allotment be developed outside of stringent local and state government planning schemes.

I am not anti-development. Please give close scrutiny to any already approved planning schemes, but once approved, give them some teeth and in so doing, give some certainty of the plans for the future Melbourne.

I thank you for the opportunity to make this submission.