

# Planning**News**

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## Look inside...

- Critical audit of Development Contributions
- Multiple PIA Victoria policy announcements
- Australian Urban Design Awards entries
- Living in isolation
- What next with COVID-19? Should we lower the standards?
- Cycling in New York and Amsterdam

... and much more

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### PN Editorial Team:

Catherine McNaughton, Nicole Vickridge, Bill Chandler,  
Julian Golby, Dean Savage, Darcy McLoughlin, Chris Renkin.

## Correspondence

Send *Planning News* correspondence to: [pneditors@planning.org.au](mailto:pneditors@planning.org.au)  
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**Planning News Deadlines: 15th of the month for articles, 20th of the month for letters.**

**Cover:** The writing is on the wall! Prescient wisdom writ large on a wall at the Australia Post Conference Centre in Melbourne. Signs of community creativity in the self-isolated suburbs. Cartoon courtesy of Michael Leunig.



## Nightingale Anstey Planning Approved

Hansen Partnership is pleased to have contributed to the Planning approval of Nightingale Anstey, designed by Breathe Architecture.

Located adjacent to the Anstey Rail Station and the Upfield bike corridor, the project comprises 54 apartments within an 8 storey building that is separated into two communities. All residents will benefit from accessible communal rooftop areas complete with productive gardens, work sheds, laundry and both active and passive areas onsite.

It's terrific to see the continued delivery of social, environmental and financially sustainable apartment living within greater metropolitan Melbourne.

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or [www.planning.org.au/tas](http://www.planning.org.au/tas)

### MAY

- 11 Australian Urban Design Awards open
- 19 CPD Before Dinner Ep 3: Section 173S, Covenants and MCPs: *face to face and Livestream*

### JUNE

- 16 CPD Before Dinner Ep 4: Planning and Solar Farms: *face to face and Livestream*

### OCTOBER

- 2 PIA VIC State Planning Symposium **SAVE THE DATE**

### SAVE THE DATE – #PIACONGRESS21

Following the postponement of #PIACongress20 due to COVID-19, new dates are now confirmed for #PIACongress21. Join us for double the excitement and celebration from 26 to 28 May 2021 in Adelaide, South Australia – renowned for its food and wine, cultural events, natural surrounds and overall quality of life plus an ongoing progressive planning reform. A new website and registration portal will launch soon. **Watch this space!**



## Professional Development Program

There's been some fantastic feedback from the attendees of the now online 2020 PIA PLANET program. Why not see what everyone is talking about and register for one of the upcoming courses listed below. To register, see [www.planning.org.au/vic](http://www.planning.org.au/vic)

### MAY

- 12 Drafting Planning Scheme Series:  
Drafting the MPS and PPF (Module 2/4)
- 13 Drafting Planning Scheme Series: Masterclass – Drafting the Design and Development Overlay (Module 4/4)
- 14 Managing Development Near Landfills and Other Buffers
- 19 Biodiversity & Urban Planning
- 26 Presentation Skills for Planners NEW
- 27 Social and Affordable Housing: Social and Affordable Housing for Elected Representatives (Module 2/3) **NEW**

### JUNE

- 4 The Emotionally Fit Planner **NEW**
- 4 Tips and traps for running planning cases in VCAT



# From the Editors

So, how are you? Like most of their fellow citizens, the Editors are self-isolating, feeling well, and are pleasantly surprised by how much can be achieved working online. We appreciate the fact that for people at home with young children, or with older relatives who are not tech savvy, the challenges are considerable. While we each are experiencing self-isolation differently, none of us are missing our daily commute! We are each engaging in our local communities in ways that we have not done since the car began to dominate our lives. We say hello, at a distance, to people who live close by who we have never spoken to before. And we smile at the subtle but appreciated creativity, again at a distance, as bears appear in windows, colourful chalk art sends fun messages of well-being, and street libraries replace our closed council libraries.

Any frustration with lockdowns, and the simplistic idea that we should quickly get 'back to normal', seriously overlooks opportunities we have to reassess many aspects of planning where the 'old normal' was failing and where the 'new normal' can be much better – in economic, environmental and social terms. The theme for Earth Day 2020, 23 April, was climate action. How did you celebrate this 50th anniversary?

With renewed overall respect for science and factual information, at present we have only an embryonic understanding of the implications of COVID-19 for the planning, development and design of our cities, towns, and regions. Our planning system was inherited from 1947 UK planning legislation and, despite multiple changes over the decades, it is still predicated more on the original intent of separation of incompatible uses rather than holistic and integrated design. We inherited highway planning from the US, notwithstanding the anomaly that we number our Freeways with an 'M' designation!

## The next steps – some questions

This edition of *Planning News* includes a range of articles related to COVID-19, as well as other matters. Now it's your turn to let creativity and innovation flow: *what are the next steps?* The following questions are a starting point. Send your contributions by 15 May to [pneditors@planning.org.au](mailto:pneditors@planning.org.au)

**Population:** Victoria could 'eliminate' COVID -19 (according to Premier Andrews). What are the demographic assumptions we can make about both local household formation and interstate and international immigration, given a concern that other pandemics could occur in the foreseeable future, perhaps every year?

**Employment:** An urban myth is that Australia has no manufacturing, diminishing food production opportunities, and a dominance of office-based tertiary employment. Making cars might be gone, but we cannot ignore planning needs of high-tech manufacturing which are very different from the era that produced, Dandenong, Clayton and Fishermans Bend. Do Scheme definitions need to be looked at afresh? And do we really need all those office buildings now we have demonstrated that it is more productive to work online at home, at least some of the time?

**Housing:** The persistent mismatch between housing location and employment location is a major cause of transport congestion and the extraordinary level of expenditure needed for transport infrastructure. Our current home working experience is working surprisingly well for many people. What are implications for densities – low, medium, and high? What of 20-minute neighbourhoods? And what are the implications

for housing affordability and the normally homeless who have currently found accommodation? And aren't we glad that the planning scheme requires balconies and gardens for new housing – 1960s flats with no balconies or gardens must be tough for long isolations.

**Transport:** Successful home working has implications for both metropolitan and regional travel, but when Transport Minister Jacinta Allan says that the North East Link should go ahead because "it was an election promise", perhaps she and Government will need to think a little more carefully, not just push on with 'Big Build' to provide more jobs, regardless of rapidly changing circumstances?

**Air pollution, energy management and waste management:** Do we really want to return to climate-affecting fossil fuels for energy and transport when current cleaner air, around the world, highlights that pollution causes many thousands of deaths every year? And what of the economic benefits of the circular economy reducing gross consumerism and waste mountains? Expect a huge pile of goods going to landfill and op-shops as we tidy up at home, with limited scope to donate or sell things for reuse.

**Speed up planning approvals:** Always welcome, but what of corrupting influences of fast-tracking for selected parties? And let's be very clear: COVID-19 does not provide any excuse for reducing environmental standards in the name of short-term economics. That will simply make it a harder task when the crisis period is over. What is the real justification, and community benefit, of pushing back the much needed EPA reforms for another year? Please explain!

**High speed rail:** How does an east coast high speed rail proposal relate to the dilemmas the airlines currently find themselves in, and what of the greenhouse gas implications and opportunities for serious decentralisation?

## Contributions to PN by senior politicians

Most readers welcome the opportunity to read what our Planning Minister and Shadow Minister have to say specifically to the planning, development and design professions. Some readers have noticed that Shadow Minister Tim Smith has not contributed an article since September last year. A lot has happened since that time. His office says that "articles take a long time to write, and he is very busy". Let's hope that in the near future he has something to say from across his portfolios which are particularly relevant to readers – planning, heritage, local government, housing and population – as our whole community grapples with the ongoing challenges of climate change, drought, bushfires, housing affordability, and resilient planning responses to COVID-19.

## What next?

Sometimes amidst the hurly-burly of our everyday working lives, we neglect to reflect on the fact that the *raison d'être* of planning is that we look to the future, while understanding the past, not making decisions in the rear-view mirror. Are we up for the challenge of a lifetime? Forget the spin: this is both daunting and exciting. ●

### PN Editors

**Catherine McNaughton MPIA, Nicole Vickridge RPIA,**

**Bill Chandler OAM RPIA (Life Fellow)**

**May 2020**





## PIA Victoria President

**Gareth Hately MPlA**

PIA Victoria released its COVID Response Plan in April. It calls for a two-phase response geared around much needed reform and investment in technology to keep the planning system going, and strategic planning to deliver good planning outcomes throughout and beyond the pandemic phase. Since releasing the plan, we have briefed the Government on the profession's concerns and offered our assistance to overcome the challenges we face and our communication channels to promote the latest information. A copy of the plan can be viewed on the PIA website [www.planning.org.au/vic](http://www.planning.org.au/vic)

Recognising that the actions within the plan require delivery through other partners, we are also working with a range of other peak bodies and professional associations on how we can address these shared challenges. In terms of what success looks like at the end of the day through our collective efforts, ideally:

- Strategic planning is complete and ready to enable good planning outcomes when investment certainty returns to the market
- Business processes for all those that interact with the strategic and statutory planning system should be streamlined and digitally capable
- Infrastructure investment that is delivered through any future potential stimulus program is based on prioritised need and aligns with the policy objectives in *Plan Melbourne* and the *Regional Growth Plans*.

I would like to thank the councils and consultancies that contributed to this PIA Victoria Plan. It is not static and will need to evolve over time as the situation changes. I encourage you to email [vic@planning.org.au](mailto:vic@planning.org.au) if you wish to contribute further.

### Committee matters

At the April meeting, we endorsed our submission to the City of Melbourne Affordable Housing Strategy and PIA Policy Position Paper on Bushfire. A copy of both documents is available on the Policy section of the PIA Victoria webpage. On the sub-committee front it is business as usual. Our Policy and Advocacy sub-committee is working on a Position Paper on Climate Change. Our Events sub-committee is working on a COVID-19 related Members briefing which will most likely be promoted by the time you read this. Finally, our Partnership and Outreach sub committee are meeting with the Research Partnership Group to brief them on our recently endorsed Research Strategy and identify opportunities to jointly progress research priorities.

### Vale David Turnbull, CEO Mitchell Shire

It is with great sadness that I acknowledge the passing of an industry champion, David Turnbull, CEO of Mitchell Shire. David was well regarded across Government and the private sector for his expertise in growth area planning, and led Whittlesea City Council through a rapid period of growth. His career story was well recorded in the May 2014 edition

of *Planning News* which is being rerun on page 14. Those that knew him well speak of his humility as a leader, his calm influence, and the importance of ensuring that planning delivers a public benefit. We send our deepest condolences to his family.

### PIA Member Alert: COVID-19 Update

The COVID-19 Omnibus (Emergency Measures) Bill 2020 received Royal Assent on 23 April in the Victorian Parliament. The Bill "temporarily amends certain Acts and temporarily empowers the making of regulations for the purpose of responding to the COVID-19 pandemic". Of interest to our profession are the following:

#### Planning and Environment Act 1987 amendments

- Clarification that public Panel Hearings can occur utilising video conferencing technology.
- Planning permit and amendment documents must be made available on the designated entity's website to satisfy the requirement to make documents available for public inspection. More details here.

#### Local Government Act 2020 amendments

- Enables council meetings to occur with the use of video conferencing technology.

PIA welcomes the amendments, which are consistent with our advocacy principles. The planning system must continue to function remotely and efficiently. With the Act changes dealt with, we are calling for all agencies involved in the planning system to prioritise investment in technology to enable the planning system to operate as efficiently as possible.

### Building and Development Taskforce established

The Victorian Government has set up a dedicated building and development taskforce to keep the industry running. The taskforce will be co-chaired by Jude Munro AO PIA (Hon Fellow). The Taskforce will initially focus on overseeing the fast tracking of planning approval decisions and provide advice on a pipeline of projects to support the economy through the pandemic and beyond.

The PIA Vic COVID-19 Response Plan calls for all agencies to bring forward a substantial pipeline of strategic planning projects and development facilitation by Council or State Government where it aligns with our strategic plans. If we are to deliver a more efficient and effective planning system as a result of our efforts now, we call for the taskforce to action the recommendation of the Planning and Building Approvals Process Review undertaken by Better Regulation Victoria. A key focus needs to be on why approximately 40% of applications aren't assessment ready and require further information, and the speeding up of applications that require referrals either within Council or other agencies.

PIA has reached out to Government for more information on the Taskforce. When more information becomes available, PIA will host a briefing to update members on the changes and explain the role of the Taskforce. Stay tuned for details. ●

**Gareth Hately MPlA is President of PIA Victoria Division and can be contacted at [vicpresident@planning.org.au](mailto:vicpresident@planning.org.au)**



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# National communique from Planning Ministers

Federal Minister for Cities, Alan Tudge, along with Planning Ministers in all States and Territories, and ALGA have recognised the importance of planning systems and the development assessment pipeline continuing to function during COVID 19. Victorian Planning Minister Richard Wynne has entered a National Agreement specifying that adjustments to jurisdictional planning systems will be required, in accordance with a set of principles on how our planning systems should operate during this time.

