

12 February 2010

Planning and Environment Act Review  
Department of Planning and Community Development  
GPO Box 2392  
Melbourne VIC 3001  
[PEActreview@dpcd.vic.gov.au](mailto:PEActreview@dpcd.vic.gov.au)

Dear Sir/Madam,

**Re: Submission to Planning and Environment Amendment (General) Bill 2009**

Thank you for the opportunity to make a submission to the Department of Planning and Community Development regarding commentary on the draft *Planning and Environment Amendment (General) Bill 2009*.

The feedback and recommendations presented within this response for consideration have been drafted in collaboration by a group of stakeholders with an interest in the community health and wellbeing implications resulting from the proposed changes in the draft Bill.

For all enquiries relating to this submission, please contact Micaela Drieberg from the Planning Institute Australia on 03 9347 1900 or email [mdrieberg@planning.org.au](mailto:mdrieberg@planning.org.au)

Yours sincerely,



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The relationship between planning and public health is not a new concept. In fact the planning profession as we now know it stems from the historical need to address basic sanitation and disease.

Today there is a growing body of evidence that recognises the links between the built environment and health outcomes. In fact a supportive environment is a key approach for any effective health promotion strategy and has the capacity to positively impact on multiple health outcomes simultaneously.

### **The Objectives of Planning in Victoria**

The proposed changes to the current objectives of the Act to recognise the importance of planning in *'equal consideration of social, economic and environmental factors in decision making'* and *'a healthy environment'* are welcomed. We congratulate the Department of Planning and Community Development for recognising this important relationship between planning and the community's health and wellbeing.

Under Proposal 15(1) of the draft Bill it is proposed to amend section 4(1)(b) to:

*"To secure a pleasant, efficient, **healthy** and safe working, living and recreational environment for all people in Victoria"*

Whilst this change is welcomed there is a concern that the definition of 'healthy' could be misinterpreted and thus not have the ultimate impact that was intended with its inclusion.

It is proposed that the intention of the inclusion of 'healthy' under Objective (1) (b) is further clarified with the insertion of 'health' under **Definitions** of the Act.

Potential sources for the definition of 'health' include the World Health Organisation or other Victorian Legislation and Parliamentary documents.

(The World Health Organization defines health as: "...a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.")<sup>1</sup>

Under Proposal 15(1) of the draft Bill it is proposed to amend section 4(1)(c) to:

*"To balance environmental, social and economic considerations and to respond to population and demographic changes in decisions about the land use and development of land"*

This change is welcomed and will further strengthen the emphasis of the Department of Health's 'environments for health framework'<sup>2</sup> and its use in particular for the development of local government municipal public health and wellbeing plans. It is however proposed that 'health' is also included in the aforementioned objective.

It is proposed that 'health' is inserted under Objective (1)(c) to increase consistency with the Public Health and Wellbeing Act 2008 emphasis on the built environment in municipal public health and wellbeing plans.

<sup>1</sup> See 'Constitution of the World Health Organization', Accessed from [http://www.who.int/governance/eb/who\\_constitution\\_en.pdf](http://www.who.int/governance/eb/who_constitution_en.pdf) on 10 February 2010.

<sup>2</sup> The Victorian Department of Health's Municipal Public Health Planning Framework - Environments for Health "provides a framework for planning that considers the impact on health and wellbeing of factors originating across any or all of the built, social, economic, and natural environments." Further information can be found at <http://www.health.vic.gov.au/localgov/mpphfr/index.htm>. Accessed on 10 February 2010.

Under Proposal 15(1) of the draft Bill it is proposed to amend section 4(1)(i) to:

*“To protect **natural, agricultural and man-made resource, infrastructure, utilities and other assets** and enable the orderly provision and co-ordination of **infrastructure, utilities and other facilities** for the benefit of the community.*

*To facilitate **use and development of land** in accordance with **these objectives**”*

This change recognising the impact of access to man-made and natural infrastructure on community wellbeing is welcomed but could be further strengthened with the inclusion of a focus on food security.

