Mr. Gordon Rich-Phillips MLC
Chair
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
East Melbourne 3002

23 April 2010

Dear Mr Rich-Phillips

Submission to the Inquiry into Victorian Government Decision Making, Consultation and Approval Processes

Our Interest:

I am making a submission to the above inquiry on behalf of Protectors of Public Lands Victoria Inc. We are a coalition of 85 community, heritage and environment groups established to protect and preserve significant public lands and iconic heritage sites across Victoria for present and future generations.

Terms of Reference:

Our submission addresses the Inquiry’s terms of reference namely: Victorian Government decision making, consultation and approval processes and any knowledge and/or involvement of Ministers, Ministerial staff and/or Victorian Government officers since 1 December 2006 and in particular issues arising from media plans prepared within the Victorian Government since 1 December 2006. We would like to concentrate on the issue of “consultation”.

Submission:

Alarm over Revelations concerning the Peta Duke Statements

Like many other community groups, we were most alarmed when we heard that, on 26 February 2010, Ms Peta Duke, the media adviser to Planning Minister Justin Madden, drafted a document which outlined plans to deceive the public with a sham consultation process to block the proposed redevelopment of Melbourne’s heritage listed Windsor Hotel. Any suggestion that a public consultation could be treated as a sham is of grave concern to PPL, disclosing as it does a cynical attitude to the people of Victoria. It appears to cast into doubt the whole of the planning process in the State and shows scant regard for democratic processes.

The Value of Community Consultation by Government

A system, which consults the community on planning decisions (whether on overall planning schemes or on individual decisions) is to be welcomed.

Decisions on development affect the community, and a decision made after such consultation is likely to be better informed and more widely accepted. Planning decisions can inflame strong emotions, and decisions made without consultation with the community have a tendency to promote resentments which are damaging to the community.
Community members who comment on particular planning decisions usually do so at considerable inconvenience, and should be encouraged to do so because this is likely to improve both development and community harmony.

Any suggestion that the government, or those taking planning decisions, might concoct a sham community consultation to achieve a particular public relations result has the capacity to undermine community faith in such consultations in the future. It is also likely to discourage the community from taking the trouble to contribute to consultations. It is apt to cause the community to lose respect for the processes of planning and government, and therefore weakens the fabric not only of planning decisions but of the body politic itself.

For these reasons Protectors of Public Lands (Vic) Inc regards the current controversy as particularly serious.

**Overall Reduced Community Consultation on Planning**

Planning Minister Madden is now increasingly “calling in” planning decisions and hence is in our view supplanting the role of local Councils. Thus residents are not being consulted and are being denied input to decisions relating to their neighbourhoods and communities. Recent examples which can be quoted include the Williamstown high rise, multi unit development which was recently removed from the authority of Hobson’s Bay Council by the Minister. In Moreland alone the Pentridge development site was called in by the Minister in 2007 and the Kodak site in 2009.

In the cases such as where the Minister exempts an application from local planning approval and refers it to a Planning Panel, residents can be disadvantaged. While residents can make submissions it is an intimidating process and the general public lack the resources of developers. Recently the Moreland Council referred the Coburg High School development to a Planning Panel Enquiry appointed by the Minister which recommended in favour of developer’s proposal. Council then rejected the proposal and referred the matter back to the Minister who approved the developer’s proposal. The Committee may recall the cases of the Tooronga Village and the Kew Cottages developments which were removed from the control of Boroondara Council and referred to Priority Development Panels for decisions. The developments have proceeded without the involvement of the community.

Recently residents have been alarmed by the fact that they are not being consulted over school building programs going ahead with Economic Stimulus Package funding. The Planning Minister gives Councils 5 days to comment on the planning permits for construction but the community can have no input. Both the communities and Councils have been effectively bypassed.

Similarly under the Economic Stimulus Package the Minister issues permits for Social Housing developments but we understand that Councils are exempt from notice. Hence the community is neither consulted nor able to object to such developments in their neighbourhoods. There is a much publicised case in Mangan Street Balwyn over the fast tracking of approval by the Minister of a 30 apartment social housing complex from which the Council was excluded and in relation to which residents were not consulted.

We would advocate a review of planning processes in the State to ensure that residents’ rights are respected and consultation with the community always occurs.

A barometer of community discontent is the number of protest rallies held in the State. Our own experience is that there has been a marked increase in the number of rallies over recent years.
Another method by which the Government circumvents the community is by “fast tracking” legislation. This substantially removes the democratic right of the community to comment. The Major Transport Projects Facilitation Act 2009 was one such example.

There is no formal consultation or advice or information sessions offered to the public over planning proposals affecting heritage buildings. As in the case of the Windsor, Heritage Victoria advertised a permit on its website. An objection has to be made within 14 days. It is too bad if one is not computer literate or lacking the necessary alertness or knowledge. Should one submit an objection in time, but have the proposal approved, one can take one’s chances and appeal to the Heritage Commission. As the area of the Windsor is over 25,000 square metres the Minister makes a decision under the Planning and Environment Act 1987. As the National Trust had objected, PPL VIC supported the Trust and will continue to do so together with a huge number of community/resident/heritage groups. We recommend that a better way is found to advise the public when iconic heritage buildings are threatened instead by having to log onto a website of a Government Department.

The State Government has displayed strong inclination to fast track planning permits for high rise, high density, and residential developments and to put pressure on local councils to rush through such applications.

The Growth Areas Authority last year ran a series of forums on the extension of the Urban Growth Boundary and the imposition of the Growth Areas Infrastructure Contribution (GAIC) but the sessions were reported to be merely asking people to help work out how to accommodate the policy proposed, rather than genuine consultation on the issues.

Department of Transport Manages Extensive Consultation on New Projects

Even though PPL VIC is an advocate of upgrading and expanding public transport rather than funding freeways/road tunnels, we are represented on the Community Reference Group on the WestLink project and on the Hoddle Street Study Strategy Group. The Linking Melbourne Authority (LMA) has run extensive community consultations in the western suburbs on the subject of WestLink. In addition the CRG has been meeting every month and the LMA has taken Committee members of a bus tour to examine the possible route of the freeway/tunnel and a tour of the Port. This indicates a much more satisfactory approach to consultation than that by the Department of Planning and Community Services.

Planning Minister Madden Refuses to Meet Community Representatives

PPL VIC regards it as unsatisfactory in that Minister Madden refuses to meet our representatives, and those of several other groups, despite numerous requests.

I would be very pleased to attend a hearing to discuss our views.

Yours sincerely

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