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# **Planning for the future.**

## **Labor's position paper on Planning Policy**

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**Victorian Labor**



## Foreword

The Australian Labor Party has conducted a number of "Labor Listens" forums with representatives from councils, communities and the development industry in order to discuss peoples' concerns about the current crisis in our planning system.

These forums have culminated in the development of this position paper on planning policy. Good planning can ensure our quality of life and enable us to create liveable and prosperous cities and regions. In order to do this the community must have confidence in the ability of the planning system to deliver efficient and certain outcomes.

Unfortunately the planning policies of the Kennett government have eroded the community's respect for the planning system. We must resolve this crisis in confidence and create partnerships between all those involved. This task requires leadership and vision and a strategic plan for the rapidly changing economic, technological and social conditions that we face.

The Minister for Planning has interfered in planning processes on an unprecedented scale too often in ways that appear to be inequitable and favour some people over others. The Minister has allowed high rise bayside development to occur and enabled subdivision in environmentally sensitive areas in the Upper Yarra Valley and Dandenong Ranges. Not only is this bad planning, the Minister's idiosyncrasies also create uncertainty and inconsistent planning outcomes.

The Kennett government has introduced a range of changes to the Victorian planning system. In particular the Minister for Planning has imposed the Good Design Guide for medium density housing on communities. The Good Design Guide has led to inappropriate development and allowed market forces to dictate planning policy. The Guide has also done little to improve the quality of medium density housing and it must be reviewed and changed.

The government has forced all Victorian councils to replace their existing planning schemes with a single planning system containing provisions which are standard throughout the state through the introduction of the Victoria Planning Provisions (VPPs). These changes will make planning schemes more complicated and cumbersome and create new uncertainties, exacerbating existing problems.

The Kennett government has changed the way building and demolition permits are issued. This has resulted in a range of problems relating to a reduction in compliance with planning permits and reduced control over the demolition of culturally and historically significant buildings. These problems require urgent attention.

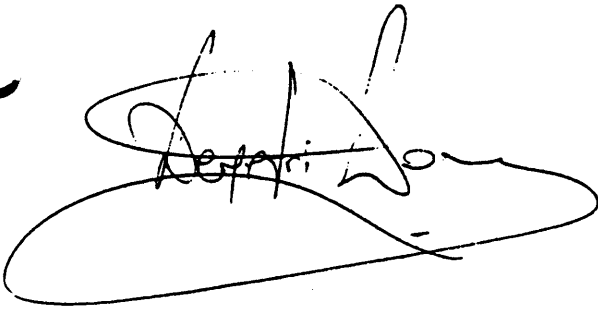
The government has also replaced the Administrative Appeals Tribunal with the new Victorian Civil Administrative Tribunal as part of an amalgamation of all tribunals and boards under a single system. However, there are no guarantees that delays in hearing times will be reduced. There are also new problems relating to the way in

which the tribunal may award costs and the right to representation which have the potential to make the new Tribunal inequitable.

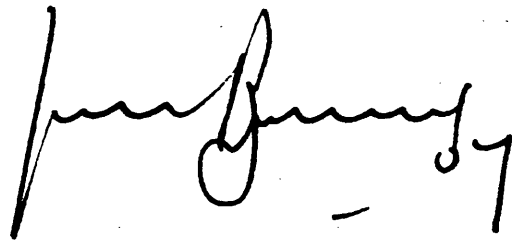
All these changes have profound implications for the future shape of Melbourne, for planning in Victoria, and for the rights of Victorian citizens. These implications must be addressed. We simply do not have the luxury to make mistakes about planning.

New partnerships between State and local government, the building industry and communities should provide the framework in which genuine strategic planning can enable socially just, economically and environmentally sustainable results. In this way we can ensure that our particular way of life not only evolves into the twenty-first century, but that what we value most about our society is preserved.

This paper outlines some ways in which good planning can be restored in Victoria.



