

Residents' Voice

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President's Address

Dear Member

With the State Government election only a week away it's clear that planning is once again a significant issue for voters, in a similar way that it was in 1999.



This is ironic, given that part of the platform that Premier Steve Bracks ran on in 1999 was planning reform, with such statements as "... there are no proper third-party appeal rights; that neighbourhood character, that neighbourhood and community feel, are not represented in the planning law". While replacing the "Good Design Guide" with ResCode in 2001 was certainly an improvement, the introduction of Melbourne 2030 in 2002 resulted in ResCode often being overridden by activity centre guidelines and state urban consolidation policy - any higher density development is seen to be supported by Melbourne 2030, which has higher priority.

While the Premier and Planning Minister don't seem too worried about planning problems, many ALP

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What is higher density doing to infrastructure?

By Ian Quick

One of the many problems not addressed by the implementation of Melbourne 2030 is infrastructure upgrades.

While the State Government is assuming it can pack more people into existing suburbs, thus saving money by not having to provide new infrastructure in new suburbs (such as roads, electricity and sewerage disposal), what's happening to these established suburbs bearing the brunt of the increase in population?

In much of the inner city, large numbers of apartments have been built, with many fairly small lots even further subdivided, while the original utility infrastructure capacity remains unchanged.

The result? Some utility networks are beginning to breakdown under peak load conditions. Power failures are becoming increasingly frequent. For example in Richmond we lost power 9 times last summer - on one occasion for over 10 hours on a 42 degree day! Flooding is becoming more frequent because the drainage system can't cope with the increasing runoff due to the greatly increased site coverage of most new developments. Parking and Traffic congestion is also getting worse, exacerbated by council and VCAT decisions that allow parking waivers, especially for many commercial planning permit applications.

I've asked a number of people at the State Government level about who is looking into the maintenance of infrastructure capacity and who is responsible for funding improvements - something that would have been done by the SEC and MMBW in the old days as a State utility responsibility.

The answer I usually get is that there isn't going to be a problem so nobody needs to be looking at it. When I bring up specific cases, I'm told they are either 'one off' and not typical, or don't exist. The issue I bring up most often is **the increasing frequency of power failures.**

Several engineers who talked to me off the record stated that -

- The cables between the sub stations

were running at twice their initial design load, and couldn't take any more.

- It would be too expensive to upgrade the cables
- They weren't sure that they even knew where all the underground cables were.
- Local transformers had too much load connected to them, and nobody was going to pay for bigger ones or more of them.

City Power's explanation was that -

- The power didn't really go out that many times
- Every time it did go out, it was for an individual reason, like a possum shorted out the line etc, but that there was no structural problem.

The answer I get from various **State Government representatives** is that-

- It's all been looked into and isn't a problem.

I believe the engineers. This is a time bomb that will start to wreak havoc on entire neighborhoods unless councils and residents start to lobby the State Government to take urgent action to ensure that utility infrastructure in areas subject to significant urban consolidation is upgraded to cope with modern demands.



VCAT the independent umpire? — You've got to be kidding!

Recently the Planning Minister (and other Ministers) have referred to VCAT as the 'independent umpire' for planning - and have managed to say so with a straight face!

But it is absurd to call VCAT **independent** when the State Government

- Appoints VCAT members
- Appointed one of its own (ex) ALP members to head it (Stuart Morris)
- Writes the (vague) Planning Laws which VCAT then uses to make decisions
- Can bypass VCAT entirely by the Minister 'calling in' a planning application before it gets to VCAT.

It is also absurd to use the term **umpire**,

VCAT - What is going on?

Malvern East member Remy Favre has done an excellent presentation (available at http://www.sos.asn.au/news/MEG_VCAT_Exposed.htm or off our front page) looking into the decisions made at VCAT. In his own words -

With the help of my daughter, we reviewed all VCAT Planning List decisions published during the 2005 calendar year that were concerned with medium and high density housing planning applications (1480 relevant decisions), and grouped outcomes according to Member, and Council, and calculated the number of times developers won, and the number of times Council's decisions were upheld/reversed/varied.

We found that VCAT find in favour of developers 63.1% of the time. We found that Developers are nearly 4 times more likely to get full satisfaction at VCAT than residents. We found that 13 members find in favour of developers more than 70% of the time whilst only 4 Members find in their favour less than 50% of the time, all this within the same legal framework, and with cases that are monotonously similar.

