

Residents' Voice



Issue 28, November 2010 * ISSN 1440-6977, Publication of Save Our Suburbs Inc (Vic) No. A0036067S
GPO Box 5042 Melbourne 3001 * (03) 9513 9674 * www.sos.asn.au

Special Election Issue!

The 3 major parties were asked to respond to our Position Statement on planning in Victoria (page 2)

We received a detailed response from Green Party MP Greg Barber (p.2) and a belated response from Liberal Shadow Planning Minister Matthew Guy (p.3). There was no response from Labor Planning Minister Justin Madden

However, we did receive a late reply from Minister Madden to a separate questionnaire sent to all four Essendon electorate candidates by SOS and CALM (Citizens for A Livable Melbourne - see our website: www.sos.asn.au/node/184). His reply promoted "Labor planning achievements" but did not answer the questionnaire, which focused on changes to planning legislation and democratic rights of councils and residents to have their views incorporated in new planning policies and laws.

SOS SUMMARY OF PARTY RESPONSES TO OUR POSITION STATEMENT ON PLANNING - STATE ELECTION 2010

GREENS RESPONSE:

Supports the SOS position very well but the reality is the Greens won't be in a position to implement their policies. However, they will hold the balance of power in the Upper House (and possibly the Lower House) and will be able to exert more leverage on whichever government is elected on November 27. Holding the two major parties to their election commitments and to improving transparency and accountability will be the Greens and Independents most crucial tasks.

LIBERALS RESPONSE:

Supports some SOS goals but with significant differences that concern us:

- no commitment to the need for revision of planning legislation or maintaining the Urban Growth Boundary (raising sustainability questions)

- an extra layer of discretionary decision-making for both VCAT & Councils and no mention of VCAT support for local policy, limiting amended plans or improving expert witness procedures
- no indication that a new central planning unit would be independent or what role councils and the community would have
- no mention of increasing certainty in planning by decreasing scope for discretionary decision-making (the source of most delay and uncertainty)
- good on maintenance and upgrade of existing rail lines but no mention of extending and fully integrating the Melbourne public transport system metro-wide
- an independent anti-corruption commission and a lobbyists' register but no control of political donations.

The above Liberal Party policy shortfalls are quite significant in the context of the imminent changes in planning legislation foreshadowed by the Brumby Government. In particular, these legal changes will enable private developers to prepare amendments to planning schemes (eg, to rezone land for higher density development) and remove existing Council powers to refuse amendments (see last edition of *Residents' Voice*).

To quote Yarra Ranges Council submission on the Bill to change the Planning and Environment Act:

"These interrelated changes are the most contentious aspect of the proposed new legislation. They would result in a profound weakening of Council's planning powers. They would reduce Council's ability to influence the outcome of major development proposals and further limit each Council's control over the content of its planning scheme.".....

"The ability of Council to abandon an amendment is a significant power that has operated as an incentive for applicants to ensure that their proposals respond to issues of importance to local communities.".....

"The weakening of the role of local government in the planning scheme amendment process will considerably reduce the ability of local communities, through their Council, to have a constructive input into planning decisions. It will result in a loss of democratic process and undermine the role of local government reducing it to an administrator role."

State Election 2010: SOS Position Statement On Planning in Victoria

(full version on website - www.sos.asn.au/node/183)

Save Our Suburbs believes that more accountable and transparent planning controls are needed to manage sustainable urban growth, provide effective transport solutions and maintain residential amenity.

Instead, planning in Victoria is being increasingly deregulated. Consequently, SOS believes that the State Government and Parliament must address the following urgent town planning priorities for the democratic sustainable development of Victoria in general and the city of Melbourne in particular:

- 1 Instigate a transparent comprehensive public consultation process to develop a City Plan for Melbourne that is "owned" by its citizens**
- 2 Revise the Planning Act and Local Government Act to reflect community feedback, ESD principles and ensure greater community engagement with councils**
- 3 Improve the function and fairness of the VCAT Planning List**
- 4 Establish a central independent statutory authority responsible for urban planning for the greater Melbourne Metro area**
- 5 Introduce more certainty in statutory planning by making most key discretionary controls mandatory (overlays, Rescode amenity standards)**
- 6 A commitment to planning and funding an upgraded integrated heavy & light-rail public transport system for the greater Melbourne Metro area**
- 7 No further expansion of the Urban Growth Boundary**
- 8 Require disclosure of all political donations above \$1000 and make donations to political parties from property developers illegal**