It is proposed that *agricultural* is inserted under Objective 1(i) to reflect and strengthen the whole of government approach and prioritisation of food security as an issue.

### **The Planning Permit Process**

The draft Bill proposes that specific matters to be considered by the responsible authority are amended to reflect the proposed changes to the objectives of planning in section 4(1)(c) that seek to balance environmental, social and economic considerations in decision making on land use and development.

As mentioned previously it is proposed that ‘health’ is also included under Objective (1)(c) and therefore this should also be reflected under the matters to be considered by the responsible authority.

It is proposed that ‘health and wellbeing’ is included under section 60 (1A)(a)

### **State Significant Development**

The new proposed process is intended to assess the impact of projects that have the potential for significant economic, social or environmental impacts. In order to be consistent with the proposed objectives of the Act, and specifically the emphasis on ‘healthy environments’, state significant projects should also be recommended to complete a health impact assessment.

It is proposed that health impact assessments are included as a mandatory assessment when undertaking any state significant projects

## Other

### *Public Health and Wellbeing Act 2008*

Section 26 of the *Public Health and Wellbeing Act 2008* (Health Act) requires all Councils to prepare a Municipal Public Health and Wellbeing Plan (MPHP). The Health Act specifies the MPHP must be consistent with the Municipal Strategic Statement (MSS) prepared under section 12A of the Planning Act, as well as the Council Plan prepared under the *Local Government Act 1989*. However, the MPHP is not required to inform the local planning scheme, or be considered in the planning process.

Section 12A of the *Planning and Environment Act 1987* requires Municipal Strategic Statements to be consistent with the current council plan prepared under section 125 of the Local Government Act 1989, with no mention of the council's MPHP.

It is recommended that Section 12A(4) is amended to include consistency with the Municipal Public Health and Wellbeing Plan and thus close the loop and ensure consistency within relevant legislation.

### *Transport Legislation Review*

The State Government is at present reviewing all existing legislation in relation to transport to meet current and emerging transport challenges. As land use planning and development is intrinsically linked with transport needs and requirements there is a need for consistency between planning and transport legislation.

It is recommended that any proposed changes to the Planning and Environment Act aligns with any new transport legislation introduced to address emerging transport challenges.

### *National Directions*

Recent shifts in Commonwealth policy reflect the growing recognition of the relationship between the built environment and community health and wellbeing.

The **National Preventative Health Task Force** was established to provide evidence-based advice to governments and health providers on preventative health programs and strategies, focusing on the burden of chronic disease currently caused by obesity, tobacco and the excessive consumption of alcohol.

In the **National Preventative Health Strategy** that was launched in September 2009, there were many explicit references to working with urban planners and the need for a supportive environment to sustain any investments in prevent to increase the health and wellbeing of Australians.

With this emphasis on health, the Australian Government also recognises the impact of social inclusion with a vision of a socially inclusive society as one in which all Australians feel valued and have the opportunity to participate fully in the life of society. The Australian Social Inclusion Agenda calls for significant changes in the way government works and in the way in which government interacts with other sectors in society – again with an emphasis on the impact of the built environment and its influence on accessibility and inclusion.

It is recommended that any proposed changes to include health at the forefront of planning is consistent with or ideally leads the national agenda for preventative health and social inclusion

### *International Directions*

The **World Health Organisation** (WHO) has long recognized the influence of community cities in the promotion of good health.

The WHO **Healthy Cities** program engages local governments in health development through a process of political commitment, institutional change, capacity building, partnership-based planning and innovative projects. It promotes comprehensive and systematic policy and planning with a special emphasis on health inequalities and urban poverty, the needs of vulnerable groups, participatory governance and the social, economic and environmental determinants of health. It also strives to include health considerations in economic, regeneration and urban development efforts. Over 1200 cities and towns from over 30 countries in the WHO European Region are healthy cities.

It is recommended that established programs such as the World Health Organisation Healthy Cities program learnings are included in the Victorian government's approach to healthy environments.