We found that decisions by Councils were affirmed only 37.9% of the time. They were reversed 53.1% of the time, and varied 9% of the time.

We exposed VCAT's own spin and how they hide their unquestionable pro-developer bias behind an appearance of

which implies weighing up cases fairly, looking at both sides, then making a fair decision. Given VCAT's pro developer biases - either due to the State Government's own policies (ie priority to higher density) or the fact that some VCAT Members seem to lean towards supporting developers - the last thing most people would call VCAT is an independent umpire.

This is not all VCAT's fault - they are what they State Government set them up to be, and they are doing what the State Government requested of them - part of which seems to be to divert attention away from the State Government.

But even given that, there are many problems with VCAT.

being fair and equitable by the selective use of their own statistics.

We also found that VCAT members are effectively unaccountable and untouchable.

If you already don't like VCAT, reading his paper isn't going to make you any happier. One of the main statistics that leapt out was something that a lot of people already have noticed - how successful you are at VCAT seems to depend on who hears your case.

From the cases that Remy looked at, the 7 most pro-developer Members (who heard 16% of the cases in total) favored developers over 80% of the time. The most pro-resident Members (ie who heard 19% of the cases) supported developers only 43% of the time.

Of course, it could be that cases are not allocated to Members randomly, which would explain the apparent biases. But according to VCAT, that's not the case. So why is there such a wide difference in approval rates depending on who hears the appeal?

Melbourne 2030 "reviewed"?

You may have noticed in the press that the State Government has said they are going to review Melbourne 2030. Don't get too excited because they have also said that none of the major elements in Melbourne 2030 will be changed; the review is just to 'tweak' small implementation details.

You'll also note that this is not going to happen until **after** the state election. We will keep you informed, and when public submissions are called for we will let you know.

(Continued from page 1)

Members of Parliament tell me - and their local residents' groups - how unhappy they are about planning in Victoria today. If that is the case, and they aren't just trying to sound sympathetic to get local votes, why aren't they actually doing something about it? If they can't, who can?

There are other signs that Planning has again become a major political issue - both the Liberals and the Greens have released policies that directly address some of the concerns SOS has been voicing, and we have also seen the creation of a new political party devoted to the planning issue - Reclaim Residents Rights.

So this November 25th think seriously about sending a message to the State Government: that the mess they have made of planning in Victoria is unacceptable.

Ian Quick, President,



With complete disregard for local DDO height limits, the Tribunal said this proposed development at 155 Domain Rd South Yarra demonstrated "a high standard of design which would justify any additional height above that recommended in the DDO" (VCAT 349, 31.3.03)

COUNCIL AND COMMUNITY PRESSURE BUILDS FOR REFORM OF VCAT!

More and more councils and local communities across Melbourne believe the Victorian planning system is short-changing them, particularly the Planning Tribunal (VCAT). Now councils are starting a collective campaign to pressure the State Government to reform the function of the Tribunal.

And the changes they've identified are almost identical to those advocated by SOS!

* The Government should approve Local Policies that reflect the wishes of local communities, including more prescriptive policies where appropriate to protect local amenity, heritage etc.

* VCAT should apply local policies and give due weight to local planning amendments as "seriously entertained legislation" if they are at or past the exhibition stage.

* VCAT should no longer determine planning decisions *de novo* (from scratch) but instead ensure that the process and consistency of council decisions is

consistent with their planning scheme (which will already be sufficiently consistent with state planning legislation since all incorporated amendments have been endorsed by the Minister).

Other planning issues causing community concern that indicate a lack of respect for local policy and which contribute to dissatisfaction with VCAT decisions include:

* Difficulty getting clearly defined provisions that suit local conditions included into planning schemes (especially anything prescriptive).

* VCAT is not required to apply local policy and often gives it little weight compared to the over-riding policy of urban consolidation.

* The excessive time often taken for approval of planning scheme amendments - if councils are required to make decisions on permits within specified time limits, why shouldn't DSE and the Minister also have to decide amendments within a reasonable

time frame - say, two months? Some amendments take a year or more to decide!

* Except on a matter of law, VCAT decisions are not open to appeal - so members are effectively unaccountable for their decisions.