To make sure this can take place while also meeting public and workplace health and safety requirements, adjustments to jurisdictional planning systems will be required. Noting that every state, territory and local planning system is different, and changes will need to consider the relevant legislative requirements and local context, the Planning Ministers agreed the following principles should be considered in making any changes.

- Decision making in the public interest is a paramount theme in all planning systems and this must continue as a guiding consideration.

- Transparency for stakeholders about changes to systems and particular decisions.
- Decisions made within jurisdictions are consistent, where possible.
- Consideration of the level of public interest in a particular planning change or development proposal.
- Balancing administrative and legal review rights with the need to address the pandemic emergency and to assist community and economic recovery.
- All reasonable effort is made to maintain the usual pace of planning approvals recognising, as far as practical, community consultation will continue through new forms of communication recognising social distancing requirements.

The Ministers also committed to considering lessons learned from this period, particularly around the use of technology to facilitate community participation and other planning processes, response to future emergency events, sharing of information between jurisdictions and improvements to planning systems for potential ongoing implementation once we return to business as usual. Noting that these principles are agreed at a point in time when the priority of governments is responding to the dual health and economic crises brought on by COVID-19, they agreed to review these principles in June 2020, with a view to updating them to support the economic recovery stage to follow. ●

## PIA Victoria COVID-19 response plan

PIA is the national peak body representing planning and the planning profession. We represent over 1,200 members in Victoria and 5,300 nationally through our advocacy, publications and professional development programs. The COVID-19 pandemic is changing the way we live and causing an unprecedented shock to our economy. This is likely to have a profound impact on planning and its related industries for years to come. PIA recognises the urgent need to support planners through the pandemic phase and beyond, as well as the need to articulate how the industry can play a major role in the recovery phase.

At a national level, PIA has developed a set of seven Principles in response to the COVID-19 pandemic, which provide a coordinated framework for the States and Territories to prepare localised responses.

- 1 Our first duty is the protection of human life and safety
- 2 Planning must ensure health, safety and wellbeing during the crisis
- 3 The planning system must continue to function remotely and efficiently
- 4 Planning organisations must retain the capacity to operate
- 5 Planners must remain functional, be informed and connected
- 6 The planning system has a crucial role supporting and stimulating recovery
- 7 Good planning must continue to deliver value for communities

While the detail of the national reform will be determined at a State level, PIA Victoria through its 'COVID-19 Response Plan' has raised the importance of immediate clarification on those components of the Victorian Planning and Environment Act 1987 causing unintended delays.

PIA Victoria's Response Plan sets out the actions and advocacy measures we will undertake on behalf of our Members and the profession over the coming months. It is a two-phase response: to recognise that the actions and advocacy we undertake during

the pandemic phase are urgent and require an immediate response to maintain the ongoing functioning of the planning system; the recovery phase is about introducing measures to ensure the long-term success of the planning system. There is no reason why work cannot commence on the second phase at any time to enable a strong recovery. This response is not a static document: it will change over time as the situation evolves. As professional planners, our role is problem solving. Just like good planning outcomes, the actions within this document will require partnerships and collaboration.

### Action plan phase 2: support recovery

- Encourage a substantial pipeline of strategic planning projects and facilitation of development on a case-by-case basis
- Ensure the planning industry leverages off positive outcomes of innovation and investment during the pandemic phase, and realises the potential for long-term change

This COVID-19 crisis reminds us that planning is dynamic – we must re-learn what makes us resilient and recalibrate what we value and reassess what are prepared to plan and invest in. ●

**For more details see [www.planning.org.au/documents/item/10593](http://www.planning.org.au/documents/item/10593)**



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## Minister for Planning

*Hon Richard Wynne Minister for Planning, Housing and Multicultural Affairs*

### Planning in Victoria: staying connected during isolation

Victoria, like the rest of the world, is experiencing unprecedented times as a result of the coronavirus (COVID-19) outbreak. Victorians are now expected, and in many cases legally required, to significantly modify the way we live our lives in order to stay healthy and slow the spread of the virus. It's an extremely challenging time for all of us and I'm proud of the vast majority of Victorians who are following the directions and advice of the Chief Health Officer.

Staying home, physical distancing and good hand hygiene are all critical to flattening the curve and, while we are having some success, it's more important than ever that we don't take our foot off the brake.

I understand many Victorians are feeling anxious in these uncertain times and I want to assure everyone that our Government continues to work closely with the National Cabinet and the Chief Health Officer to make decisions based on the most accurate and timely advice and to ensure all Victorians are being supported as much as possible.

Our Government understands the important role planning activities play in driving Victoria's economy, and of the need to continue the business of planning in these turbulent times including pulling back on planning controls where necessary. In this regard, we've removed noise restrictions on the dispatch and delivery of food and other essential goods, a common-sense measure to make sure these items are readily available when people need them most.

I am conscious that the planning system will play a significant role in supporting and stimulating economic recovery. The Government is currently considering whether broader planning system changes are required which could include changes to the Victorian Planning Provisions, streamlining

permit applications and planning scheme amendment processes and related requirements of the *Planning and Environment Act 1987*.

Critical statutory and other planning services will continue, with business being conducted online where possible. Likewise, consideration and decision-making of planning amendments will continue.

Planning Panels Victoria is currently looking at the feasibility of conducting hearings online and increasing the number of matters heard 'on the papers'. Face-to-face planning consultations have been postponed while consideration is given to how other means of engagement could be used to continue to gather meaningful feedback.

I acknowledge PIA has been working hard to ensure its planners are supported during these uncertain times. It is good to see PIA has been able to continue its role in facilitating professional development courses by shifting to an online model that is accessible for all.

I also congratulate PIA on the publication of its *COVID-19 Response Plan (April 2020)* and agree that good planning must continue to deliver value for communities both now and during the recovery phase. This means that while we consider reform that will enable development to continue to deliver the housing and jobs we need, we also ensure the community's voice is empowered in that process.

Once again, I encourage all Victorians to look after themselves and each other during these unprecedented times. It is vital for the health and safety of our family, friends, and community that we continue to adhere to the measures put in place. Stay home, protect our health system, save lives. ●

**Richard Wynne can be contacted at**  
[richard.wynne@parliament.vic.gov.au](mailto:richard.wynne@parliament.vic.gov.au)

## Vale Phil Bisset MPIA



MinterEllison pays tribute to the life and contribution of Phil Bisset. The partners and staff of MinterEllison mourn the unexpected and tragic passing of Phil, a Partner in the Melbourne firm's Environment and Planning division.

"We are greatly saddened to have received the news of Phil's passing and our hearts

go out to his family at this very difficult time," said Matthew Hibbins, Managing Partner MinterEllison Melbourne. "Our whole firm extends its deepest sympathies to Phil's wife, Marianne, his sons, Chris and Andrew, and his daughter, Adrienne."

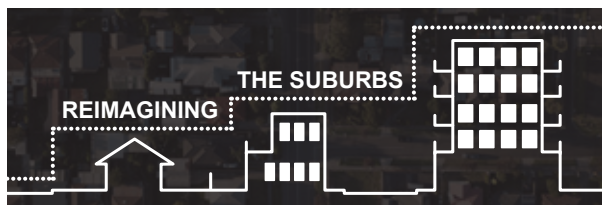
Phil was a leading town planning and property development lawyer who had previously worked as a qualified town planner. His experience spanned a wide range of projects including those in major urban renewal, infill residential,

major shopping centre developments, retirement and aged care centres, and in the tourism and leisure sectors.

"Phil was an outstanding lawyer, well known and respected in the planning and environment sector both in Victoria and Australia. He was a man of great integrity and humility. He always went above and beyond to help others out whenever the situation called," said Matthew.

Matthew noted that Phil was sought after in the market for his advice on planning and development approvals, environmental assessments, and also in regard to a broad range of issues, such as planning agreements, heritage and liquor approvals. In addition, he brought extensive experience as a solicitor advocate or counsel/junior counsel to specialist planning Queen's Counsel, in a range of planning and environmental jurisdictions.

"Phil was a well-loved member of our partnership and a generous mentor to many young lawyers over his career," said Matthew. "He was passionate about horse racing and was also a keen golfer who will be greatly missed by all his friends and work colleagues. He earned the respect of clients and colleagues everywhere. Once again, our thoughts and prayers are with his family at this time of profound sadness." ●



## Re-imagining the suburbs of Melbourne

**Brian Haratsis MPIA (Fellow)**

A group of small houses (on 30sqm blocks) overlooks a techno-park, a community hub and the 'last mile' depo (a real activity centre not dominated by retailing), e-bikes, robotaxis mixed with automated vehicles (AVs) and traditional motor vehicles (mostly electric vehicles). Vertical take-off and landing (VTOL) craft operated by Uber take off from the roofs of car parking stations to beat congestion. The car parking station houses car share fleets and a few private vehicles. Downtown people don't own vehicles anymore because it's too expensive with congestion taxes.

automated vehicles, e-bikes and lockers for 'last mile' deliveries. These depots cut down the number of 'last mile' delivery trips by 50% and enable people to pick up their goods at a convenient location. All other home deliveries have a surcharge of fifty cents to pay for these facilities. The depots have evolved with laundromats, dry cleaners, florists and newsagencies to become a full convenience offer.



The Suburban Rail Loop (SRL) has just been completed and places like Doncaster Hill are active. High density living, working and playing suits millennials seeking e-sports, bars and restaurants, and co-working hubs. People have clawed back time wasted in traffic congestion. Millennials live in low cost rental co-living space complete with laundries, gym equipment and commercial kitchens. The 30sqm rooms are cheap and cheerful, and have basic cooking facilities. These buildings are net positive to the energy grid and zero carbon emitters. The Suburban Rail Loop is fully automated and has a five minute frequency off-peak and two minutes at peak times.

The co-working hubs now account for 15% of the workforce and are hives of activity. They often host specialised servicing



The techno-park covers one hectare of active space and one hectare of passive space, and combines e-sports screens, wifi, an anachronistic rotunda, with jogging and walking tracks, yoga, outdoor exercise equipment, kids play equipment and programmed activities such as chess and group exercises (costing \$2), accessible by mobile phone.

Every neighbourhood has its own app, which not only suggests programmed activities but encourages social and business networking, and reports environmental performance (eg carbon emitted, waste generated, weather conditions). Each neighbourhood takes responsibility for the planet.

The passive park has one feature in common with active parks: personal safety. Switch on the security app and you will be tracked by cameras and can rely on security within three minutes. The passive park celebrates nature and the environment, including small community gardens and bird baths.

The community hub is often integrated with a school, and combines health and recreational uses (reading groups, software groups) with room for functions – weddings, parties, anything. It is funded and managed by rate revenue, so it is available for elections and other groups to use.

The 'last mile' depot is an Australian idea but it has taken off internationally. It is a vital piece of the movement economy combining end of trip facilities (showers, change rooms, lockers) with car parking for fleets of shared vehicles,

(eg health research, finance and information technology industries). Around 20% of the workforce are contractors, up from 10% in 2020. The co-working hubs are often vertically integrated with co-living hubs, making the transition from work to recreation an important feature of the day.

The variety and diversity of suburban life has once again led Melbourne to the top of the ladder of the world's most liveable cities. Not-for-profit build-to-rent (BTR) groups have emerged, moderating housing prices, and the small house movement with a net positive energy contribution and a zero carbon footprint has contributed to moderating energy costs.

In 2022, the planning regulations changed to permit as-of-right single-storey dwellings, regardless of size (without car parking), and double-storey dwellings if they don't cause overlooking (eg boarding houses), increasing the diversity of dwelling types and housing options. Government bought the land one to two kilometres beyond the Urban Growth Boundary, and has encouraged community gardens and walking/riding paths where they don't disturb flora and fauna.

Marvellous Melbourne is on the right track again. ●

**Brian Haratsis is Executive Chairman of MacroPlan and can be contacted at [haratsis@macroplan.com.au](mailto:haratsis@macroplan.com.au)**

*[The aim of this column is to promote debate. So please write in to Planning News or email [marks@kinetica.net.au](mailto:marks@kinetica.net.au) with comments. Offers to contribute articles on this topic are also welcome!]*



# Ride a bicycle, and keep well

Shannon Hill

Growing waves of people are embracing cycling to get to work and move around cities as our regular subway and bus commutes have suddenly become fraught with potential perils, from possibly virus-tainted surfaces to strangers sneezing and coughing on fellow passengers. In New York City, my home town for nearly five years, Citi Bike, the city's bike share program, reported demand surged 67% in March: Between March 1 and March 11, there were a total of 517,768 trips compared with 310,132 trips during the same period the year before (Kuntzman, 2020). At the same time, ridership on the subway has seen a precipitous drop as we change our ways of getting around or work from home (Kuntzman, 2020a).

My twitter feed is full of nostalgic ads reminding us this is not a new idea – “*Ride a Bicycle: Get away from the stuffy, overcrowded street cars, with their danger of contagion*”.

It's also full of lament and questions as to how, after our elected officials have urged people to bike to work during the Pandemic, we are to do this when many of us consider our cycling infrastructure insufficient, inadequate and unsafe. As a reminder, 28 cyclists were killed in 2019 on the streets of New York (Guse, 2019), the highest number in two decades, and 11 cyclists died on Victorian roads in 2019, a 57% increase on 2018 (TAC, 2019).



