

Submission to “Modernizing Victoria’s Planning Act: a discussion paper on opportunities to improve the *Planning and Environment Act 1987*”

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(category: researcher)

Please note:

All opinions are those of the author, and not the University of Melbourne

Also, your cover sheet is impossible to save as a Word document, so I am not including it.

Thank you for the opportunity to comment on the Planning and Environment Act, both in 'expert group' consultations and in written form. I will limit myself to a few key responses.

Do we need a new car or a major service?

If I wanted to be politically correct (or mildly humorous), I would point out that your metaphor pinpoints exactly what is wrong with the current Planning and Environment Act. At the moment, DPCD is asking for submissions on a "discussion paper on opportunities to improve the Planning and Environment Act 1987". Note the verbs "discuss" and "improve". Not "decide" or "transform". In 1987, global warming was not part of the popular discourse. Gas prices were cheap, and a limitless supply of fossil fuels was considered a given. With that assumption, the goal of a quarter acre block for every household seemed attainable and desirable.

Twenty two years later, we know better. We need a transformed, streamlined and decisive new Planning and Environment Act that responds locally to the global imperatives of climate change and peak oil. Foremost amongst the actions that can happen locally are an iron-clad commitment to building communities where people can walk, cycle, and take public transport between home, work, shops, and leisure activities. Perhaps equally importantly, the State Government needs to commit to *not* building communities that are car-dependent.

In short, we need a new train, not a new or serviced car.

Are the objectives of planning in Victoria still relevant?

There is nothing to object to in the 1987 objectives, they just don't go far enough. There are, in my mind, four overriding objectives to a new Victorian Planning Act:

1. To build communities that are environmentally sustainable and resilient to the impacts of climate change and peak oil
2. To improve social equity outcomes, including housing affordability and health and wellbeing, across the state
3. To ensure that communities remain economically viable for future generations
4. To ensure that decision-making is democratic and inclusive

These four objectives must underly every planning decision made at both the state and local government levels.

What kind of planning system would best achieve these objectives?

There are approximately 100 irrelevant questions asked in this discussion paper about minor tinkering to permits and applications, but this question, significantly, is NOT being asked. The existing questions entirely miss the point and are aimed at servicing a system that is no longer

economically viable or environmentally sustainable, which diminishes health and wellbeing and increases social inequities. Instead, I suggest these simple rules underlying a new planning act:

1. It is the right of the state government to set local government targets for new housing, affordable housingⁱ, social housingⁱⁱ, mixed land use including nearby jobs and services, and promotion of active transport (walking, cycling, and public transport) in new and existing communities, and to require local government to report annually on progress towards these targets.
2. It is the responsibility of the state government to report annually on how the state is meeting targets (a report similar to annual updates on *Growing Victoria Together*) and actions it will take to improve progress. These actions must include re-orienting spending on roads towards public transport improvements, with a priority on rail improvements, and providing money for affordable and social housing, and social infrastructure, in areas of highest need.
3. It is the right and the responsibility of state government to mandate that for reasons of environmental sustainability, social equity, and long-term economic viability, there will be NO new development – housing, mixed use, or industrial - that is more than 2 kilometres from a train station. If developers want to build more than 2 kilometres from a train station, they will have to take on the full cost of building a new rapid transport line and roads to that location.
4. It is the right of the state government to mandate a proactive and genuinely democratic decision-making process. Right now, local planning decisions in the best-served communities are dominated by a narrow band of middle class homeowners who know that those who yell loudest are able to reject virtually any new development – at least decision-making is taken over by the state. Under a new act, local governments should need to lodge consultation plans, that set out how they would involve ‘hard to reach’ groups like children, young people, low-income renters, Aboriginal and Torres Strait Islanders, and people who do not speak English fluently in developing strategic plans for each suburb. There are currently mechanisms being used in Victoria, such as citizen juries and design charettes, which are far more democratic and inclusive than old-fashioned public meetings. These mechanisms are also more suitable for proactive decision-making about the kind of suburbs people want, rather than simple reaction to individual development proposals.
5. It is the responsibility of state government to support local governments to undertake proactive consultations, through funding and training, and to respect local decisions, so long as they meet state objectives and targets.
6. It is the right of state government to demand strategic plans at the suburb level that would have to meet State targets for new housing, affordable housing, mixed land use including nearby jobs and services, and promotion of active transport (walking, cycling, and public transport). They could also set maximum height requirements, minimum open space provision, or developer contributions to new community services or public spaces. Once these strategic plans were set, developers would have to meet the criteria in order to receive planning permits. But the trade-off for developers is certainty - if they met the criteria, their plans would be automatically approved by the local council and that decision would be final.

7. If the State government wished these changes to happen efficiently and effectively, it would need to provide a considerable amount of guidance and training to local government councillors and officers, particularly over the first two years of implementation.

Yes, there are huge problems of uncertainty, over-regulation, and political interference in a quasi-judicial process that could be tinkered with in small changes to the Act. But first and foremost, the Act does not work.

Some Concluding Remarks

Recently, I led a field trip to Point Cook, a growth area, with 100 undergraduate students. Newly approved developments are only 11 residential units per hectare, about one third of the densities required to support public transport or any kind of local shopping or other service and employment infrastructure. There are no employment opportunities within a kilometre of the housing. The nearest train station is 8 km away. There is no one walking on the wide footpaths, or biking on the designated lanes, because there is nowhere to walk or bike to. The students unanimously did not want to live there, although several realized that they might need to once they started families, simply because they are getting priced out of more convenient and amenable locations.

Current planning decisions will create the slums of tomorrow, as surely as public housing high rise towers entirely disconnected from their surrounding communities has created the slums of today. Allowing low density, car dependent sprawl is the surest way to guarantee economic suffering for lower income households of the future, as well as growing social inequalities and unsupportable debt for governments of the future as they struggle to fix problems – inadequate public transport, roads, jobs, and social infrastructure - being created today. This is as true for rural and regional communities as it is for Metropolitan Melbourne.

Doing the right thing isn't rocket science, and it has already happened in other similar jurisdictions. England and New Zealand have both transformed their planning and local government acts in recent years to recognize new realities. The State Government already has a successful model it could follow: training and support for radical changes to the Health Act and Municipal Public Health Plans. One of the main problems with the Environments for Health initiative – as discussed by the Auditor General in its five year review– is that public health priorities have not been successfully integrated with local government planning practice.

A new Planning and Environment Act – and hopefully, associated reform of the Local Government Act and *Melbourne 2030* – should be seen as an opportunity for the current State Government to recover lost moral high ground on issues of improving social equity, economic viability and environmental sustainability that helped propel it to three successive victories at the polls. Right now, inaction on the interconnected problems of undemocratic and inefficient planning, inadequate public transportation, and increasing socio-spatial-health disparities has led to public criticism and declining popularity. The State Government has a simple choice – tinker around the edges or take a brave move towards the future. It is my sincere hope that they have the courage to make the right choice for future generations.

ⁱ Affordable housing is provided by the private, public and non-profit sectors and provides units for sale or rent that have mortgage repayment costs or rents no higher than 30% of the median weekly incomes of those

households in the lowest two quintiles. According to the National Housing Strategy, in Metropolitan Melbourne that would be about \$138 a week for lower middle class households in the second lowest quintile and about \$70 a week for poor households in the lowest quintile.

ⁱⁱ Social housing is provided by the public and non-profit sectors and provides subsidized units, usually for the lowest quintile, who are effectively priced out of the market.