**Demetri Dollis MP**  
**Shadow Minister for Planning**



**John Brumby MP**  
**Leader of the State Opposition**

## Labor's key priorities for planning

The planning system is in crisis as a result of Minister Maclellan's arrogant mismanagement of fundamental planning issues. A system in crisis cannot be corrected by cosmetic changes or initiatives that simply tinker at the edges. Accordingly Labor will undertake a total review of the current planning system. In particular Labor will:

- properly define ministerial powers to ensure that the Minister's arrogant, interventionist approach towards planning does not continue to undermine good planning processes. At the same time Labor will define and protect local government planning powers and create partnerships between all stake holders.
- ✓ • protect third party rights. Labor will give communities back their say and ensure that residents are encouraged to participate in urban planning and are able to defend their rights. Labor will also review the current appeals system in conjunction with the Attorney General to ensure it is more efficient and equitable.
- develop a strategic plan for Melbourne and Victoria and ensure that government objectives for economic development, environmental resource management, infrastructure co-ordination and service delivery are supported by the planning system and its administration by local government.
- protect urban amenity and character and promote heritage values. Labor will revise the Good Design Guide, particularly its sections on density and urban neighbourhood character. A more targeted approach to medium density development on suitable sites close to major transport and service/activity nodes must be introduced. Local councils will be required to complete adequate heritage and urban character studies and contribute the results to local controls within a definite time frame. Labor will also put in place appropriate height limits in order to protect urban amenity and character.
- reform the building and demolition permit system so that it operates effectively and efficiently and provides for the proper enforcement of building controls. Labor will also ensure that no demolition permit is issued unless a planning permit has been issued for the same site.
- conduct a public review of the Victoria Planning Provisions (VPPs) to address community and industry concerns. Labor will allow a planning scheme to vary statewide zones where a council demonstrates that specific local conditions or problems justify variation (for example, area specific height controls, or protection of areas of heritage or environmental significance).
- adopt a stronger environmental planning practice and put the protection of the natural and urban environment at the forefront of decision making. Labor will protect Melbourne's green belts and sensitive areas such as the Dandenongs, Macedon Ranges and Mornington Peninsula and legislate to control the carve-up of highly productive agricultural land near Melbourne.

## Planning for the future

Victoria's planning system is in crisis. The Kennett government has mismanaged fundamental planning and development issues. Urgent action is needed to restore the system to what it should be - accountable, efficient, cost effective and able to deliver economic benefits while protecting our built and natural environment.

Labor will create partnerships between local government industry and local communities and undertake a number of initiatives to rebuild community confidence in the planning system.

**The State's strategic planning effort must be strengthened to ensure that government objectives for economic development, environmental resource management, infrastructure co-ordination and service delivery are supported by the planning system.**

- ◆ An important focus of this strategy must be the revitalisation of different regions across Victoria. A long term strategy for regional development will be formed in collaboration with local government and key interest groups. Inequalities between regions must be redressed and state and regional strengths must be built on.
- ◆ Land use and transport planning should be integrated as a way of achieving environmental, economic and quality of life outcomes. Labor will support local shopping centres and also control the further incursion of commercial activities into residential areas.
- ◆ Labor will develop state metropolitan and regional strategies that:
  - link major new development where possible with existing public transport
  - make efficient use of land and co-ordinate infrastructure service delivery
  - protect environmentally sensitive areas from inappropriate development
- ◆ A public review of the Victoria Planning Provisions (VPPs) is required to address community and industry concerns. Labor will allow a planning scheme to vary statewide zones where a council demonstrates that specific local conditions or problems justify variation (for example, area specific height controls, or protection of areas of heritage or environmental significance).
- ◆ Melbourne is one of the most liveable cities in the world. It is vital that the central city and inner areas maintain their attractiveness, commercial vitality and diversity. Labor will support initiatives to diversify activities in the central city and maintain the city's vital retail, commercial, tourist, service, entertainment and cultural importance.
- ◆ Labor will strengthen the local components of planning schemes to allow councils to increase the level of control over development and uses, such as medium density housing, that are legitimate local concerns.

**A planning framework is required that guarantees strong third party rights, accessible avenues of appeal, proper disclosure of information about development decisions, transparent decision making and certainty for all participants in the planning process.**

- ♦ Ministerial planning powers must be reviewed to achieve greater transparency in decision making and greater accountability to Parliament and the community. The Minister's powers to intervene in local planning issues are creating uncertainty and concern in the community and within the development industry. Ministerial intervention must be restricted to genuine instances of state or regional significance. At the same time local government planning powers must be clearly defined and strengthened to ensure greater certainty in planning processes.
- ♦ The new Victorian Civil & Administrative Tribunal must be reviewed with a view to making it a more efficient and equitable appeal avenue with faster hearings and time limits for decisions. Important issues such as the right to representation at the Tribunal and the allocation of costs must also be addressed to ensure that the system does not disadvantage some parties compared with others. Labor will also consider changes that ensure members of the Tribunal have appropriate expertise for decisions about planning issues.
- ♦ Labor will give communities back their say. Under the current government the planning system is driven primarily by market forces. Local community groups should be encouraged to play a more active role in urban environmental decision making. Labor will develop with local councils education and training programs to facilitate community involvement in planning and to encourage residents to participate in planning.