Getting people to shift modes takes more than making one-off statements or sending a tweet. Ideas such as pop-up bike lanes, fast-tracking new bike parking, speeding up bike share expansion, and closing streets to cars are all valid ideas that have been touted as quick, easy and cost-efficient ways our cities could adopt. As stay-at-home orders are implemented worldwide, we are now seeing cities close streets to vehicles to allow for pedestrians and cyclists to

enable the required physical distancing and promote health.

In January, I commenced a new, first-time offered course by the University of Amsterdam – Unravelling the Cycling City. Using the Netherlands as a living lab, the course explores some of the reasoning why cycling has retained its significant share of mobility throughout that country. In the context of the current public health emergency, learning the hows and whys seems more relevant than ever.

In the Netherlands, the modal share of cycling is approximately 27% of all trips, with an equal gender distribution, all age groups well represented – including children and the elderly – and trip purposes are equally likely to be for work, recreational or everyday chores. All together the Dutch own 22.5 million bicycles, or an average of 1.3 bicycles per capita (Bicycle Dutch, 2018).

By contrast, Melbourne's cycling statistics measure work-based trips, with 1.8% of all of these trips made by bicycle in 2011, an increase of 0.8% since 1976 (VicRoads, 2011). Of these, 73% are made by men, and the significant majority are in the inner city and inner northern suburbs of Melbourne only. The 2019 National Cycling Participation Survey also shows that the number of Australians who regularly ride a bike is declining (Bicycle Network, 2019).



The Dutch Prime Minister is regularly seen cycling to and from work engagements, exemplifying ‘national habitus’ – self-evident practices and standards that have been formed on a nation-wide scale.

The differences in these statistics are staggering. The course taught me, however, that when cycling is considered a mode of transport equal to all others, all cities can move towards a national pattern of behaviour where everyone cycles, or *national habitus*.

These are my five key takeaways as to how this can be achieved.

**A cyclist is a pedestrian:** A cyclist is a faster and higher pedestrian. They are exposed to the environment, have a limited range, are human powered, exposed and unprotected – no car ‘cocoon’, have freedom of movement, and limited parking requirements. Cyclists are not smaller versions of cars, and this means they need new and radically different infrastructure and safety outcomes.

**The street as an equal space:** Streets have become seen as the natural domain of motorized traffic instead of a shared space accommodating a variety of different uses, or a ‘just’ street. Streets for All, Complete Streets and Liveable Streets are all recent movements focused on redressing the power imbalance between motorized and non-motorized transport modes. Simply dividing road space between transport modes, however, ignores the role of streets as valuable, shared public places. Traffic speed is a particular indicator – higher speeds give ownership of the space to motorized traffic; lower speeds give greater flexibility and allow modes to co-exist, with cars allowed as ‘guests’.

**Less regulation:** The idea of less regulation on our streets seems counter-intuitive. Less regulation can lead to responsible and alert road users by relying upon eye contact, body language and negotiation. These require all road users to pay more attention and change behaviours – slow down, communicate with other road users, and engage with their surroundings. Movement becomes choreographed and safety measures and signs can be minimized.

In 2016, Amsterdam trialled this approach at Alexanderplein – a busy intersection near the city centre with three tramlines in addition to pedestrian, vehicles and cyclists – by switching off the traffic lights for all modes. ‘Before and after’ research demonstrated a noticeable difference in behaviour – cyclists slowed down on approach, communication between cyclists and motorists increased, and negotiation between all modes took place. Instead of relying on traffic lights, they now relied on their own abilities and the cues of others. A few months later the lights were completely removed, and the idea is now being replicated throughout the city.

**An urban design approach:** The design, and therefore experience, of our streets is primarily influenced by traffic engineers, quantitative-based design manuals, and outcomes to achieve superior functionality for the car. The qualitative – urban design – experience is the secondary, and often forgot-ten, perspective. We can create an urban design approach for bicycles by:

1. Providing a human scale cyclist view from the road – eye-level perspective, flow and design. This has implications for city building and visual/aesthetic elements.

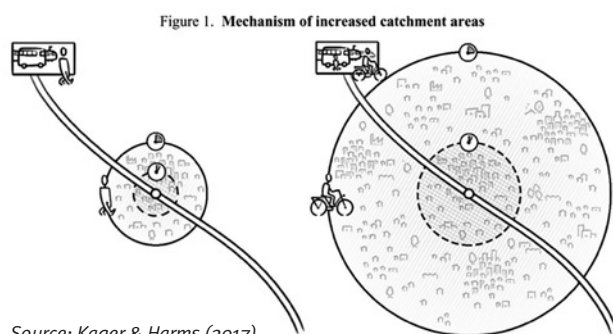


Alexanderplein today post traffic light removal (source: Google Maps)

2. Providing a pleasant experience with appropriate scale, morphology, safety and bicycle priority. Cyclists make decisions based on senses, and this is not necessarily the most direct route.
3. Improving functionality for cyclists. This includes design of and access to bicycle garages, intersections with maximised bicycle stop space and improved flow, and cycle streets.
4. Providing a multi-sensory experience, and considering sound and kinesthetics in infrastructure design – smoothness of the pavement, path width, route connectivity and experiential elements
5. Recognising the social element of cycling and its ability to connect people and places. This requires inclusive infrastructure that allows all ages to safely ride, and also allows groups to ride together.

## Good cycling and transit integration

1. While cycling is an incredibly efficient mode of transport, its limited speed and reliance on human power makes cycling an ideal vehicle for trips under 5 km (20 minutes at 15 km/h). By integrating two separate transport modes – cycling and transit – into a single, tightly integrated journey, we can begin to use it for medium-distance commuting travel. Advantages of this include: Larger catchment areas – solving the ‘first and last mile’ problem. In the same amount of time, you can cycle nine times the area you can walk. This automatically increases the number of people that can access transit.
2. Increased station choice – A nine-fold increase in catchment dramatically widens station choice, including to those that remove transfers, or to an express station (versus local).
3. Trip customization, including increased trip-chaining opportunities and commute options.
4. Increased competitiveness of transit that, in turn, might invoke secondary effects in higher ridership and in land-use effects and land value.
5. They also all lead to an increase in people using public spaces, increasing the number of ‘faces in the street’, and improving perceptions of urban space as safer and more attractive.



Source: Kager & Harms (2017)

6. Land use change that supports agglomeration effects. A poly-centric urban structure versus dispersed model.

## Conclusions

Looking beyond our current pandemic, COVID-19 teaches us key lessons for developing resilient mobility systems in our cities: wider walkways, better accessibility and walkability to essential services, and more, and safer, bike lanes and associated infrastructure. Today, these ideas are part of the public discourse, and we are witnessing cities worldwide, including those that are car-dominated (eg Denver from 4/4/2020), visibly implementing ‘cycle streets’ and ‘cars as guests’ in response to a public health emergency. My course key takeaways no longer seem as unlikely as when I started the course. Perhaps our new normal should become our new norms.

Indeed, there is now potential for our ‘temporary’ solutions to foster broad, positive, impactful change in creating safer cycling-friendly spaces. This requires policy goals that are written, and funded, to actually generate change. It requires us to design our streets collaboratively and balanced to meet the needs of all users. It requires us to stop treating cyclists like small cars and instead demand better infrastructure outcomes. We can see it works. All we need now is the political will and dedicated and demonstrated leadership. ●

**Shannon Hill is a Planner living in New York. For details of references and further information, she can be contacted at [shannonlea77@gmail.com](mailto:shannonlea77@gmail.com)**

## Perambulations and Prattle

**Compiled by Kristen Wilkes MPIA**



Temporarily most of our office environments have changed. While it definitely has some benefits, such as openable windows and, for some us, a quiet backyard office escape, losing the social side of being in an office most days is a little more challenging. I hope everyone is finding the time to ‘Zoom’ colleagues and get in those Friday night virtual-drinks chats. There has still been a few new positions and movements in the profession.

**Nicole Grey** has moved from South Gippsland Shire Council to Murrindindi Shire as a Planning Officer. **Nicole Vickridge** has accepted a new role at Maroondah City Council in the Strategic Planning and Sustainability team. Nicole will concurrently be studying Urban Forestry at Melbourne University. This is an exciting next step for Nicole, who I’m sure will be missed at Glossop Town Planning.

**Chris Johnson** has moved out on his own as an Advisory Consultant, ending an eight year stint at the CEO of Urban Taskforce Australia. While Glen Eira City Council have sadly farewelled **Aiden Mullen**, who has taken up the opportunity to be the Executive Manager Brimbank Transformation at Brimbank City Council.

Lastly, we sadly say our final goodbye to **David Turnbull**, CEO Mitchell Shire Council. David was widely known and respected in the planning community for his work as a Planning Director at Bulla/Hume City Councils and then as a CEO at Whittlesea and Mitchell Shire Councils. Our thoughts are with David’s family and friends. ●

**Contributions to Perambulations and Prattle can be made by the 12th of the month to Kristen Wilkes at [kwilkes@ethosurban.com](mailto:kwilkes@ethosurban.com)**



## Post COVID-19

### We need to bend the rules and create 'new deals' for small businesses

Mark Woodland MPIA

*This is a call for government, business and landlords to action new and creative measures to help small businesses get back on their feet again in late 2020 and beyond.*

As an urban planner I am motivated by the opportunity to help create and manage successful cities, towns and communities. Australia's cities and towns are currently facing social and economic threats that have never been experienced before in the lifetime of its citizens. Urban planners have a critical role to play in not only immediately responding to the COVID 19 crisis, but we also must have plans for contributing to the rebuild of our economy once the immediate threat passes.

An immediate focus must remain on supporting the continuity of construction activity – pushing on with planning approvals, getting rid of red tape and fast-tracking applications where necessary to ensure a development ready pipeline of projects and the many jobs they create.



But we must also work on solutions now that can be deployed once the current lockdown requirements are lifted. This is likely to be only a matter of months away.

This article proposes some ideas to help the sectors that have been hit hardest so far – retail, hospitality, tourism, the creative industries and arts, entertainment, recreation and many types of service industries. These are enterprises who have had their revenues disappear in an instant, and the demand for these services will take time to build up again. Demand is likely to gradually re-emerge over maybe a 6-18-month period. It will be a fragile time – the public will be wary about how they spend their time and money, and they will take a while to become comfortable with socialising in the wider community again.

A mix of re-emerging, re-imagined, and new businesses will step forward to meet this demand. These businesses will need to operate as start-ups working off lean resources for potentially extended periods. Many won't have great access to capital or an established customer base, and many will be building (or rebuilding) their company/product brand. But what they will have is a burning desire to succeed, a willingness to try new ideas, form partnerships and work hard, all on the smell of an oily rag.

### So, what can urban planners do to help in this rebuilding process?

It is likely that there will be many vacant shops, cafes, restaurants, bars, offices, and warehouses across our suburbs at the end of the lockdown phase. Landlords will be keen to

get tenants back into these spaces as soon as possible, but there will be few tenants that will be able to take on the rent costs that existed in the pre-COVID 19 phase.

New businesses and those in a rebuild phase alike will also be reluctant to take on rigid rent terms, particularly long leases. Even businesses that trade through the current period and negotiate the suspension of rent payments will be faced with significant debts that will affect their ongoing ability to trade once the grace period ends. In this environment, the opportunity exists for planners, businesses and landlords to work together on a 'lean urbanism' model for supporting new and re-emerging businesses to get going again.

What I am proposing is that in designated locations, the State government, local councils and business associations work with landlords and businesses who are re-starting (or starting-up) to revitalise places suffering from (or at risk of) high vacancy. This program would enable businesses to make a low-risk and low-cost transitions from new and possibly interim operations into more sustainable and permanent arrangements during the recovery phase.

The program would see urban planners, property owners and business associations band together to reimagine our suburban strip centres and industrial areas as places for the incubation and growth of new businesses. Such places can be designated as 'enterprise zones', experimental and opportunistic areas where start-ups can simply turn up and try new ideas in popup and temporary spaces, where they are supported by landlords and government to get up and running again.



Photo Credit: [www.millicastlemaine.com.au](http://www.millicastlemaine.com.au)

While these ideas could potentially be applied to any business operating anywhere, there are particular benefits to be gained in concentrating the initial efforts on creating local businesses clusters, where a shared amenity and collective identity can be created, and where marketing, programming and business development efforts can be shared. The clustering of complementary types of businesses together can have a powerful effect of drawing customers and rebuilding the social and commercial value of such places.

Local business associations would market and curate such places with events, activities, and promotions, providing a level of activation that supports business and provides opportunities for the community to re-engage with the outside world. Landlords would participate by agreeing to license space for start-ups on a low cost and temporary basis. Incentives such as reduced land tax, municipal rates or other COVID 19-related recovery funding could be offered to landlords who agree to participate in the program.

All landlords know it's easier to find a long-term commercial tenant when you've got an occupied, well presented site in a location with strong branding and footfall. Several progressive commercial property developers are already

providing below-market rate rents to amenity enhancing smaller tenants as they see the value these tenants bring in attracting larger anchor tenants down the line. The small businesses themselves would provide sweat equity in fitting out spaces, as well as working together to create a definable character and identity for their business precinct.