The solution:

- the State Government should just set the broad strategic direction of planning policy, with local government determining how to implement this at the local level.
- VCAT should review council process, not re-hear planning applications from scratch - ie, it should have an oversight function to help ensure that councils administer their planning schemes efficiently, consistently and fairly.
- M2030 must foster fair, equitable and sustainable development, not just urban consolidation.

VCAT - conflict of interest?

You would have seen in the press that VCAT head Stuart Morris has become involved in a property dispute in Ivanhoe. He has put in a planning permit application for something he agreed not to do with the new owners of a property he sold them.

Since then, after the media attention, he has withdrawn the planning application - of course, he will be able to simply reapply after the State Election on the 25th, when it won't cause as much embarrassment to the ALP.

VCAT Member who decides planning issues, let alone the head of VCAT, making money out of property development!

The comment from the Attorney General (and Planning) Minister Rob Hulls that he would bring in someone from interstate to hear that particular case is a far too narrow response to the problem.

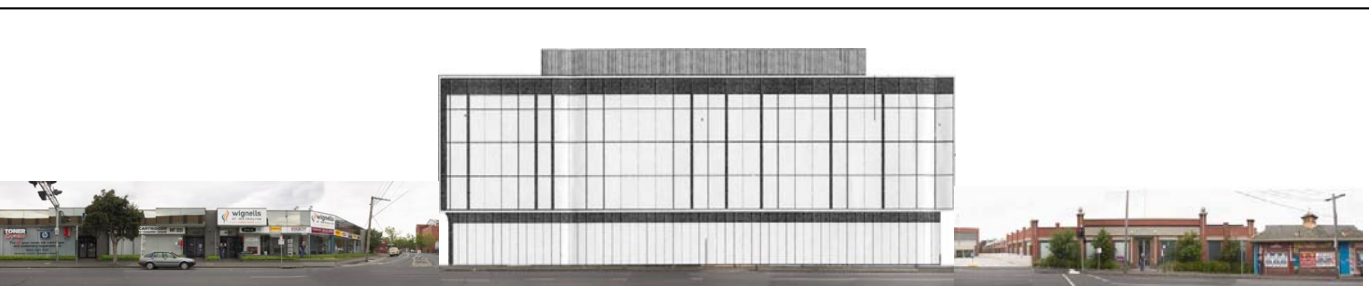
If VCAT members are also property developers then they are helping to regulate the market in which they make money! There is no doubt that they will

More worrying than this individual case is the structural problem of **any**

run into the builders, architects, etc that they use in a private capacity in their public position! Even if they don't do that, they would have a vested interest in encouraging development, as they may indirectly make money out of it!

So while it is not illegal for a VCAT Member to be a property developer, the absolute minimum the Minister should require is a **public** disclosure of all property holdings and transactions of each Member.

In addition, the Minister should develop strict guidelines on what is, and is not, acceptable for a VCAT Member to do with property development - and remove Members who do not comply.



This is a development proposed for Johnstone Street Abbotsford - Yarra Council failed to make a decision (!) and it is now going to VCAT. Local residents have said - "This issue is much more significant than a single undesirable development. It sets a precedent to create development pressure to turn Johnston Street into a canyon of multi story office buildings, with huge impact on residential amenity and parking, and to the detriment of the unique heritage character of the precincts on either side of Johnston Street, particularly the Abbotsford Convent, Collingwood Childrens' Farm, Victoria Park, Yarra Falls and Trenerry Crescent." We agree with them!

SOS Meets with DSE Secretary Lyndsay Neilson

SOS met with DSE head Lyndsay Neilson in October to give the department feedback on improving the implementation of M2030. This advice will hopefully be fed into the M2030 Review process recently announced by Minister Hulls.

However, while SOS recommended a review of M2030, we also insist that the community should be represented on any committee set up to conduct the review. We do not want (again) the residents of Melbourne being denied any direct say in how the planning system of their city is to operate.

At the meeting the SOS President and Vice President made a number of points of criticism:

- M2030 is predicated on the concept of Activity Centres, which is not functioning in practice. Most major ACs were designated on the basis of existing retail floor space, not proximity to existing or planned major mass transit nodes (eg Doncaster shopping town and Chadstone) and these inappropriate centers have been allowed to continue to expand, unlike equivalent sites in Sydney.