SOS Committee, October 2010

*Read the 2 responses below
and decide for yourself.....*

Green Party response: (received 4 November)

The Greens strongly support the Save our Suburbs position statement. Our planning system is currently complex, inefficient, and unaccountable. The Greens will bring greater clarity, transparency, and accountability to planning. We will return decision-making powers to local councils and communities and create binding laws to protect environmental values, public open spaces, social equity and heritage.

1. Undertake a transparent comprehensive public consultation process to develop a City Plan for Melbourne "owned" by its citizens

Drawing on successful approaches used in cities like Vancouver and Curitiba, the Greens will undertake a comprehensive, transparent public consultation process to develop a City Plan for Melbourne. International experience demonstrates that given the opportunity to genuinely participate in decision making, people are more likely to support difficult, yet critical, decisions, leading to a better city. We will involve the community, councils, and a broad range of relevant organisations including NGOs, civic and business groups. Engagement will be deep and genuine, start early, and not promote a favoured outcome. Participants will receive information about the benefits and disadvantages of various approaches, allowing them to weigh up options and make an informed decision. The final plan will incorporate feedback obtained during the consultation process.

2. Revise town planning laws for more participatory, transparent and accountable processes

With the participation of communities and local councils, we will revise Victorian town planning laws, including the Planning and Environment Act and the Local Government Act, for more participatory, transparent, and accountable processes. This process will take into account public feedback and formal criticism by professional organizations and bodies such as the Auditor General. We will improve the *Planning and Environment Act 1987* in line with the views of councils and submissions to the recent review process. We will revise local planning 'guidelines' to create clear, prescriptive, enforceable rules. This will increase certainty for residents, developers, and other affected parties.

The revised laws will strengthen protection of the natural environment, public open spaces, social equity and heritage. Developments will be required to improve environmental design and protect amenity, internal livability, and accessibility. We will protect third party rights in decision making. Local policies will be given a greater weighting. We will strengthen the criteria for ministerial interventions and end ad-hoc 'call-ins' that bypass local decision making.

The Greens will strengthen the Best Value requirements in the Local Government Act for clearer, more consistent performance reporting requirements that better address local planning outcomes, without placing additional reporting or regulatory burdens on local governments. We support the Auditor General's recommendation of an annual state-wide review to monitor and report on Councils' compliance with planning legislation and local planning schemes. We will establish an ongoing process for community engagement in service-delivery oversight, including statutory planning.

3. Create a fairer VCAT Planning List

The Greens will revise laws to ensure that local policy is given greater weight at VCAT, rather than being ignored in favour of state policy. We will implement the Victorian Law Reform Commission Civil Justice Review's recommendation to improve expert witness procedures and reduce conflict of interest and bias. We support the restricted lodgment of amended plans at VCAT. This will improve the quality and compliance of permit applications and streamline the assessment process.

4. Consult with community & councils on establishing a new authority responsible for urban planning for the Melbourne metro area

The Greens' priority is to restore planning decision making to councils and the community. Consistently with this, we will engage communities, councils, and relevant organizations in a public consultation process

(see question 1) to determine the governance model that best meets community needs. Through this process, we will seek feedback on the usefulness and feasibility of establishing a central independent statutory authority, either state-wide or for metropolitan Melbourne. We will put forward a number of options, including a federation of councils, similar to Metro Vancouver, to apply Melbourne's City Plan to best meet local circumstances. As with the development of the City Plan, the final model will incorporate feedback obtained through the consultations.

5. Immediately make most discretionary controls mandatory

Current planning laws are unclear and lacking in direction. Pending revised legislation, governance reform, and the development of a new City Plan, the Greens will take immediate interim action to strengthen overlays and make discretionary Rescode amenity standards mandatory. This will provide greater certainty for all parties and relieve the current VCAT backlog.

