

**(1) Newsflash – Putting People Back in Control !**

**- important forum on democratic community consultation, Tues. 12 May**

**Citizen juries** are a recent phenomenon in Australian democracy and could radically alter the way all tiers of Australian government make decisions. This new form of deliberative democracy has been harnessed by multiple state and local governments to address issues from budgeting to social reform, showing that the public has a valuable role to play in formulating complex policy and solving difficult problems.

The Swinburne Leadership Dialogue brings together the two pioneers of Australian deliberative democracy to discuss how citizen juries are changing the nature of democratic decision making. Professor Janette Hartz-Karp of Curtin University and Iain Walker of the New Democracy Foundation have led the implementation of participatory democracy projects on the west and east coasts respectively.

**In this free forum, they will discuss how they convinced councils and state governments to throw out the old rules and let unelected citizens lead policy development.**

**Venue: TD121 Theatre, TD Building Hawthorn Campus**

**Tuesday 12 May, 4:00PM to 6:00PM**

**For more information, a map, and to register:**

<http://www.swinburne.edu.au/events/departments/leadership-institute/2015/05/leadership-dialogue--citizen-juries.php>

**(2) The ALP Govt Review of the New Residential Zones – when, what and how?**

Labor promised a review of the new Residential Zones before the state election, to look at "the consultation process, departmental advice on zone applications and the weight given to heritage, local character and housing needs, and alternative ways to meet housing demand". Planning Minister Richard Wynne says he wants to talk to the MAV and to councils about the Review.

But according to recent media reports, that review won't go ahead until much later this year. The Minister first wants residential zone amendments already proposed by councils to be implemented in the remaining municipalities where they haven't been introduced yet. Delaying the review until later in the second half of the year will "enable the independent advisory committee to complete its work with the remaining councils". In these municipalities, the General Residential Zone was introduced last July by default to cover all former residential zones pending the introduction of each council's requested mix of the 3 new residential zones (Neighbourhood, General and Growth).

Once the full rollout is completed, the Minister wants the mix of new residential zones in each municipality to "settle" BEFORE the promised review can even start. Of further concern is the wording of media comments that imply that the review may just look at HOW the zones were rolled out by the former government, not at the format & content of the zones themselves ("*Residential planning zones to be reviewed later this year*", *Leader March 03, 2015*; "*Zone rollout review coming*", *Leader 18 March 2015, p19*).

While there's been no commitment to any extra community consultation over the Review, Wynne "wants to make sure that the view of both councils and the communities is heard" and said "depoliticising" the review would involve NOT using part 20.4 of the Planning Environment Act to "shut communities out of having their say". But s20(4) just relates to exemptions from giving notice for planning amendments the Minister prepares himself.

So far, there's been no indication of any particular consultation mechanism for input by residents into the review of the zones, nor the scope of the review or how it might be carried out. We suggest you ask - with reference to the article above about deliberative forms of community consultation.....

### **(3) Reminders:**

#### **\* New VCAT processes for Planning & Environment List Cases**

Since 2nd February this year, new administrative processes have been introduced at VCAT:

<http://www.vcat.vic.gov.au/adv/news/vcat%E2%80%99s-new-approach-planning-and-environment-list>

In summary:

- 1 - parties will get a date for their hearing and a date for any compulsory conference or mediation at the outset of their proceeding
  - 2 - the use of compulsory conferences will be the preferred method of alternative dispute resolution
  - 3 - email will become the preferred method of communication
- Enforcement matters and cancellation or amendment applications from non-permit holders will be referred to an initial practice day hearing rather than given a hearing date.

NB: SOS believes that optional mediation is appropriate when all parties are agreed that there is room for mutual compromise. However, compulsory mediation or compulsory conferences increase the pressure on out-gunned objectors to compromise and give legal ground when it is not warranted. And because details of mediated decisions are confidential, no subsequent written VCAT decision is published where the Tribunal's reasons for refusal or approval can be scrutinised. Compulsory mediation is a contradiction in terms. It pressures objectors to compromise and thus possibly to undermine their own case, and it decreases the transparency and public accountability of VCAT decisions.

#### **\* New Planning Dept:**

As of 1 January 2015, the functions of the old Department of Transport, Planning and Local Infrastructure have been incorporated into 3 new departments:

[Department of Economic Development, Jobs, Transport and Resources](#)

[Department of Environment, Land, Water and Planning](#)

[Department of Health and Human Services](#)

### **(4) Need a speaker for your next meeting?**

SOS president Ian Wood can talk to your group about all aspects of planning and VCAT, subject to availability. Email your request to [info@sos.asn.au](mailto:info@sos.asn.au)