- The other side of the coin (significant extra protection of Residential 1 Zones from inappropriate infill development) hasn't materialized either, except for the creation of R3 zones which are the same

as a R1 Zone but with a mandatory 9m maximum height control, and interim height controls over neighbourhood centres (if they're consistent with Local Planning Policy Frameworks and Melbourne 2030 - something of a Catch 22!).

These extra controls were finally made available in October 2004 after SOS lobbied strongly for them. However, many Councils are still not taking up either of these optional protective measures, partly because industry consultants commissioned by some councils have naturally come out recommending against their adoption.

- In the most farcical steps in the implementation of M2030, Councils were not given a time frame and adequate funding to prepare structure plans BEFORE M2030 was introduced; no plans were made and no funding was allocated for the necessary upgrade and full integration of the public transport system; and public consultation feedback and the M2030 Technical Reports were ignored in the preparation of the final policy, which was never put out for review as promised before being adopted. In other words, the entire process was white-anted...

- In response to a specific query about councilors being over-zealous in exercising their democratic powers to

overturn staff planning decisions, we stressed that often the opposite was true. While council staff usually make appropriate permit decisions, in a number of cases planners are either intimidated by the applicant or "second-guess" the Tribunal and exercise their discretion too loosely instead of sticking to the intent of their own Planning Scheme. These are the cases that cause most of the angst and end up at VCAT. SOS is aware of a number of cases where we believe it is not only appropriate but necessary for councilors to overturn a staff approval.

- The need to reform VCAT is not just to remove its ability to re-hear planning application from scratch but so that instead it can have an oversight role to ensure improvement in how councils administer their own planning schemes - without being able to override local policy (as so frequently happens now).

Also see critique of M2030, page 7

Zagame withdraws Caulfield Tower bid

In August the Zagame Corporation withdrew from VCAT its controversial application to develop a 23 storey retail, office and residential hotel and apartment tower at 840 Dandenong Road (corner of Derby Road) Caulfield.

The development was estimated to be worth \$45 million. Reasons were not given by VCAT but Glen Eira Council rejected the plan last November because planning officers felt it was "poorly designed and thought out".

The Zagame tower would have been double the height of the adjacent 10 storey Monash University/Phoenix development and expansion, also on

Dandenong Road. Planning for the Monash office/classroom building is well underway, as well as a separate development of the Caulfield race course.

Community consultation is still taking place, with concerns being increased traffic flow and car parking facilities in an already densely populated area.

Plans for both the Monash and racecourse developments should be finalised soon.

It seems the developers are a bit nervous before the State election, with planning issues shaping up again as a major political issue!

Can we build more rail?

The Department Of Infrastructure claims that there is a lack of capacity to be able to invest more in developing public transport options, especially more rail lines. They maintain that given limited resources, they have to focus on existing suburban transport bottlenecks before even thinking about expanding the public transport rail network. They allege that it will take "some years" to skill up and build the bureaucratic, industrial and engineering capacity to increase the State's commitment to major improvements in the mass transit network.

But this is really a matter of political will. For example, Perth has doubled the capacity of its heavy rail system in a few years. Significantly, the WA equivalent of VicRoads is located under the umbrella of the Planning Department rather than being a virtually autonomous body, as in Victoria, where the road lobby largely determines which new projects are approved and funded - which leads to a strong bias towards road transport.

Are you a community group without a website?

If so, we can set you up with one on the SOS server, ie www.YourName.sos.asn.au

Reclaim Residents Rights



Clifford Hayes,
President RRR

We are an independent resident's political party, not aligned with any other political party. We oppose the

destruction of our residential living environment by non representative, State enforced, planning policies especially the undemocratic imposition of high-rise and high density development enforced by VCAT against local wishes. We believe local authorities should have real responsibility for planning.

Our Policies are:

1 Prepare a new metropolitan strategy that gives high priority to Local Planning Policies and Municipal Strategic Statements.

2 Revoke Melbourne 2030, immediately suspending its ability to override other provisions of the Planning Scheme.

3 Prepare a regional/rural planning strategy, subject to transparent inclusive consultation processes. This will include realistic growth ambitions for Melbourne and regional/rural areas examining population goals and adequate resources, such as water. This review will be open to public comment and look at the desirability of further urban consolidation, options for decentralisation and possible growth corridors for new housing, while

ensuring protection of our green wedges.