6. Upgrade Melbourne's public transport system

Building more freeways does not relieve congestion. The Greens People Plan lays our vision for an integrated public transport system which will allow all Victorians to move around without a car (<http://peopleplan.greens.org.au/>).

It outlines proposals for significant upgrades to train, tram and bus services. The fragmented privatised system is at the root of problems with our public transport system. As part of our Six Point Transport Plan (<http://vic.greens.org.au/content/six-point-transport-plan>), the Greens will get rid of the privatised system, creating a Public Transport Authority, staffed by public transport experts, to plan, manage and integrate all modes of transport. While the PTA is being established, we will take urgent action to address immediate issues, such as frequency and train/bus coordination. We will immediately complete urgently needed extensions and upgrades for which land is already available, eg Mernda rail extension, and start on medium-term projects, including extended rail lines to Monash Uni, Doncaster, and Melbourne Airport.

7. End expansion of the Urban Growth Boundary

When the most recent expansion to the urban growth boundary, VC68, came before parliament, the Greens were the only party to oppose it. Continual expansion of the UGB threatens environmentally sensitive areas and forces more people into their cars to travel further. Placing people in the suburbs without adequate public transport or social infrastructure leads to poor social and health outcomes. The Greens are committed to the maintenance of Melbourne's urban growth boundary.

8. Make disclosure of all political donations mandatory; ban donations from property developers to political parties

The Greens will ban donations to political parties other than from individuals and these will be capped. All donations must be disclosed prior to an election.

<<>>

SOS Updates...

The SOS website has been upgraded; find the latest planning and political news and SOS submissions, and contact us for further information: <http://www.sos.asn.au>

Also check Planning Backlash for community activist news: <http://www.marvellousmelbourne.org/drupal/?q=node/6>

Liberal Party Response

(received 18 November):

1, NEW CITY PLAN

The Coalition is committed to introducing a new metropolitan planning policy for Melbourne, formed over a two year process with widespread, inclusive consultation, based on the following ten key principles:

1. The sustainable growth of Melbourne;
2. Sustainable management of population growth;
3. Respecting and preserving urban character;
4. Clearly identifying areas for urban renewal and future development zones;
5. Trialling the practice of Code Assessment in Activities Areas;
6. Integrating and optimising existing and future infrastructure and service provision;
7. Land supply to match population growth;
8. Clarifying where urban densification in clearly identified areas can occur;
9. Protecting existing parks and open space from development;
10. Aiding housing affordability.

2, TOWN PLANNING & LOCAL GOVERNMENT LEGISLATION

A Liberal Nationals Coalition Government will strengthen the obligation on councils to provide their communities with meaningful reports containing relevant, easy to understand information. This information must be made available to the community in an accessible format.

Councils will be encouraged to give citizens greater say in the decisions affecting their local community.

3, VCAT

If elected on November 27, a Coalition government will:

- Legislate to limit access to VCAT for the review of determinations for projects which are deemed to substantially comply with relevant Municipal Strategic Statements (MSS);
- Require Councils to advise a Council view on the degree of MSS compliance, with their determinations;
- Provide for VCAT to determine whether an application for review qualifies on the grounds of substantial compliance, and;
- Publish clear and transparent guidelines on the determination of substantial compliance.

The Coalition believes there are improvements that can be made towards VCAT operation and we are committed to improving operation of the tribunal and providing greater clarity toward what can and can't be brought forward to it.

4, METROPOLITAN PLANNING

The Coalition will abolish Labor's bureaucratic Growth Areas Authority and the wasteful Development Facilitation Unit to create a new Urban Planning Unit which will manage urban planning for all of the Melbourne metropolitan area.

5, CERTAINTY FOR STATUTORY PLANNING

The Coalition supports providing greater certainty in the planning system and will give powers to the new Urban Planning Unit to identify areas of regulatory delay that can be further streamlined. The SOS proposal is one that has merit.