## It has been done before, so it can be done again?

There are precedents for this approach that we can draw from. Similar strategies were deployed in Christchurch after the earthquake, and in New Orleans after Hurricane Katrina. Pop Brixton in the United Kingdom is another successful example of a temporary project that has turned disused places into an event venue and a community of independent retailers, restaurants, street food start-ups and social enterprises. With over 30 enterprises on site (including 17 restaurants and cafes) it is a hugely popular local destination in London.



Holzmarkt in Berlin is another such example, where the community has worked with government and the private sector to create a vibrant, self-built space for business, arts and culture. Locally, the success of Renew Newcastle provides a homegrown example of how destitute shopping strips can be transformed by creative thinking and adaptable agreements between landlords and local enterprises.

The role of the urban planner in all of this is to work with landowners and businesses to agree on place-based plan for these activities, and to remove red tape by allowing businesses to turn up and start trading. It will also be necessary to remove or streamline various other forms of regulation relating to things like outdoor dining, liquor licensing and building regulations. Urban planners within local government are perfectly positioned to take a lead role in co-ordinating the government input to such a program.

We can learn from the experiences of places like the City of Detroit in the use of lean urbanism. It has adopted an innovative 'Mix Tape' planning ordinance to facilitate the revitalisation of 36 miles of commercial corridors across its municipality. This new ordinance allows for a wide mix of 'as of right' uses, and it eases parking requirements, and sets a series of simple minimum design standards. It is accompanied by targeted streetscape improvements and the removal of other types of business regulation.

We already have this type of tool available in Victoria – the Commercial 3 zone was specifically developed with a nimbler, lower-barrier economy in mind. While implementing this zone would be an outcome worthy of pursuing for many locations, we need not wait for this to happen. Instead we can trial new ideas via the temporary use of space, and/or by suspending certain planning and other regulations in designated locations.

In the short term it would be possible to make progress by designating places in Melbourne where uses are allowed to just start happening on an interim basis. Just like we allow



*Mix Tape Zoning: Imagining Detroit's Future on Commercial Corridors*

markets and events as temporary uses, we could allow a range of other commercial activities to occur on an interim basis. The Queensland Government has already initiated legislative reforms along these lines in response to COVID 19, by creating temporary use licenses for certain types of businesses. Sorting out the ultimate zoning and regulatory arrangements can be a job for another day.

It would even be possible (if there was enough will amongst regulators) to allow spaces to be temporarily used as live and work-spaces – so that the cost of living and working for start-ups was kept as low as possible. Of course certain minimum standards relating to amenities, health and human safety would have to be adhered to, but it would be possible to suspend the need for change of use permits and many other types of approvals on the basis that the uses were temporary in nature.

## Time for new 'Neighbourhood Deals'?

In the great depression of the 1920s, US President Franklin D. Roosevelt initiated the 'New Deal' – a series of programs, public work projects, financial reforms, and regulations aimed at getting that nation back on its feet. In Australia today, the various State and Federal Government reforms are already taking on a similar character and magnitude to Roosevelt's original New Deal. There will be more National and State led recovery programs to follow in the coming months.

We can add to this effort at the local level by creating 'Neighbourhood Deals' between government and landowners whereby neighbourhoods are designated as special enterprise zones where the priority is to support and nurture start-up business activity. The Deal would be that Government would agree to eliminate red tape and invest in local amenity and place making activities, and landowners would agree to make space available to re-emerging and start-up businesses on low-cost and flexible terms. All signatories to the Neighbourhood Deal would sign on to the principle that decisions will be made that are in the best interests of growing local businesses ahead of other things.

These neighbourhoods would function for a time as temporary urban incubators of new enterprise, and after a period of re-establishment those enterprises that prove to be viable would transition into ongoing commercial leases, and the city would work with them to ensure that the necessary permits and licenses were put in place. Buildings could then be upgraded in a more substantial manner, backed by business banking loans and potentially government stimulus programs.

There is a pandoras box of complexity to be unpacked with an initiative like this. But recent events have shown that if there is need *and* a will, there is a way. Crisis can provide clarity and promote creative ways at challenging old problems. If we want to trial the idea of establishing this type of lean and nimble approach to supporting the recovery and growth of enterprise in Australia, then we need to start working out the details right now. ●

**Mark Woodland is a Director at Echelon Planning and can be contacted at [mark@echelonplanning.com.au](mailto:mark@echelonplanning.com.au)**



# Understanding liveability and how measuring and valuing it can make it better for everyone

Lucy Gunn and Melanie Davern



Everyone has some sense of what liveability is but clearly defining it can be a hard task. As researchers, we believe it is a community that is safe, attractive, socially cohesive and inclusive, with affordable and diverse housing connected by public transport, walking, and cycling infrastructure to employment, education, public open space, local shops, health and community services, and leisure and cultural opportunities.



This definition supports the concept of living locally, where people can access what they need close to where they live, a concept that has become an everyday reality for many given the Coronavirus pandemic and the need to be contained to our home environments.

## So why does liveability matter, and what value can it bring to people living locally and living the liveable?

Liveability is built on local infrastructure and supports health and wellbeing and improves the quality of our lives influencing how we live, learn, work and play. Liveability is also complex but can be understood through the objective eye of indicators and maps. The recently launched Australian Urban Observatory (AUO) digital portal ([auo.org.au](http://auo.org.au)) has been developed by the Healthy, Liveable Cities Group at RMIT University simplifying complex urban data into easily understood liveability indicators visualised as maps across Australia's 21 largest cities down to the local neighbourhood area. The AUO includes a composite liveability indicator, offering a broad overview of the liveability of a city, the AUO also includes a variety of research backed individual indicators offering a detailed look at where liveability is lacking. A Social Infrastructure Index is also included in the AUO and includes over 16 different types of key social infrastructure types. The results for both the Liveability and Social Infrastructure Indices are provided free of charge at the neighbourhood level in the AUO. We have also recently summarized results for these indicators and more in a series of Liveability Scorecard Reports for all 21 cities that can be downloaded for free from the AUO portal ([auo.org.au/measure/scorecards](http://auo.org.au/measure/scorecards)).

What these reports show is that liveability is spatially patterned: city centres typically tend to be liveable, while many newer urban fringe areas have reduced liveability. Of most concern, this pattern is also becoming evident in some regional cities where urban sprawl and low density residential areas are now becoming commonplace (see Figure 1). Urban sprawl leads to increased car ownership and use, and traffic congestion. It impacts air quality, physical and mental health with people further away from key destinations which are typically located in central areas. The importance of our urban environments can be better understood when we measure and can clearly observe these patterns in the AUO and understand the impact on our behaviour and consequently our health.

In a recent study, we undertook a health impact assessment of two different urban environments in the western suburbs of Melbourne. We measured and compared Truganina South, a greenfield area in the outer west, with a planned infill development site located at Altona North in an established middle ring suburb. When measured, the Truganina South

area was found to have lower dwelling density, poorly connected streets, and less access to public transport, shops and services – the very features and destinations that support walking and are also components of liveability. Compounding this, neighbouring areas also lacked this infrastructure. On-going research surveying Truganina South residents highlighted the importance and satisfaction of having access to main roads over public transport which is not surprising when residents have no real access to public transport. In Truganina South only 3% of dwellings having access to public transport stops within walking distance.

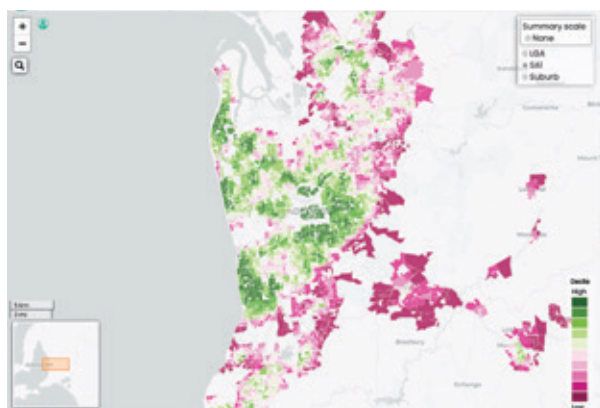
In comparison, the proposed Altona North site was surrounded by well-connected, higher density residential areas with more public transport and shops and services supporting local living and liveability of the area. In measuring these two urban environments and using a simulation model, we estimated per person health benefits of an additional month of life. This translated into an economic benefit of \$4,500 per person across the life course (based on the 21,000 people that could be living in the proposed Altona North site and surrounding area).

Measuring the increase in walking behaviour resulting from the more walkable Altona North site we were able to measure reductions in chronic disease incidence and mortality related to ischemic heart disease and stroke, but also for breast and colon cancer, and diabetes type 2. Although the modelling has limitations (Truganina South is yet to receive a town centre and supermarket), our research suggests that what is planned and built, and where it is located, can save lives and improve the quality of life of residents living in those areas. Indeed, there are flow on effects for the government and society through a reduction in the burden of disease and associated health care costs.

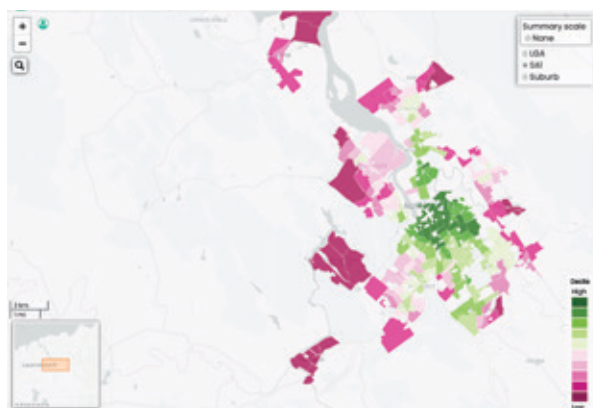
## But what about mental health?

Another study, has also explored the relationship between subjective wellbeing and access to social infrastructure. Subjective wellbeing is a self-reported evaluation of a person's own life and measured by asking questions about standard of living, health, life achievements, personal relationships, community connectedness, safety, and future security. It has been shown to be a good measure of mental health. Social infrastructure includes key destinations such as doctor and dental clinics and healthcare, primary and secondary schools, parks and open spaces, employment areas and community services. The key result of this study is that people living in areas with good access to social infrastructure have increased subjective wellbeing and consequently better mental health. Furthermore, the study showed that areas with more social infrastructure tended to be in more established and central city areas while growth areas are often lacking in these services.

While these studies focus on urban environments in metropolitan Melbourne, they are relevant to other similar urban contexts such as larger regional cities. In a related article based on the Liveability Scorecard Reports, we estimated an average of four social infrastructure destinations from 16 in regional cities, whereas larger cities such as Sydney and Melbourne had seven on average. Of greater importance here is the within city quantity and location of these social infrastructure destinations. Generally, access to social



a) Liveability Index: Adelaide



b) Liveability Index: Launceston

Figure 1. Australian Urban Observatory maps showing the similarity in the spatial patterning of liveability.

infrastructure destinations is typically better in the more liveable central city areas of both capital and regional cities but lacking on the outer areas where urban sprawl and low density residential development dominate the landscape.

### Can generalizations about liveability be drawn from this work?

There is much that can be learned from these examples. By now it should be clear that liveability is generally better in more established areas of cities because of the way we are planning, building and accommodating growth in our cities. However, regional cities tend to outperform our capital cities for some aspects of liveability. For the 13 regional cities we looked at, almost all of them showed that residents were able to live and work much closer to home. While this is related to the size of each city, a key benefit is that it supports better work-life balance without the need to travel long distances in traffic to get home. This potentially has benefits for the health of regional residents because work-life balance allows people to live healthier, more active and engaged lives in their local communities. Public transport is also good in the central areas of many of the larger regional cities but is generally worse on the fringe where density is lower, reducing the demand and impetus for providing public transport. Planning for transport is still based on population size so while we continue to build low density development public transport won't be provided for many years in growth areas.

For other aspects of liveability, it is difficult to draw generalizations across cities simply because each city is unique and has its own liveability strengths and weaknesses that need to be identified. This is where measurement, maps and indicators can identify specific locations needing improvement and intervention and why the AUO has been developed. Access

to public open space and areas under housing stress are good examples of individual aspects of liveability that do not following the spatial patterning of the composite liveability indicator. For example, some cities like Canberra, have good access to public open space throughout the city, while others, such as Cairns, show good access predominantly in central more established locations. Notably, liveability of cities can also change over time and the recent addition of the new light rail network and additional bus routes through Canberra has significantly improved access to public transport and is a great example leading to positive changes in liveability.

