

1.2 PARLIAMENTARY INQUIRY INTO PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK (SMcN: F21-28970)

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

- 1. Notes the Terms of Reference of the Parliamentary Inquiry into Protections within the Victorian Planning Framework.*
- 2. Endorses the draft officer submission as detailed in the report.*
- 3. Directs the Director City Development to finalise and lodge Council's submission to the Inquiry in accordance with the draft officer submission included as Attachment 2 to this report.*

INTRODUCTION

The purpose of this report is to inform Council of the Victorian parliamentary *Inquiry into the Protections within the Victorian Planning Framework*, and to consider and endorse the draft officer submission as attached to this report.

BACKGROUND

The Victorian Legislative Council Environment and Planning Committee is undertaking an inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection. The full Terms of Reference (ToR) are provided at **Attachment 1** to this report and broadly address the following topics:–

1. The high cost of housing, (including social housing, affordable housing contributions, taxation settings and population policy issues);
2. Environmental sustainability and vegetation protection;
3. Delivering certainty and fairness in planning decisions for communities, (including height limits, apartment sizes and third party appeal rights);
4. Protecting heritage in Victoria, (including the current heritage protections, separating heritage from planning considerations and penalties for illegal demolitions and tree removal);
5. Ensuring residential zones are delivering the type of housing that communities want, and
6. Any other matter the Committee considers relevant.

Submissions are due by Monday 31 January 2022. The Environment and Planning Committee are due to report on the inquiry by June 2022.

DISCUSSION

As can be seen from the Terms of Reference, the Inquiry is a very high level and open inquiry, with the scope covering a broad range of issues. There is no specific detail or proposal to comment on, so the submission has been kept very broad. Officers have reviewed the Terms of Reference and provided a draft submission based on existing policy positions or activities of Council. The draft submission is attached as **Attachment 2** to this report.

The position on each of the issues in the submission is listed in the table below. Further discussion on each of the positions is included in the draft submission in Attachment 2.

Theme	Submission Position
1. The High Cost of Housing	<ul style="list-style-type: none"> • State and Federal Governments need to do more to increase the provision of social housing. • The Big Housing Build program needs to be extended beyond its current four year timeframe. • Federal and State population policy is needed. • Introduce state-wide inclusionary zoning for social and affordable housing
2. Environmental sustainability and vegetation protection	<ul style="list-style-type: none"> • Encourage State Government to prioritise implementation of state-wide urban tree and vegetation controls in development. • Support the introduction of state-wide ESD policy.
3. Delivering certainty and fairness in planning decisions	<ul style="list-style-type: none"> • Provide Councils with the ability to introduce mandatory height controls, particularly in residential areas and for <u>all</u> land uses. • Retain Green Wedges of Melbourne as open space, and finalise and implement the state government Green Wedge Review. • Support the Better Apartment Design Guidelines (that have been implemented). • Improve the efficiency of VCAT, focussing on resolving matters before the hearing including earlier submission of revised plans. • Ensure VCAT is accessible to all objectors and that fees and charges are minimised. • In general opposed Ministerial call-ins of planning permits and amendments. It is recommended that improved resources be provided to support Council in considering high priority matters, enabling faster and more efficient decision making.

4. Protecting heritage in Victoria	<ul style="list-style-type: none"> • Seek a more efficient process to provide heritage protections including the ability for Councils to apply interim heritage controls. • Additional federal statutory involvement in local heritage matters including decision making is not supported. • Federal involvement in education and training, funding support for Councils and the public to undertake conservation works would be welcomed. • Local heritage protection and management should not be separated from the planning system, and a separate heritage appeals tribunal to hear appeals is not warranted. • Support independent heritage advice being available to Councils for key heritage matters. • Support increased penalties for heritage demolition, particularly where the fines are so low that there is a financial benefit to demolishing the heritage place and paying the fine rather than following due process.
5. Residential zones	<ul style="list-style-type: none"> • Councils to apply and vary mandatory provisions of residential zones to better achieve neighbourhood character outcomes.

The draft submission has been drafted based on the policies and strategies in a range of Council's adopted documents. Commentary on some issues such as Melbourne's Green Wedges that are less relevant to Monash have been included in our submission as they provide a Melbourne-wide context that still have an impact on the City of Monash.

POLICY IMPLICATIONS

There are no policy implications at this point in time however, the outcome of the inquiry may result in changes to State and Council policies.

CONSULTATION

Internal consultation has been undertaken with the Environment and Statutory Planning departments and their responses have been incorporated into the draft officer submission.

It is not proposed to undertake any consultation with the community regarding Council's submission. Members of the community who wish to be involved can make a submission directly to the Inquiry. The closing date for submissions is 31 January 2022.

SOCIAL IMPLICATIONS

This report will not result in any identified environmental, economic or social impacts. Recommendations of the Inquiry may result in environmental, social or economic impacts when implemented.

HUMAN RIGHTS CONSIDERATIONS

It is considered there will not be any human rights implications as a result of the review.

GENDER EQUITY ASSESSMENT

A gender equity impact assessment was not required for this report.

FINANCIAL IMPLICATIONS

There are no immediate or direct financial impacts as a result of the inquiry, and this report has been prepared within current budget allocations.

CONCLUSION

The Victorian Legislative Council Environment and Planning Committee is undertaking an inquiry. Many of the issues being considered have an impact on our community or the City's operations. It is beneficial for Monash City Council to make a submission on a number of issues that this inquiry is considering.

Key issues for Monash relate to opportunities to use the planning system for affordable housing supply, broader vegetation protections and building height controls. We support current third party appeal rights in the planning system, yet note that cost increases at VCAT have reduced accessibility for some people.

It is also beneficial to retain heritage protections and controls within the planning system, but there are opportunities to increase penalties so that they outweigh any benefit derived by the demolition of a heritage building.