4 Legislate to ensure that local planning authorities have the power to implement effective controls over height and residential density. Allow local councils to draw up and exhibit local Planning Scheme Amendments without having to get prior Departmental or Ministerial approval.

5 Local authorities should be able to set policies for the municipality, including definite measurable rules, not the current State Government "performance based" policies imposed on us and filled with exemptions such as "discretionary" and "preferred". These changes would encourage certainty for both the residents and the developers.

6 Eliminate undemocratic and arbitrary intervention of State Government into Local Planning Decisions. Abolish the Priority Development Panel.

7 Reform VCAT to ensure that planning appeals are heard only on matters of law, or incorrect process, not to overturn local planning decisions or to pre-empt local planning decisions. VCAT should cease being a planning authority.

8 Maintain and legislate to protect Green Wedges.

9 Protect environmentally sensitive areas.

10 Protect heritage buildings and sites.

11 Encourage environmentally responsible housing, commercial buildings and invest in public transport.

Reclaim Residents Rights - a new party for planning reform

SOS Comment -

While SOS is not a political party, we strongly encourage everyone to help send a message to the State Government on November 25 about how unhappy many residents are with the current Victorian planning regime.

It looked like we would have a new voting option - "Reclaim Residents Rights" was to be a new political party standing specifically for progressive planning reform. They applied to be registered in time for the State Election but the Victorian Electoral Commission dragged their feet and failed to register them (as the NSW Electoral Commission failed to register SOS in NSW some years ago, in a similar display of disregard for democratic rights).

But even though their party isn't registered, you can still vote for RRR candidates. Clifford Hayes is the RRR president and a current councillor at Bayside, and is standing for the lower house seat of Brighton. For further information, contact him at info@residentsrights.org.au

With a few small provisos, SOS fully supports the policies of Reclaim Residents Rights (see left).

So examine the planning policies of all the candidates and vote accordingly!

Victoria Gardens Update

The Planning Minister has made part of the decision on the Victoria Gardens development in Richmond, and is deferring the rest till after the election.

He has **finally** decided that the West side of Burnley St should not be home to 4 high rise towers - a victory for local residents after 6 months of solid campaigning. This decision **should have** been made within a day of the developer submitting their application as it was clearly a ridiculous proposal.

The second part of the development is a series of high rise towers on the banks of the Yarra, which do not confirm to either

Yarra Council's Urban Design Guide **OR** the rhetoric put forward by the State Government about protecting the Yarra River corridor.

The decision on this has been **deferred**



till after the election, which indicates that it is likely that the Planning Minister is going to approve something appalling.

For updates refer to our web site at <http://www.sos.asn.au/news/VicGardens.htm>

The Greens Planning Policy

The Greens have released their "Planning and Transport" policy. (You can find a link to the full policy on our web site.) While not all of it is relevant to SOS, many of the items are, and we support many of the Greens' positions.

It's too large to go through in detail in this newsletter, but a few interesting parts are printed below. It should encourage some more serious planning reforms if the Greens do hold the balance of power in the upper house - as a number of commentators are predicting is possible!

Greens Planning Policy

SOS comments in italics:

3.1.3. Facilitating genuine, meaningful public consultation with affected communities before decision-making on land use, transport and infrastructure planning.

As shown with Melbourne 2030, genuine community consultation is currently sadly lacking (as distinct from asking for input just to help shape government spin-doctoring, not policies).

3.1.4. Granting greater statutory planning autonomy and responsibility to local government, within the guidelines of overarching metropolitan and regional plans.

A number of residents have contacted us, worried about their Council having more planning control but we do support this - at least communities have a greater chance of voting out a council if it's not doing a reasonable job. And more importantly, under both the SOS and council agendas for VCAT reform, the Tribunal would not re-hear planning cases, merely assess whether councils had followed their own policies and proper process - in other words, an oversight function to improve council accountability.

3.1.5. Reforming appeal rights to VCAT.

SOS agrees that this is vital.

3.2.3. Reviewing the Melbourne 2030 declaration of activity centres, to ensure

adequate emphasis on sustainability, transport, employment, services and heritage.

*There is virtually no retail shop strip or center that **hasn't** been declared some type of activity center by the current government. Activity center criteria need to be completely re-assessed.*

3.2.4. Introducing a planning instrument to provide for the development of the activity centres to achieve the above criteria, with high-level planning to be carried out by State government for each activity centre (to ensure the provision of services and infrastructure).