What is clear from the indicators, maps and research is that liveability has value. Liveability can be clearly defined, measured and observed visually to support the case for improved policies, investment and planning for sustainable and liveable places that improves people's health and their quality of life. While strengthening policies using research evidence is a good starting point, such policies also need to be well-implemented in a timely manner to realize the benefits that come from good planning. However, it is this aspect that is often lacking, or is not delivered in the right location or in a timely fashion, disadvantaging those living in such areas and perpetuating health inequities. Regional cities can benefit from this knowledge as there is still time to carefully plan for a more liveable future using infill development. Indeed, some regional cities are already doing this (eg Bendigo and Ballarat), and in these uncertain times local living has become more important than ever. ●

*Lucy Gunn is a Senior Research Fellow in the Healthy, Liveable Cities Group, at the Centre of Urban Research at RMIT University with interests in understanding which urban environments are supportive of health and wellbeing outcomes. For a detailed list of references, she can be contacted at [lucy.gunn@rmit.edu.au](mailto:lucy.gunn@rmit.edu.au)*

*Melanie Davern is Director of the Australian Urban Observatory, Senior Research Fellow and Co-Director of the Healthy, Liveable Cities Group at the Centre of Urban Research at RMIT University.*

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## Vale David Turnbull

*In 2014, then Planning News Editor, Grant Meyer, sat down with Whittlesea CEO, David Turnbull to reflect on his career and approach to urban planning. It is republished here as a tribute to David, who recently passed away. He had this to say.*

"Town planning was such a young and small profession when I started in 1977. Many planners in local government were not qualified. Some were engineers which, depending on your view of the world, were or were not qualified!

I started a planning course at RMIT in 1977 which was only available one year full time followed by five years of night school. There was no other option, and that was to get you into the workforce whilst simultaneously doing the planning course. On reflection, this was a good blend of theory and on-the-job training. The course was practical and multi-disciplinary in content with everything from landscape design, surveying, engineering for planners, the economics of cities, planning theory – it was all geared towards supporting you in your job.

And it was genuine night school, it wasn't turning up at 3.00pm in the afternoon. You finished work and your lectures started at 6.30pm and finished at 9.30pm two nights per week. I can remember some of the names of the people who lectured me: Jack Hoadley, Mike Berry, Max Harvey, Doug March, Max Grubb and others. Stuart Morris was our lecturer in planning law. He was a councillor at the time at the Shire of Sherbrooke. He would have been in his early 30s. By day he was in the Planning Appeals Board and by night he was lecturing us.

I started my working career in local government in year two of the course at the City of Oakleigh, age 19. This was a four month backfill position. The Manager of Planning went off to have an operation and they backfilled it with a student which I think was a cost-cutting exercise – which was at their peril! This experience put me in front of the pack for a subsequent job opportunity at the City of Knox as a planning cadet.

I can always remember the Knox City Engineer at the time saying that the reason I got the job was that that I played football and cricket in a team environment. As I have come to realise, successful local government is largely dependent on teams and teamwork.

That job lasted four years and involved sitting behind the front counter doing counter enquiries as well as planning applications, site inspections and a bit of planning enforcement – all rolled into one. And I still say to staff to this day: that stood me in really good stead about how local government works.

Knox City Council was lead by the late CEO, Tim Neville, at that time. The culture he engendered was such that everyone who worked there thought it was the best local government to work for across Melbourne, which I believed also.

I then applied for a job at the Shire of Bulla effectively as a 2IC to the Manager. And I thought, this will be good, I'll be working up in the snowfields! And then they rang me and said come for the interview and it was at Sunbury! It turned out to be a fortunate mistake.

Bulla had a very dynamic Shire Engineer called John McKerrow. I got an enormous amount from him. When the then-Manager left, John didn't replace him and so at the age of 23 I became the Manager. John had a very keen interest in planning. He was more a planner than an engineer. He used to say to the

engineers you've got to become both. He encouraged me by leading by example. He was never afraid to go overseas and gather information on best practice and bring it back and apply it to local conditions. This was to Sunbury, Greenvale and Craigieburn and Melbourne Airport's advantage.

From that perspective, John was a visionary. He sent me off overseas. I came back and spent a year, with Council's support, implementing a whole lot of new policies and formats and approaches which were then rolled out by the Council. In the end I stayed for 13 years and became the Director. The Shire of Bulla's population grew from 18,000 to 40,000 people during that time.

At Bulla I developed my 'approach' to planning which is that it (the Planning System) is there to enable, facilitate and create rather than prohibit, separate and regulate. There's still a bit of the latter that goes on in the contemporary approach to planning!

When I started in 1977 the planning scheme was very thin and was in an A5 format so you had to use your training and the bare bones of a planning scheme to get things happening. I was able to pick up the things that John did well and leave the other parts alone. He was quite autocratic and opinionated but he really put a stamp on how the area turned out.

I have never been one to engage with a 'formal' mentor but rather selectively pick the best from those around you and constantly be open to learning and be capable of changing. I would argue that John protected Melbourne Airport. Bulla, to frequent criticism at the time, didn't allow it to be crowded out. We kept the western and northern runways free from development. If I'm ever asked about my achievements, one of them is my contribution to keeping the airport curfew free.

Another achievement I'm proud of relates back to this concept of the planning scheme being an 'enabler'. This concerns the very iconic Sunbury Pop Festival. The land was under threat to be subdivided. I facilitated an arrangement to allow an extra couple of lots in return for the rest of the site being set aside as a public reserve. It wasn't appreciated at the time, and may not be for some time, but it's there forever. It might seem very minor in the scheme of all the growth area issues I've been involved in, but I like those sorts of projects that are capable of delivering lasting community benefits at whatever scale.

From Bulla I moved to work for the City of Whittlesea, where I am currently [2014]. I started after council amalgamations as the Director of Planning and Development. (Across all of my 36 years, it has been growth areas – Knox in the late 1970s was a growth area too!). It was a very receptive environment in terms of the councillors looking to invest money in forward planning. I had an excellent Manager here in Chris De Silva who was just waiting for someone to come in and help him with a supportive environment.

It was quite unique at the time. We planned out all of our growth areas, set up the DCP's, the whole thing so that we could have our hands on the levers on growth and how it was going to roll out so, that as much as possible, Whittlesea could be in control of its own destiny. Whereas when I looked out in other parts of Melbourne, it was the developers leading the outcomes, which is not always a good thing.

In 1999 I was sent overseas by Council. It was when new urbanism was starting to take hold here and I saw a lot of it on the ground in the US and UK. I came back and wrote about it, and we adopted a whole lot of initiatives in terms of our growth area planning which has been predominantly to our benefit. Again, I cannot overstate the benefits of looking out and being receptive to new ideas.

I wrote a publication based on the trip. I sat up every night for a year writing. The Council backed me up and said that 'if you're going to do it, you may as well make a decent fist of it'. RMIT, who are here in the City of Whittlesea, offered to publish it and the rest is history! It was published in 2000 and was very well received. I firmly believe that if I, or anyone, goes to a conference or similar then the learnings should be shared.

Staff should get out, particularly planners, and see what's happening. It may well validate what you're doing here. On the other hand, it may give you a few thoughts on what could be done differently, always remembering that the context overseas is different and can't be retrofitted into a local context. For example, a lot of growth area land overseas is owned and controlled by central government.

I think that the skills you need to be a good planner are very relevant to the role of CEO. Your skills as a planner include: evaluating, balancing competing priorities; being able to analyse a situation and arrive at a good conclusion; the ability to communicate with people; researching; being able to do presentations; public speaking; being able to sell an argument; and being able to absorb and respond to other points of view. They are all relevant to being a good CEO.

I had to be very mindful to retreat out of planning after having been made CEO from within the organisation. It was hard initially because many people still wanted to deal with me. It took a while to wean people, including councillors, off me as a source of planning advice. But I still draw on a lot of that knowledge to this day.

When I arrived at Whittlesea, the Strategic Planning Department consisted of one person (Chris De Silva), and George Saisanas was a student. He's still here as the Strategic Planning Manager. And the Statutory Planning Department comprised about eight. We very quickly built up the Strategic Planning Department. We equipped it with a research function as well, land use strategic planners and urban designers.

The philosophy of the councillors was to develop in-house skills and not use consultants. Sometimes that was a little bit impractical but for the most part our growth area plans and DCP's were fully worked up by internal staff (eg Mernda Strategic Plan). The cost to the organisation is that staff become very marketable outside of the organisation and some leave, but that's healthy.

If I reflect on what I have gained out of planning it's been the ability to make a real difference to how people live their lives -not just the people here and now but for generations to come. It puts a lot of responsibility on you. I've always seen the planners, and maybe I'm a bit biased, as the ultimate arbiters of what's rolled out. The rule here at Whittlesea is that if the Engineers, Parks, Leisure have a view, then it is the planners who are in charge of collating all views and making the call, particularly when there are competing views.

I see planners as having a great deal of influence if they use their skills properly, about how people live their lives into the future. And with that influence comes a huge amount of responsibility. That's why I do get annoyed sometimes when I see planners using the big book as a 'tick' or 'cross' template rather than as a means of achieving something really good. The planning scheme is a means to an end rather than an end on its own.

I still believe in doing what you're doing for the public good. I know it's very corny but that's why I am where I am. Where your client is the community, not a private interest or a single interest, there can be no better reward for you. That's why I

come back to local government because I genuinely believe that it's where a planner won't make the most money but can make the most difference.

Maybe the planning system these days restricts the ability of planners to create and deliver a vision. But here's an example – another one of my proud achievements! The hills outside my office, they go all the way around the valley. They're all in public ownership. Council owns all of them. You've got trails all over them. They were acquired as part of a concept that I call enabling development. That's where the objective is to use the planning scheme to enable the acquisition of those hills for the public benefit.

The way you get the hills is to provide for some form of limited development that would otherwise not be available. But for the hills, the people that would not have been able to develop could develop. Some landowners said 'I'm giving 83% of my land for open space and I'm only getting 17% development'. Well in this case, the end objective is the hills and open space and not the development and that's how it's justified. Within the normal urban growth boundary it's the other way around.

That's the sort of outcome that planners hopefully still have their eyes set on achieving. The days of government paying millions of dollars for open space are gone! So that's where you need to revert to other means to achieve a great community outcome.

When I arrived at Whittlesea there was no community feedback on anything – literally nothing. And we had a blank canvas to create and put things in place. Now luckily I think we knew what we were doing so it's turned out as a positive. We've just finished the housing density project for our established areas, which is going to be part of our residential zones translation. We've had four rounds of very detailed consultation as part of that which is good. It's important to have a mobilised community and it's certainly a different environment to when I arrived.

There's no doubt that the planning system has become much more complex and I have a huge amount of admiration for contemporary planners being able to step through the many component parts of the process." Thank you, David. RIP. ●



**Welcome to our new members  
and congratulations to  
elevating members**

#### **VICTORIA**

**Allied Professional:** Megan Clarke, Samantha Ramsey

**PIA (Assoc):** Carlos Enriquez Diaz, Unnati Rawal, Peter Cybula, Yuting Huang, Buyandelger Battumur, Rachel Venville, Laura Aston, James Yeoh.

**MPIA:** Christie Basset, April Valle.

#### **TASMANIA**

**PIA (Assoc):** Rachael Huby.



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# VAGO report on development contributions should spark root and branch review

**Marcus Spiller MPIA (Life Fellow)**

The Victorian Auditor General's Office (VAGO) released its report on *'Managing Development Contributions'* on March 18, 2020. The audit covers the Growth Area Infrastructure Contribution (GAIC), Infrastructure Charges Plans (ICPs) and Development Contribution Plans (DCPs) provisions of the Planning and Environment Act plus ad hoc 'voluntary' contributions made under S173 of the Act.

The VAGO report is critical of both the design and administration of these arrangements. It finds that the responsible agencies – DELWP, VPA and the State Revenue Office – have "not managed these development contribution tools strategically to maximise their value and impact. Instead, they manage the tools in isolation, with overlapping roles and no overarching strategy, goals or plan to drive and measure their collective success".

## Structural weaknesses in the development contribution system highlighted

VAGO concluded that:

- Revenue collections under GAIC are unreliable due to deferred payment options built into this system
- The allocation process for GAIC funds is opaque and potentially inequitable across the growth areas
- The implementation of ICPs in growth areas has failed to deliver the clarity and administrative cost savings promised when these reforms were introduced in 2016
- The rollout of ICPs in major brownfield and regional growth areas has stalled, leaving many Councils without the funding tools they expected to apply in these areas
- While DCPs remain an option for many municipalities outside the growth areas, these plans remain costly and complex to prepare, and

- Councils have been given little support in finding and implementing the best development contribution mix for their areas.