**Labor will adopt a different approach to medium density housing.**

- ♦ Communities should be provided with a choice of affordable, well designed housing. At the same time the special character of Melbourne's distinctive suburbs and regions should be protected.
- ♦ Victoria needs development but the current government's decision to leave the kind and location of housing types primarily to the development industry must end. The government, local councils and communities must have a greater say in the quality, location and type of housing.
- ♦ In order to address these issues Labor will:
  - work with local government to identify suitable locations for multi-unit development close to activity centres (major retail and service areas), transport nodes and other suitable sites (such as unused former industrial sites). Councils must be allowed to stop the incremental and small scale multi unit development currently able to be built anywhere in existing suburbs. Any site chosen for medium density development must fully consider heritage, environmental and amenity values and require full community consultation.

- give the Urban Land Corporation a major role in working with local government and developers to achieve suitably located quality medium density housing. Government should be ensuring that a range of housing choices to meet diverse housing needs are provided.
- review the Good Design Guide to address the problems of appearance, setback, noise, overshadowing and quality. The quality of many medium density housing developments is poor. Better designed and more diverse forms of medium density housing must be encouraged.
- encourage and assist councils to fully document local urban character and consider resulting local government proposals to vary the existing state imposed planning controls.

### **Labor will protect the built environment and unique urban character**

- ◆ Labor will require councils to complete adequate heritage and urban character studies and contribute the results to local controls within a definite time frame. The government should provide proper guidelines to achieve methodologically consistent studies. Such studies must document the value of neighbourhoods and existing dwellings. In the interim Labor will provide protection for areas under threat from poorly located or designed medium density housing.
- ◆ Labor will work with councils to develop appropriate height limits and set back controls to protect bayside and other residential areas. We must prevent development that overshadows our beaches and significantly reduces amenity.
- ◆ Labor will review building controls, and in particular the administrative arrangements currently in place for the building system. Labor will redefine council powers to give local government greater control over the building permit system. Labor will also ensure that building controls are strictly and rigorously enforced in order to reduce the amount of non-compliance that is currently occurring.
- ◆ Labor will ensure that a demolition permit cannot be issued unless a planning permit has been issued for a given site.
- ◆ Labor will revise VicCode 1 to ensure a mix of subdivision lot sizes and appropriate controls to protect local urban character and amenity.
- ◆ Heritage protection should be broadened beyond buildings protected under the Heritage Act to include the protection of buildings of wider historical and cultural value. Labor will work with local government and the building industry to ensure that urban character is appropriately protected. Labor will ensure better coordination with the Federal government on Heritage issues.

Labor will adopt a stronger environmental planning practice and put the protection of the natural and urban environment at the forefront of decision making.

- ♦ In order to achieve this Labor will :
  - promote energy and environmentally efficient subdivision and building
  - protect Melbourne's green belts and sensitive areas such as the Dandenongs, Macedon Ranges and the Mornington Peninsula.
  - create stronger protections for native vegetation, key habitat areas and coastal and marine environments
  - introduce legislation to control the carve up of agricultural land including highly productive areas near Melbourne. This will help stop poor land management and inappropriate rural subdivision and protect our agricultural industries.
  - ensure that a portion of the open space levy on Melbourne households is used for strategic land purchase to provide Melbourne with one of the world's best metropolitan parkland networks in accordance with the original purpose of the fund.

## Conclusion

The government has divided the community and attempted to shift blame to others for the current crisis in planning. This is not the way forward and the current situation cannot be allowed to continue.

It is crucial that we ensure our planning system is able to deliver economic benefits without destroying what is valuable about our heritage and way of life. At the same time, planning issues such as urban consolidation and medium density development must be placed in the context of the future planning of metropolitan Melbourne and regional Victoria.

This requires a different approach towards the challenges confronting us. The crisis in planning can only be rectified if the flaws in our planning system are removed. New partnerships are required between state and local government, communities and the development industry to ensure that any further planning reform is successful.

In this way Labor will deliver the effective and fair planning system that Victoria needs.

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