

Shadow Minister for Planning and Heritage

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Cutting corners on planning risks corruption and sacrificing local democracy

Our planning system has important checks and balances that seek to both facilitate development but at the same time preserve heritage and amenity. Our planning system also seeks transparency and to block corrupt behaviour. Our local councils, while far from perfect, traditionally have been the responsible authority to oversee planning permit applications for proposed developments and redevelopments. Local councils are best placed to understand the needs and wants of their local community and are therefore best placed to conduct consultative assessments of project proposals within the bounds of their municipalities.

The Development Facilitation Program

Every Victorian understands the need to kickstart the economy coming out of the COVID-19 pandemic and we are all in favour of streamlined planning processes that help achieve this objective. But there must be checks and balances that ensure transparency and probity and also, I would argue, strongly, local democracy. The Andrews Labor Government's recently created Development Facilitation Program 'calls-in' the assessment approval process for identified priority projects if, it's claimed, they meet broad criteria – these projects must 1) deliver investment into the Victorian economy, 2) keep people in jobs, and 3) provide a substantial public benefit.

Concerningly these criteria are broad enough to drive a Mack truck through. How does the Minister decide which ones get the tick because I would argue that there are already serious concerns developing about selection criteria and process.

There are a cluster of new panels and assessments bodies, a Priority Projects Standing Advisory Committee, which are not transparent to Victorians. All of these have real risks, the decisions are not visible and transparent the way that council and VCAT decisions are. Transparency International has pointed sharply to the risk of poor projects with bad outcomes being pushed forward at times of crisis like COVID-19. In their 2020 Corruption Perceptions Index report specific concern was raised on "rushed and opaque procedures provid[ing] ample opportunity for corruption and the diversion of public resources" in the face of the COVID-19 crisis.

Case Study: Windsor

A case study in Windsor, City of Stonnington, raises early concerns. Stonnington dealt with an application for a proposed office tower at 196-206 High Street. It failed to grant a permit for this application citing to VCAT that this was on the grounds "of excessive building height and building design". VCAT considered the impact of a seven storey, 27.9m high office-tower (VCAT Reference No. P327/2020) at this location and upheld council's concerns. Commissioner Glynn and Commissioner Nervegna presiding over this case stating in their decision that there was "nothing in the evidence put to us about the benefits of providing additional approved office space in this building that leads us to the view that a 'significant community' benefit is achieved". You would think this development application was stone cold dead like John Cleese's dead parrot. But unlike in the dead parrot sketch

Andrews Labor Government planning processes appear to have resuscitated this proposed, now revised to 26m, office-tower.

This proposed development would see the site frontage based on parallel Victoria Street, a one-way and predominately residential street, that is regularly tightly packed with cars from residents and visitors to nearby Chapel Street. The addition of a new office-tower fronting onto this tiny street of course concerns residents who would have to deal with the ingress and egress of all the vehicles. It is not clear also how this would fit with requirements for community benefit, nor is it clear why the rules developed for the Windsor Village precinct – a low-rise precinct – would be overridden. This tight precinct was not designed to facilitate such dominant and out of character development. But it appears Labor has breathed life into this parrot, it is now on the list for the Government's Development Facilitation Program despite the explicit rejection by council, VCAT, and the local community. It discredits legitimate fast-track assessment and approval processes if these programs are used to relitigate flawed and failed projects.

Transparency

There needs to be much more transparency about these facilitation programs that directly override local communities, councils and, in some cases, VCAT. Those who argue that some councils are not able to manage or indeed may be overtly corrupted – as we have heard through the recent IBAC hearings – need to show that a different track, a secretive track, depended on Ministerial declaration with very loose criteria is less open to corruption. A hard argument to make, I think. But it is a fact that local democracy is being stripped away by such innovations.

A broad assault on council and community powers

On a broad front, the current government is stripping away decision making from local councils and communities. The sinister new planning amendments VC194 and VC198 further strip powers from local councils on infrastructure projects, and VC170 gives the state new unchecked override rights on transport projects. Third party appeal rights will be stripped away, and 'State' projects will be imposed on local communities without the requirement of traditional consultation requirements. It is entirely possible that people will wake up one day with bulldozers nearby or next door constructing a project about which they and their council have not been consulted at all.

On social and public housing, recent amendments VC187 and VC190 strip planning powers from councils. While I strongly support more social housing, it is critical that local democracy is protected and that local councils play a role in determining the suitability of proposed projects for their local area. In Hawthorn at Bills Street, a social housing development that is completely out of character has been approved by the Andrews Labor Government against council and community wishes.

What we are seeing is an alarming pattern tearing powers from local councils and communities. There is an arrogance

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behind the Andrews Labor Government's decisions to nobble council's planning responsibilities. Planning Minister Wynne is grabbing excessive power. It seems he wants to be the sole architect of the future of Victoria's streetscapes with no regard for the views of local residents in the communities he

is affecting. I say this is draconian, this is extraordinary, this is a real winding back of local power and local democracy and communities have had enough. ●

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