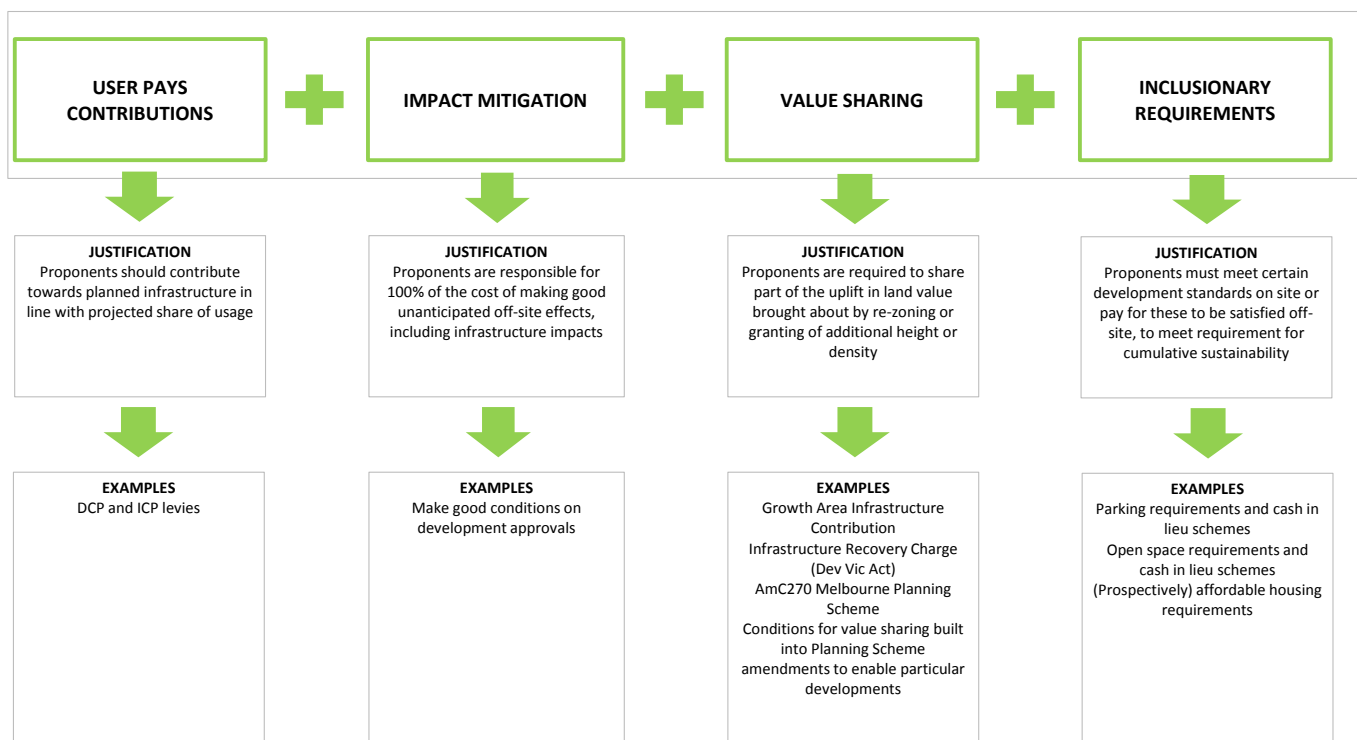
VAGO's is an *audit* report not a *policy* review. Consequently, several important nuances and principles relevant to reform of the development contribution system in Victoria are not ventilated.

The VAGO report treats all development contributions as simply 'money for infrastructure to support growth'. However, the GAIC is a tax on the uplift in land value when land is brought from rural to urban uses, while ICPs and DCPs represent a form of user charge. Principles of nexus, fair apportionment and accountability vary across these domains.

The VAGO report is also partial in its scope. It does not address public open space contributions made under the Subdivision Act or Clause 53.01 of the Victoria Planning Provisions, nor does it consider Infrastructure Recovery Charges levied in certain areas under the Development Victoria Act. Nevertheless, the Auditor's instincts are right on target. Development contributions in Victoria are a mess: a root and branch review is required.

## Overhaul required, but where to begin?

The VAGO report could be the trigger for a concerted, largely bi-partisan, effort to equip the State with a modern contributions system which is both friendly to business and more revenue effective for Councils and the State Government. The starting point ought not be an administrative clean up, although that will be essential once we know where we want to take the system. Rather what is needed first is conceptual clarity about the different types of development contribution



Source: SGS Economics & Planning Pty Ltd

and how they could knit together into a simple, cohesive system that all stakeholders can understand.

Any requirement for a development contribution will fall into one of four mutually exclusive and additive categories: user pays charges; impact mitigation payments; value sharing requirements; and inclusionary provisions.

*User pays contributions* are collected via the DCP and ICP provisions of the Act. They can also be applied via ad hoc negotiated agreements, or requirements set out in a Development Plan Overlay. The user pays principle requires proponents to contribute cash or in-kind towards planned infrastructure benefitting their project, with the contributions linked to the proportion of usage of the infrastructure items in question.

By contrast, *impact mitigation payments* apply when developers are required to offset or compensate for the unanticipated adverse effects of their projects on the natural, built or social environment. This requirement is premised on the 'exacerbator pays' principle where the party responsible for the damage must meet the full cost of making it good, even though others may subsequently benefit from the off-site retention facility.

*Value sharing requirements*, like the GAIC, are justified on another, separate and distinct, principle relating to the regulation of community sanctioned development rights. The State deliberately and systematically rations access to 'development rights' via planning regulations. Governments apply this rationing because it is expected to generate a net community benefit compared to allowing urban development to proceed on a laissez faire basis.

The value of regulated development rights is capitalized into the price of land. As occurs with other regulated markets, for example, commercial fisheries, mineral exploitation, broadcasting bandwidth and so on, it is appropriate to charge a licence fee for access to these regulated development rights.

Finally, *inclusionary provisions* are premised on minimum acceptable standards of development with the proponent sometimes having the option to fulfil the required performance standard off-site through a cash or in-kind contribution.

Given their different public policy justifications, a 'one size fits all' approach to the design and administration of these four development contribution types could easily have perverse outcomes. For example, if the user pays principle is watered down in the first category of contributions, and there is no impact mitigation system, developers will face weakened price signals to focus on areas where the cost of extending infrastructure is lower. Left unchecked, this will fuel more sprawl and out of sequence development with all the infrastructure inefficiencies this would bring.

But while each category of contribution requires its own policy design, cognizant of the fit with other categories, this does not mean that the contribution regime has to be complex. There is scope for rapid and wholesale simplification. Here are two keystone reforms.

## Key reforms

The DCP / ICP system can be improved by supporting Councils to adopt whole of municipality contribution plans rather than a patchwork of precinct or site specific plans which characterises the system at present. This would see off the duplication of strategic planning effort that goes into preparing multiple plans, saving literally millions of dollars across the system. It would also deal with the

obvious equity problem of charging developers in some parts of a municipality an infrastructure fee while others get away scot free.

The effort and know-how required to prepare a whole of municipality DCP is comparable to those employed in creating a Council's annual budget. It can be readily mastered by local government officials, especially given the range of custom software now available to support the process.

A large part of the 'unreasonable cost' of putting together a DCP, to use VAGO's language, relates to the tortuous process of amending a planning scheme, including a potentially litigious panel hearing. DCPs are essentially technical documents. While rigorous scrutiny is undoubtedly required, the matters likely to be in dispute are amenable to resolution against objective standards: they typically do not require policy judgements. The same distinction exists in assessing compliance in building permit applications versus appraisal of policy alignment in planning permit applications.

A dedicated team in the Essential Service Commission could scrutinise proposed DCP charges for compliance with the fairness and efficiency principles in the Act and recommend (or otherwise) approval via a fast track amendment process. This already occurs in other jurisdictions, notably in NSW and Queensland.

A second strategic reform would see GAIC abolished and replaced with a *universal* development licence fee. Again, this would resolve a glaring equity issue – the State insists on value sharing in greenfield development under current arrangements, but land owners in brownfield, infill and regional areas capture 100% of the uplift in land value associated with rezonings and discretionary development approvals.

A universal development licence fee can operate on a pre-scheduled or 'codified' basis rather than relying on 'before and after' valuations of sites subject to planning related uplift. Such a system operates in the ACT.

Provided enough of the uplift is 'left on the table' to motivate landowners to release their sites to bona fide developers, the licence fee would be non-distortive and would generate new revenue quite likely calculated in the hundreds of millions per year. If, in turn, this revenue was shared with local governments, not only would there be a significant boost for infrastructure investment, Councils may even become more welcoming of densification, thereby providing more opportunities for the development sector. ●

**Marcus Spiller is Principal and Partner at SGS Economics & Planning Pty Ltd, and can be contacted at [marcus.spiller@sgsep.com.au](mailto:marcus.spiller@sgsep.com.au)**

## Tim Nott

economic analysis + strategy

phone: 0401 993 451

e-mail: [tim@timnott.com.au](mailto:tim@timnott.com.au)

web: [www.timnott.com.au](http://www.timnott.com.au)

20 Scotia Street  
West Preston, Victoria 3072



## PIA Victoria bushfire hazard position paper

**Ben Cooke PIA (Assoc)**

The PIA Victoria Committee, in collaboration with leading bushfire and planning experts, has recently released a new PIA Victoria Bushfire Hazard Position Statement.

Victoria is one of the most bushfire prone areas in the world, with a natural landscape that is dependent on bushfires returning at regular intervals to sustain the life cycles of many plant and animal species. Learning to co-exist with bushfires safely, protecting important values such as human life and property, while also protecting the ecosystems that sustain us, is becoming increasingly important for Victoria's communities.

PIA Victoria has been supportive of the planning reforms on bushfire management that have been introduced into Victoria's planning system over the past 10 years. Victoria's planning system on bushfire management is widely considered to be best practice of all Australian States, if not the world. However, with the likelihood of more severe bushfires in a hotter and drier climate, there is an ongoing challenge to ensure that Victoria's policy objective to prioritise the protection of human life from bushfire is effectively implemented.

The policy position paper articulates PIA's current position on bushfire hazard and proposes six key reforms and three key research needs, for discussion and action.

### Proposed reforms

1. Investigation of measures to discourage further development in areas that are identified as having an unacceptable level of risk from bushfire, having particular regard to areas which may be zoned for residential use but not yet developed.
2. Adequate resourcing of relevant authorities, such as the CFA, to ensure they can effectively participate in the strategic planning of communities through structure planning and subdivision processes.
3. Greater involvement of strategic planning in any bushfire recovery phase to identify opportunities to reduce the ongoing risk to communities.

## PIA Victoria Partnership and Outreach sub-committee

**Karmen Markis MPIA**

Every year, the PIA Victorian Committee gathers to discuss and set key priorities for the three sub committees for the upcoming year. This year was no different in that regard. For the Partnership and Outreach sub-committee, the focus over the coming year will be on delivering three key priorities against what some might call an ever-changing environment.

Key priorities include continuous Membership outreach, focusing on how PIA can better meet and engage with our Membership base. A number of actions will underpin this priority, including facilitating easy access to events, including via live streaming (which has already started to take place), developing Membership value initiatives, holding policy briefings, joint events with other industry organisations (whether face to face or online in a manner similar to the Virtual Coffee Sessions), and engaging with our regional Members to determine what their needs are and how they can be best met.

4. A holistic State government-led review of the current application of the BMO across Victorian planning schemes with a view to understanding the level to which current application of the tool reflects best practice in relation to current and future risks.
5. The establishment of a comprehensive program for ongoing monitoring of the BMO, its relationship to evolving scientific knowledge of bushfire behaviour and the prioritisation of planning scheme amendment approvals related to the application of the BMO by DELWP.
6. The development of a consolidated set of design guidelines that bring together all material required for decision making through the planning system, including those published by DELWP, the CFA and other relevant authorities and which address all aspects of development including siting, materiality and landscaping

### Research needs

1. A review of Victorian Civil and Administrative Tribunal decisions to identify potential policy gaps and any matters that require clearer guidance or resolution.
2. A review of current practice to improve understanding of the relationship between planning decisions, permit conditions, and ongoing maintenance requirements, particularly where enforcement falls under the responsibility of the planning system.
3. A review of the current relationship between the BMO and overlays intended to protect biodiversity such as the Vegetation Protection Overlay (VPO) and the Significant Landscape Overlay (SLO), so that the balance of policy decisions is better managed, having regard to the increased risk of bushfire and the increased threats to biodiversity and need for urban cooling under a changing climate.

We encourage you to engage with this work and look forward further partnership with Government, agencies and other stakeholders to support this important area of planning policy reform. ●

**Ben Cooke, Senior Planner at Tract and a PIA Victoria Committee Member. Ben can be contacted at [BCooke@tract.net.au](mailto:BCooke@tract.net.au)**

Another key priority will be the further development of the PIA Secondment Program. This program provides secondment opportunities for more senior planners within the profession, to assist in developing and strengthening networks within the profession and facilitate the sharing of ideas.

The third key priority will focus on developing research partnerships to facilitate research to improve planning practice. This will build on PIA's Research Strategy which aims to:

- facilitate research that informs advocacy campaigns,
- enhance knowledge of planning issues,
- develop a more integrated approach to research across other professions,
- promote research findings to the government and wider community, and
- seek to ensure that research is translatable in the real world.

Key research themes as part of this priority include

- climate change,
- health, liveability and equity,
- integrated transport,

... continues next page

- long term spatial planning,
- planning systems, and professional development.

In implementing this priority, it is proposed to either seek contributions and/or expressions of interests from research institutions with existing research programs or partner with research institutions and make funding applications for new research.

While the first three months of this year have presented some challenges, PIA as the industry's peak body, is seeking to create partnerships and reach out, support and engage with the membership and the planning profession. If anything,

the events of the past three months have shown us that our communities, whether professional or personal, are invaluable in times of need.