6, UPGRADING RAIL

The Victorian Liberal Nationals Coalition notes how John Brumby and Labor have failed to sufficiently invest in Melbourne's heavy rail system in particular during Labor's 11 years in government.

Rail operator Metro's April 2009 report to the government, which only became public after the Liberal Party obtained it under Freedom of Information, disclosed that Metro believed that the Cranbourne, Frankston, Hurstbridge and Pakenham lines were not safe and trains were at risk of derailing and colliding with lineside structures. In the past few weeks, there have been major delays due to signalling, points or track circuit failures throughout the Melbourne metropolitan heavy rail network, including Burnley, Dandenong, Newport and Sandringham.

The Victorian Liberal Nationals Coalition's approach will be 'back to basics': a focus on rails, conversion of sleepers from timber to longer lasting more environmentally friendly concrete, track ballast, drainage and renewal of points & crossings, as well as signalling reliability.

Ted Baillieu MP, Leader of the Victorian Liberal Nationals Coalition, and Terry Mulder MP, Shadow Minister for Public Transport, will be announcing many detailed public transport policies in the weeks leading to the 27 November 2010 State election.

7, URBAN GROWTH BOUNDARY

The Coalition believes in defining Activities Areas and in a pragmatic land release policy for our growth areas to address critical housing affordability and housing shortage issues.

8, POLITICAL DONATIONS

The Liberal Nationals Coalition has led the public debate on the need for an independent broad-based anti-corruption commission. We believe an IBAC is the linchpin of successful steps in combating corruption in the planning process and elsewhere. Labor has belatedly agreed to introduce a half-baked anti-corruption commission, however their model is deeply flawed, and will lead to a fragmented anti-corruption response and a continuation of the culture of secrecy and cover up that has developed over the last 11 years.

The Liberal Nationals Coalition will make further announcements on our IBAC model as the campaign progresses. The Liberal Nationals Coalition has also led the public debate on the need for a register of lobbyists, and notes that the government only moved to produce a lobbyist register after pressure from the Coalition. The Brumby Labor Government appears to have allowed key contracts to be let before the introduction of a lobbyist register, including the process surrounding the desalination plant tender.

The Coalition also led the way on the introduction of a success fee ban for all government contracts. Labor has refused point blank to introduce a success fee ban. The Coalition maintains strict fundraising protocols that ensure developers are not able to impact on the political process beyond the capacity of any citizen.

Labor has undermined the integrity of the planning process with its "sham" public consultation process in relation to the Windsor Hotel redevelopment.

Sustainable transport and the major parties...

Report on the public meeting on transport, Melbourne Town Hall, 8 Sept by Steve Ingrouille, publisher of the Sustainable Cities and Transport Newsletter <<http://www.goingsolar.com.au/transport>>

"....I quizzed Martin Pakula on the need for transparency in budgeting for major projects - if the figures are right, fine, but we just need to know. He responded that the media weren't interested. I said I was interested and I'd publish the material. He promised to send me the relevant data. I'm still waiting.

I also asked Terry Mulder why the Liberal Party doesn't bother to send me any media releases on their sustainable transport policies. He promised he would. I'm still waiting."



Without height controls, new planning legislation could take us back to this....

Real Community Consultation...the WA model of deliberative democracy

(for more detail, see <<http://www.sos.asn.au/node/185>>)

The most productive community consultation in Australia on urban planning was conducted by the WA Dept of Planning and Infrastructure (2001-2005), involving innovative ways to achieve joint decision-making with the community on controversial major planning issues.

The consultation teams were led by Dr Janette Hartz-Karp, who is renowned nationally and internationally for her innovative work in community engagement and deliberative democracy. She is currently Professor of Sustainability at the Curtin Sustainability Policy Institute, Fremantle

For four and a half years, as community engagement consultant to the WA Dept for Planning and Infrastructure, she developed innovative joint decision-making techniques with the community pioneering "deliberative democracy". These included Citizens' Juries, Consensus Forums, 21st Century Town Meetings, Enquiry-by-Design Dialogues, Multi Criteria Analysis Conferences, and Deliberative Polls. (see www.21stcenturydialogue.com).



Dr Janette Hartz-Karp