Services and infrastructure are being ignored by the current government, with the stated assumption that more people can be pushed into existing areas without any 'cost'. This is simply not the case, as can be seen by the impact on traffic and parking, flooding, the reliability of electricity supply, etc. (See article on Infrastructure)

3.2.8. Ensuring ministerial planning scheme amendments and planning permits are subject to the same public process as those created by local governments.

At the moment the Planning Minister can simply decide to change everyone's planning schemes with no oversight or accountability. This is not acceptable in any democracy.

3.2.9. Establishing planning schemes that provide certainty for the community and developers.

One of the major problems of the current planning 'system' is its optional nature. On the whole this is good for developers and bad for residents, but even the developers would like a much clearer and easier path to obtaining a permit. The way to do this is to have mandatory planning provisions for basic minimum controls (like Rescode amenity standards and local Design and Development Overlays - DDOs). This would give more certainty to all parties and save everyone huge amounts of time, money and angst.

3.2.11 Facilitating new developments that maintain or improve the amenity of their surroundings, taking into account height, setback, overall size, sightlines, light access, overlooking, urban character and streetscape.

Which is the opposite of what is happening now.

3.2.12 Providing compulsory standards to Rescode including buildings over three storeys and differentiation according to lot size.

It is absurd that Rescode techniques are optional, which they effectively are at the moment!

3.2.20 Simplifying enforcement mechanisms, to encourage local governments to prosecute breaches of the Planning & Environment Act.

Weak as they are, planning conditions are rarely enforced. This has to change.

3.2.21 Enacting fines for failing to obtain a planning permit before commencing works, regardless of whether a retrospective planning permit is applied for and subsequently granted.

At the moment it is too easy for a developer to ignore the planning system and just apply for a retrospective permit if caught - with no penalty! This has to change - laws that are not or cannot be enforced are ignored.

3.2.22 Bringing the building permit system back within local government control.

3.2.24 Determining tougher penalties and stronger enforcement mechanisms for the incorrect issuance of building permits.

There is little effective oversight over the building permit system, with many buildings 'signed off' that do not match their planning permit. One way of fixing this is to bring both planning and building permits back under the council umbrella (councils are still responsible for building permit enforcement). The other way is to fundamentally change the way the private building surveyor system works.



Under M2030, a local neighbourhood centre can look like this.

The Implementation and Performance of Melbourne 2030

- A Critical Review

by Ian Wood

“Melbourne 2030 - Planning for Sustainable Growth” is a 30-year plan to manage change across metropolitan Melbourne, introduced in October 2002 after three years of extensive community consultation. However, that feedback, along with some of the department’s own technical reports, was largely ignored in the final draft. No options or alternative futures were ever discussed, identified or evaluated. Most of the final proposals on major issues like activity centres and freeways were opposite to those recommended by the technical consultants and the final draft strategy was released without further public review.

Accompanying the Draft Strategy were six “draft implementation reports” and a Ministerial directive requiring local municipalities to include in all planning scheme amendments a statement that the municipality has “had regard to the Metropolitan Strategy”. M2030 offers no indication of how its integrated implementation is to be achieved by whole-of-government objectives, strategies and responsibilities and it’s not linked to budgetary processes.

The State Government provided a mere \$5.6 million (\$100,000 per council) for strategic planning work to implement M2030. Not surprisingly, much of this work is yet to be done, which underlines the fact that the introduction of M2030 was premature and compliance should not have been required until structure planning for activity centres were complete, and upgraded public transport services were available.

Over 80% of Melbourne’s population growth is still occurring in outer Melbourne - where 60% of new housing is being approved. Redeveloping more of the inner suburbs is problematic - these are already the most compact areas with high heritage values - and allowing unregulated higher rise outside activity centres would undermine the M2030 strategy of concentrating denser development in mixed use areas near public transport (Rail travel is the fastest form of public transport but a low number of developments occur near train stations).

ACTIVITY CENTRES POLICY AND TRANSPORT

M2030 lists 105 Major Activity Centres, the 25 largest being designated Principal

Activity Centres, and there are more than 900 local neighbourhood activity centres, but there is no explanation of the basis for selection of these centres, even in the accompanying Draft Implementation Plan. The list simply appears to be based on retail floor-space - no distinction is made between private car-based malls and traditional centres near mass transit nodes, thus favouring existing centres and car-based malls like Chadstone.