Given the 'stay at home' message and our Members' changed working arrangements, we encourage you to reach out to PIA and the planning community and participate and contribute to upcoming events. ●

**Karmen Markis is Associate at HWL Ebsworth Lawyers and a PIA Victoria Committee member. She can be contacted at [kmarkis@hwle.com.au](mailto:kmarkis@hwle.com.au)**

## A word from the PIA Victoria Events sub-committee

**Catherine Sherwin MPIA**

A couple of months ago, the PIA Victoria Events sub-committee was enthusiastically scoping out our events for the year. We reflected on a great year of events in 2019 and wanted to focus our efforts on delivering dynamic, topical, collaborative, and relevant events for 2020. We then entered the world of COVID-19 – and everything changed!

But the challenge was accepted. PIA HQ have done a sterling job of shifting everything online and creating interactive events. If you are looking for some learning and interaction:

- Book into one of the many PLANET webinar courses.
- Check out the CPD Before Dinner Series. This is a live webinar that is also recorded so you can catch up on any that you missed.
- Have a virtual coffee catch up. These are scheduled once or twice a week with a different topic to discuss. Jump on

board and break up the WFH day! Register for link details.

While this is a big adjustment, one of the benefits of moving online for events is that PLANET is open to everyone, regardless of where you are located geographically. This really is a great opportunity to book in that PLANET course you had your eye on but not have been able to attend. I encourage you to reach out to planners you know that would normally find the distance an obstacle and let them know they can now access the PLANET training via livestream.

As things continue to evolve and change, please keep an eye out in your weekly PIA e-news and *Planning News* for upcoming events. Also, please get in touch if you have an idea, topic you would like covered in a coffee catch up or if you would like to host a virtual coffee catch up. For more details see [www.planning.org.au/vic](http://www.planning.org.au/vic)

See you on the internet – and stay safe! ●

**Catherine Sherwin is Senior Associate – Planning at Ricardo Energy, Environment and Planning, and a Member of PIA Victoria Committee. She can be contacted at [catherine.sherwin@ricardo.com](mailto:catherine.sherwin@ricardo.com)**

## Book Review *Bill Chandler RPIA (Life Fellow)*

### 'Bruny'

**Heather Rose, 2019, Allen and Unwin**

What a prescient novel! Infrastructure, regional planning, political shenanigans, foreign interference, and even the mention of a virus. Heather Rose has written a thriller with more credibility than I was comfortable with as I sat on my North Bruny deck looking over the D'Entrecasteaux Channel to Tinderbox on the Tasmanian mainland. A serene and beautiful location: an island, off an island, off an island. I had a clear view of the massive bridge which was the subject of this novel, except there was no bridge, because it's a fictional story, isn't it?

The new world order is subtly on display. A Federal Government makes gung-ho, albeit secret, assumptions about how to find its place in the new world order, to gain power, keep power, and exercise power, with a degree of incredulity which would make anyone already cynical about politicians and their advisors go red in the face. Splashing a cool \$2 billion dollars on a super-size design award-winning bridge linking a very small island at the end of the earth with Hobart, a city of less than a quarter of a million people. Nothing fishy here. Nothing to see, move along. What could go wrong?

The prologue sets the scene: a bomb, sabotage, badly damages the nearly finished bridge, but not beyond repair. Who dun it? Everyone is suspect. The first chapter introduces Astrid, a United Nations conflict resolution specialist. She escaped Tasmania many years ago and was resistant to

become involved, but she was persuaded to 'come back home' to smooth the way so the bridge could be repaired and opened before election day.

The project is urgent. The Feds have provided the money. A State election is just a few months away. Both the State Government and the Opposition support this 'critical infrastructure which will define the new Tasmania'. Notwithstanding the questionable logic of the project, they just need to ignore and overcome the noisy landowners and environmental protesters and ignore the Greens (even though they are doing very well in the polls). Divide the conflicted unions who want the work, but don't want the imported foreign workers deemed necessary to finish the project before election day. Appoint special task forces to make sure that the construction meets the less than transparent economic and political imperatives, and avoid any negative media, even if death is involved. Keep in mind: this is a novel.

Now safely back in self-isolation in suburban Melbourne, I am reading 'Bruny' a second time – because it is very well written, and paints in accurate details the place I was in as well as the wider world context. Not for the first time, a fictional book or film or play can provide more insight into real life than everyday working as a Planner. This novel asks the challenging question 'what would you do to protect the place you love?' Frequently required to assess how the prioritisation of infrastructure projects are determined, I am left with a nagging feeling that perhaps 'Bruny' is a documentary, in the same way that TV's 'Utopia' is a documentary rather than a work of fiction. ●



# Noteworthy Tribunal decisions and Panel reports

This column is prepared by Victorian Planning Reports editorial committee comprising Mark Marsden MPIA Fellow (Managing Editor), Dr Stephen Rowley MPIA (Planning Editor), Dr Joseph Monaghan and Jane Sharp (Legal Editors). The column provides a summary of noteworthy decisions of the Victorian Civil and Administrative Tribunal and noteworthy reports of Planning Panels Victoria. Other decisions and reports are to be found in the regular editorial comment on the VPRS website.



## Noteworthy Tribunal decisions

### Planning Practice Note 88 on protection of solar panels found wanting

It took a long time after the red dot decisions *Chen v Melbourne CC & Ors* (Red Dot) [2012] VCAT 1909 and *John Gurry & Assoc Pty Ltd v Moonee Valley CC & Ors* (Includes Summary) (Red Dot) [2013] VCAT 1258 concerning lack of guidance on assessing the impacts on rooftop solar panels before the State Government released Planning Practice Note 88, *Planning considerations for existing residential rooftop solar energy facilities* in October 2018. The Practice Note was issued the same day as Amendment VC149 was approved, which introduced a decision guideline on the impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a number of zones where residential uses are permitted.

Despite the welcomed release of Planning Practice Note 88, the Tribunal has found in *Ramjee v Manningham CC* (Red Dot) [2020] VCAT 1 that the Practice Note is inadequate for properly assessing the impacts of development on existing rooftop solar panels.

The Tribunal found that there is no specific guidance either within Planning Practice Note 88 or the planning scheme itself on the actual effects of a development on the energy produced by a rooftop solar energy system – in other words, changes to an existing system's performance. Such matters include the time of year for assessing impacts (equinox, summer or winter solstice) and the spread of hours for assessment throughout the day. Nor is there any guidance as to what might be regarded as a reasonable loss of a system's overall performance – for example, in terms of reduced output as a percentage of average electricity generated over a specified period of time. The Tribunal stated:

*.... On the basis of the limited information available, it can be concluded that the additional shadow impacts of this proposal on the adjoining roof top panels themselves fall within the realm of being reasonable.*

*However, I regard this conclusion as somewhat superficial in the absence of suitable planning scheme guidance and more detailed information specific to the operating characteristics of the adjoining rooftop solar energy system. This means that any meaningful assessment of the proposal's actual effects on the performance of the adjoining solar energy system cannot be made in this case.*

*I consider that clearer and more sophisticated guidance at a statewide level remains highly desirable. Such guidance might as a starting point specify suitable reference times (such as time of year and spread of hours) with consideration to the variable orientations of panels (whether north, west or east facing) and include more specific parameters on what might be regarded as an acceptable change in an existing system's performance. Different standards might also be adopted*

*for different strategic contexts. Desirably, these should also be supported in a secondary way by appropriate decision guidelines to assist the exercise of discretion and avoidance of 'a one size fits all' approach, thus allowing for nuanced and contextually sensible decision making.* [107-109]

The Tribunal's decision in this matter will hopefully lead to DELWP reviewing the practice note, and within a reasonable time period.

### Does the EOA apply to an upper level sensitive use?

In *Almia Pty Ltd v Port Phillip CC* (Red Dot) [2020] VCAT 163, a declaration was sought on whether an existing Environment Audit Overlay (EAO) operates when applied to the commencement of a sensitive use on an upper level of a subdivided multi-storey building.

The subject property is on a separate title on the 11th level of a 14 storey building constructed in the 1980s and used primarily for offices. The Applicant seeks to convert the strata title from its existing office use to a residential use.

It may be recalled that in *Archetype Australia Pty Ltd v Yarra CC* (Red Dot) [2010] VCAT 497 the Tribunal, in similar circumstances, held that a strict interpretive approach of the EAO to upper-level works in a multi-storey building that were well removed from the ground level soil "could lead to some extreme results that the average person would probably regard as disproportionate and absurd". The Tribunal recommended that the EAO be reviewed to remove ambiguity and/or to perhaps introduce a discretionary waiver in unusual cases. As noted by the Tribunal in the current proceeding, "Ten years on, the operative clause in the EAO remains unchanged".

Despite the *Archetype* decision, the EPA, in 2015, in a matter involving a strata title premises on level 9 of the same building, came to a view that the 'segment of the environment' to be assessed was limited to that level. This was a change of position by the EPA since *Archetype*.

The Tribunal was satisfied that the lots that make up Level 11 are a parcel of land that is separate from the land in other subdivided lots on the strata plan, and separate from the physical land at ground level. It noted that the certificates of title tabled refers to 'land' and the land in each folio comprises a separate unit on a strata plan.

Given the passage of time since this issue was first raised in *Archetype* ten years ago, the Tribunal considered it opportune to address this issue as part of the review of the Guidelines that will occur with the commencement of operation of the *Environment Protection Act 2017* on 1 July 2020. The Tribunal directed that a copy of the decision be sent to the Minister for Planning to consider, in conjunction with the EPA, whether any regulatory clarification is warranted – particularly in the intended operation of the EAO.

## Noteworthy Panel reports

### Will blanket tree protection affect other planning objectives?

Over the past few years there have been some notable research projects that have identified a loss of tree canopy in metropolitan Melbourne, particularly on private land. This no doubt is an outcome of the drive for urban consolidation.

Loss of vegetation cover has significant impacts on the built environment and contributes to Urban Island Heat Effect. A number of metropolitan councils have prepared tree strategies with an overriding objective to reduce the loss of tree canopy cover, which has led to planning scheme amendments for tree protection.

The City of Whitehorse has had extensive planning controls on tree protection for a number of years. Some of the controls cover precincts (such as the Blackburn Lake area), while other controls protect significant individual trees.

In *Whitehorse C219* (PSA) [2020] PPV 7, it was proposed to introduce the Significant Landscape Overlay (SLO) to all residential land in the municipality that is not currently included in a permanent SLO, including those areas covered by the Vegetation Protection Overlay (VPO) Schedules 1 and 3. The Amendment applies to all land in the municipality included in the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ), Residential Growth Zone (RGZ) and Low Density Residential Zone (LDRZ) that is not covered by an SLO or VPO.

There was some nervousness from the Minister about the blanket approach to tree protection that was proposed with the Amendment. The following conditions were imposed during authorisation:

*There is limited information available about the number of canopy trees likely to require a planning permit for removal. This information would be helpful to understand the number of residential lots likely to be impacted by the requirement for a planning permit under the proposed overlay and in turn the impact on housing growth capacity in residential zones.*

*The proposed SLO coverage is extensive. The council provide evidence to demonstrate the high significance of vegetation character in the two character areas. The final proposed extent of the SLO in the proposed amendment should be clearly justified during the amendment process.*

*The need for a planning permit for any buildings and works within four metres of protected tree is likely to place an unreasonable burden on landowners and proponents, particularly those attempting to carry out relatively minor works. The council should reconsider this requirement, and*

*clearly justify any revised requirement of this nature during the amendment process.*

The Panel noted that the Amendment generated a significant range of submissions ranging from the blanket application of the control going too far, to the control having too many exemptions from the need for a permit to not having enough flexibility regarding permit requirements.

Council provided detailed submissions through a planning witness on the impact of the Amendment on housing objectives. In response, the Panel stated:

*The Panel appreciates that there may be an inherent tension between tree protection and increased housing density. Nevertheless, in the Panel's view, one of the fundamental roles of planning is to balance competing interests with a view to achieving the objectives of planning in Victoria.*

*The Panel acknowledges that it is likely that the tree protection and the buildings and works controls will have an impact on some residential development. The issue is whether that impact is reasonable in the balance between increased housing density and tree protection. In the Panel's view it is reasonable.*

It will be interesting to see whether more councils will follow Whitehorse's lead for blanket tree protection, and whether councils will pursue a planning scheme amendment or local law. Three councils – Boroondara, Bayside and Darebin – each have a local law on tree protection applying throughout their municipality. The local law option means there is no requirement for Ministerial authorisation or approval. ●

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## Extension on non-critical VCAT adjournments

VCAT has extended the adjournment of all non-critical matters up to and including 15 May 2020 to a date to be fixed. VCAT is working hard to hear more cases via phone and other technologies. We will contact all parties about their matter, including if a case can be heard earlier. We are still hearing Residential Tenancy and Guardianship matters as well as other critical matters by phone.