There are also no substantive measures to direct higher-density housing into the preferred activity centre locations – for example, **by restricting it in other places**. M2030 is still “performance-based” planning (ie optional guidelines), **allowing higher-density development anywhere** provided certain design requirements are met *or considered*, which is a completely ineffective approach to channelling development to preferred locations.

LEGAL INTERPRETATION OF M2030

Since the predominant theme of M2030 is consolidation, VCAT judgments have favoured most contentious proposals, no matter what local policies indicate. A proposal for a 19.4m high apartment block in Domain Rd South Yarra was approved in 2003 despite a DDO height limit of 12m near the Botanical Gardens. VCAT considered that the “high standard of design...would justify any additional height above that recommended in the DDO”.

At the same time, the Government has been taking a piece-meal approach to planning reform by continually “band-aiding” planning legislation, allowing further exercise of discretion, more avenues for appeals to VCAT and less certainty. This in turn adds to the complexity of planning assessments and makes it harder for council planners to meet statutory deadlines.

And this is despite the fact that all parties - councils, residents and developers - want more certainty. The Planning Act of 1987 is way out of date and needs to be rewritten with more mandatory provisions, not just continually patched up with layer after layer of discretionary guidelines.



CONCLUSION

The whole Victorian planning regime, including M2030, is a policy-based system that theoretically encourages innovation and flexibility - thus nearly anything is possible with practically everything left to the discretion of the decision maker.

As the Victorian president of the Planning Institute of Australia wrote recently to Premier Bracks, “coupled with the lack of experienced staff in local government and a sustained period of heightened development activity, this has created many of the problems the planning system now faces. A more prescriptive approach on a whole host of matters is required.”

A number of the key factors M2030 was predicated on were not in place when it was introduced in 2002 and are still not implemented four years later, particularly any significant upgrading and integration of public transport services or requirements for activity centre development to comply with structure plans and to locate near mass transit nodes.

Despite this, M2030 was introduced as legislation to be complied with for all development applications and now community, industry and professional concern continues to grow as the negative impact of the laissez-faire nature of the strategy makes itself felt.

As outlined above, the record of M2030 indicates that a major revision of the strategy and many of its underlying assumptions and processes is long overdue. Perhaps in this election year those wheels will be put into motion.

-the full version of this article can be found on our website at www.sos.asn.au

THE ABBOTSFORD CONVENT

- SAVED BY COMMUNITY ACTION, NOT BY
“PROTECTIVE” PLANNING CONTROLS



The historic Abbotsford Convent near the Johnston St Yarra bridge has been saved from the Australand Corporation's 289-unit residential proposal - not by local or state planning controls but by state intervention!

The Bracks Government announced last year that the site would remain in public ownership because of the looming 2006 state election and a six-year campaign by the community-based Abbotsford Convent Coalition to preserve the convent buildings and gardens as an cultural/educational/tourist precinct, along with the adjacent Collingwood Childrens' Farm. Both sites are listed by the National Estate, Heritage Victoria and the National Trust.

The planning system should have guaranteed the preservation and protection of this historic public site without the need for opportunistic political intervention. Heritage protection guidelines across most of the area theoretically limit new buildings to 2-3

stories. Planning guidelines that would have been breached included Rescode, the Environmental Significance Planning Overlay, the recommendations of the Inner North Corridor Study, the Yarra River Corridor Strategy, and the Lower and Middle Yarra Concept Plans.

The proposed development would also have been contrary to the Melbourne 2030 objective to protect the Yarra River Corridor from over-development. So Melbourne 2030 also failed to protect the Convent site but in the end, community and political pressure won out.

However, shouldn't residents be able to rely on state and local planning controls to guarantee development in the community interest and to protect sites of significance? Obviously the planning system needs to be strengthened with more mandatory controls to protect our heritage and residential amenity.

[the full version of this article is on our website at www.sos.asn.au]

**This is the second
research project
that doesn't say
what we want**

**What a waste
of public
money**



Our newsletter producer Ray Smith is traveling at the moment, but we didn't want you to get an issue without one of his cartoons—yes he personally does all the cartoons you see in our newsletters! We'd like to thank Ray for all the hard work he does for SOS, and let you know that he now has his own website at www.ray.sos.asn.au for extra comment, particularly on local planning issues.

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