VCAT venues are closed to the public including VCAT Magistrates' Court counters and no face-to-face hearings are being scheduled. Hearings from hospital beds have been suspended and will be conducted by teleconference. VCAT appreciates the uncertainty this decision will cause a lot of our stakeholders. We are still accepting all relevant matters and will contact you to discuss potential hearing dates. Visit website <https://www.vcat.vic.gov.au> for further information. ●

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## Letter to the Editors

When something gets up your nose, conventional wisdom counsels against committing your unfiltered thoughts to letter or email for fear of offending and/or appearing churlish. Hence my bewilderment at seeing my notes on frustrations with public sector procurement practices published in the March edition of *Planning News*. A colleague congratulating me on this 'career-limiting move' alerted me to their publication.

The idea of raising the issue in *PN* arose from a discussion with co-editor Bill Chandler, and I subsequently sent him my 'quick notes' on the topic. I expected that we would discuss it further prior to me working this up into a more considered

commentary. In addition, due to the potentially prejudicial nature of my thoughts, we'd discussed that it would be wise to publish anonymously.

While I stand by the content in general, I'm disappointed that I didn't have the opportunity to develop a more complete piece, and that the opportunity for a more nuanced discussion may have been missed. In addition, the piece contains numerous instances of poor expression and inappropriately auto-corrected words.

And, most disappointingly, outrage at my thoughts has been absent.

**Ian Robertson** ●



# Housing affordability, and living affordability, and what it means for our suburbs

Simon McPherson

I started writing this article before the COVID-19 pandemic took full hold of our professional and personal lives in mid-March 2020, becoming the prevailing lens through which we look at everything now. I was writing about the experiential, financial and health implications of commuting, and the benefits of working close to home – in the context of housing affordability. But this health crisis is forcing many of us to recast the way we work, learn, and recreate – making this article seem more topical, but also somewhat behind the times!

While the pandemic is not the focus here, the crisis does present a new lens for looking at our neighbourhoods and cities when we come out the other side. Liveability and affordability have been brought into even sharper relief.

Australia has experienced a long-running housing affordability crisis, with ongoing property price increases creating growing challenges for households trying to ‘break into’ the market. While renting is more accessible, and presents less long-term financial risk and pressure, it can cause other personal, and societal, problems.

Older households that own their home are far better off than similar households that rent. If you do not own a home by age 45, you are unlikely to ever own one, and are likely to be highly impoverished in retirement. Renting also impacts communities – large proportions of renters and regular household movements in neighbourhoods restrict the potential to form stable communities. Developers internationally are grappling with how to facilitate long-term renting and resident stability, to benefit households and communities.

New development models, construction methods and tenure types all play a role in advancing affordability. But how can planning and urban design for our cities and suburbs contribute to housing affordability?

## Living affordability, not housing affordability

Affordability discussions tend to concentrate on the price of housing, and mechanisms to reduce these ‘fixed’ cost. But too



often we forget the impact on affordability of ongoing, living costs, associated with where and how we live. But how much difference can living costs make, and would it be noticeable?

## Understanding living costs: Health

A health-supportive home environment can help you save money. If your home makes it convenient and comfortable to walk, cycle and use public transport, you will be healthier, and so can leverage health savings. Cycling delivers health benefits to the individual of \$0.10/km (on average), and walking \$0.20/km, with (in each case) equivalent benefits to society.

For a four-person household, if each walked 2km/day and cycled 5km/day, this would save \$25.20 per week, of a total weekly spend on health and medical costs of \$85/week and could accrue to over \$60,800 in savings over a 30-year mortgage.

## Transport

An interrogation of the opportunity cost of car dependency found that if a household could own one less car, through the capacity for walking and public transport use, it would likely result in opportunities to accumulate over \$1million in superannuation over their working life, or to purchase a home worth \$125,000 more.

These opportunities significantly inform the housing affordability challenge, by encapsulating living affordability, alongside the direct cost of housing. Accessibility is key (to shops, parks, schools, community facilities, transport stops), but the quality of routes and connections is equally important. We are likely to walk further if the experience is interesting, comfortable, and safe, while low-quality environments discourage walking.

Unfortunately, accessibility and public realm quality are not distributed evenly across the city. Areas which force more driving, tend to have higher traffic levels and bigger roads, which further discourage walking and cycling.

## Travel time

When we value the time spent commuting, the inequality across the city becomes more stark. This table shows the total annual costs of commuting, to consumers and businesses, including time costs at the average wage. The unfair cost burden to the outer suburban residents is clear – paying more than double, or \$268 more each week, than inner residents using public transport, in areas typically associated with the most ‘affordable’ housing.

| Total weekly cost of commuting<br>(2006 dollars, including time cost) | Inner Melbourne | Middle Melbourne | Outer Melbourne |
|-----------------------------------------------------------------------|-----------------|------------------|-----------------|
| By car (new standard car)                                             | \$338           | \$387            | \$502           |
| By Public Transport                                                   | \$247           | \$331            | \$515           |



## Energy

While costs for utilities are influenced by lifestyle, the opportunity to save money presented by more efficient and compact housing is significant. The Victorian Energy Saver Website shows that the annual energy cost for a house (all electric, two adults, two children) is \$3,289.64. The cost for a Unit, by comparison, is \$1,643.01, saving \$78,357 over 30 years.

## Non-monetary (social) value

Walkable neighbourhoods also promote social interaction – passing your neighbours, making contact saying hello, making friends – something we are all missing in this period of social distancing!

Traffic levels affect opportunities for friendships and social connections in streets, as well as perceptions of one's 'home territory'. Higher traffic reduces opportunities for social connection. Lower-traffic streets lead to larger perceived home territories, encapsulating shared spaces which reduce social isolation. Transport accessibility links people to opportunities for work, study and social connections. Parts of the city with lower transport services can therefore experience increased isolation and more loneliness.

## Actions

Clearly where you live, and the opportunities that your home and neighbourhood present, make a big difference to your financial position. So, what should we planners and urban designers do?

**Ensure everyone has convenient, safe and enjoyable access to a local centre, shops and services:** The presence of a local centre within easy walking distance is a foundation for an affordable lived experience. The value of accessible, connected housing should not just be for the older inner suburbs. This will help distribute liveability value, and cost savings, more evenly across the city. It ideally goes beyond the 20-Minute Neighbourhood, to a 5-minute local walk.

Some parts of Australian cities clearly present challenges to living standards – liveability is not distributed equally. The areas with the lowest-priced housing also have fewer local jobs, and are more distant from job centres (and entertainment, culture and education opportunities), which can lead to longer commutes. In 2010, the median journey to work distance for residents of Melbourne's outer growth areas was 50% higher than the metropolitan average, while some growth areas were double the metro average.

**Make urban places across the city which attract businesses, and workers:** This will help bring jobs and high-value work closer to people and where they live, again sharing



accessibility value. Working from home currently provides opportunity to reframe how we locate our work and home in relation to each other. The problems of long commutes are well-documented, while a large US study found that the ideal commute is actually 16 minutes each way, providing time to think and decompress. It also found that people are happiest walking to work, commuter rail and cycling are also good options, but driving is by far the most stressful form of commute.

The 16-minute commute ideal aligns neatly with Melbourne's 20-minute neighbourhood principle in *Plan Melbourne*. But residents need the opportunity to access good jobs across the city. Employment is distributed across the city, but high value jobs tend to be concentrated in and around central Melbourne.

Melbourne's increasing demand for opportunities to work beyond the central city, and reduce travel times, are illustrated by strategic initiatives such as the National Employment and Innovation Clusters, and local actions like the emergence of co-working spaces across the metropolitan area, including Dandenong, Broadmeadows, Sunshine, Cheltenham and many others.

**Make housing more compact, efficient, comfortable, and better-designed,** reducing the impact of housing, and the costs for residents. While smaller homes may be perceived as less value for money, the benefits of well-designed and efficient homes must be communicated and shared.

**Bring housing closer to the street, to facilitate interactions and connections, and make streets more walkable.** A home which engages visually with the streetscape or public environment facilitates interaction, social connections, and safety in the street.

Walking on streets where homes make a tangible contribution to the experience, is more enjoyable and less isolating for people. That means safer streets, healthier people, and more viable local businesses. The value of this interaction is hard to quantify, but it supports stronger feelings of home, connectedness with place, and a sense of belonging.

**Communicate better, publicly.** The benefits of well-located, accessible, efficient housing need to be more effectively understood and conveyed to the community, to inform and influence housing decisions. Better communication will shape smarter choices and increased demand for smarter, better housing.

At an ideal time, establish fresh perspectives and approaches in cities and towns, recognising that how we plan and develop housing, in connection with places for work, education and recreation, is a major component of housing affordability outcomes, and that reducing the financial burden of housing is within the reach of effective urban design and planning. ●

**Simon McPherson is Director of Global South, a collaborative urban design practice, and Founder of Liveable, an early-stage housing choice start-up.**

**For detailed references, he can be contacted at [simon.mcperson@globalsouth.net.au](mailto:simon.mcperson@globalsouth.net.au) [www.planmelbourne.vic.gov.au/current-projects/20-minute-neighbourhoods](http://www.planmelbourne.vic.gov.au/current-projects/20-minute-neighbourhoods).**



## Ministerial Direction 19 – one year on

**Mark Chicoine**

*After more than a year of operation, it is timely to reflect on the introduction of Ministerial Direction 19 and its effect on strategic land use planning in Victoria.*

In October 2018, the Minister for Planning issued new Ministerial Direction No.19 and with it a new requirement that planning authorities seek early strategic planning advice from Environment Protection Authority Victoria (EPA). The new requirements implemented the Victorian Government's response to Recommendations 10.1 and 10.2 of the Independent Inquiry into the EPA. The purpose of the new requirements was to ensure earlier EPA involvement in strategic planning processes so that planning decisions are better informed about environmental, amenity and human health risks.

### What are the requirements?

The purpose of this Direction is to require planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that establish the use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

Ministerial Direction No.19 requires that in reviewing a planning scheme or preparing a planning scheme amendment, a planning authority must:

- Seek the written views of EPA about the potential impacts of the proposed review or amendment and any strategies, policies, plans, or reviews forming the strategic basis for the review or amendment, including precinct structure plans, on the environment, amenity and human health.
- For a planning scheme amendment, include in the explanatory report a statement of how the proposed amendment addresses the views of EPA.

To ensure that EPA was engaged as early as possible in the planning process, the associated Ministerial Requirement requires a planning authority to provide the Minister for Planning the written views of the EPA. This would include an explanation of how the proposed amendment addresses any issues raised by EPA when seeking authorisation to prepare the amendment or when preparing an amendment under Section 9 of the Act.

Council officers consulted during the development of the Direction, stressed the importance of making the application of the Direction deliberately inclusive of all strategic work leading up to an amendment, and not just when an amendment was exhibited. Without this, key directions and decisions regarding land uses would already be made, making it difficult to accommodate EPA advice and guidance at a later stage.

### Is MD19 resulting in more early referrals to EPA?

EPA tracking indicates that referral requests to EPA Planning increased by 26 percent over the year prior to the MDs approval. A significant but not unexpected rise. Despite this increase, the addition of more planning staff and changes to internal processes has ensured that EPA has been able to effectively manage the increased workload.

While early referral requests to EPA (prior to authorisation) increased 101 percent over the year prior (2017/2018), requests for advice later in the process (exhibition/post exhibition) were down 30 percent. This indicates that with the overall increase in requests, a much greater proportion of requests are occurring early in the strategic planning process. This suggests that MD19 appears to be having the desired effect of increasing early consultation with EPA.

### What are we being asked to comment on?

With reference to Part A of the Direction, the matters to be considered are intended to be broad, including *“the review of planning schemes, preparation of planning scheme amendments and any strategies, policies, plans or reviews forming the strategic basis for a review or amendment, including precinct structure plans, that may:*

- Allow the use or development of potentially contaminated land, and/or trigger the requirements of Ministerial Direction No. 1 or State Environment Protection Policy (Prevention and Management of Contamination of Land).
- Allow the use or development of land that could result in water, noise, air or land pollution impacts on the environment, amenity, or human health, including as defined by State Environment Protection Policies.
- Allow the use or development of land within a buffer or separation distance for industry, including as set out in the Recommended Separation Distances for Industrial Residual Air Emissions – Guideline – EPA Publication 1518, as amended, and other relevant EPA guidelines.
- Allow the use or development of land within a buffer or separation distance for an industry engaged in materials recycling, refuse disposal, transfer station (waste and resource recovery facility), including as set out in the EPA Victoria Best Practice Environmental Management Publication 788.3, Siting, design, operation and rehabilitation of landfills (Landfill BPEM), as amended, and other relevant EPA guidelines.”

For this reason, common themes to EPA Planning's referral advice relate to:

- The identification and appropriate assessment of potentially contaminated land;
- The application of the Environmental Audit Overlay (EAO) and whether it is appropriate to delay the completion of an audit;
- Application of recommended separation distances for industrial residual air emissions (IRAEs), (dust and/or odour); particularly where new sensitive uses are proposed in an urban renewal setting; or
- where there is a risk of encroachment on critical infrastructure such as a wastewater treatment plant or a landfill.

Not unexpectedly, EPA Planning was also seeing matters being referred that were not within EPA's remit. In response, we have sought to educate planning authorities through feedback on the type of proposals that EPA can add value to. Only those matters where there is a risk of harm from pollution or waste need to be referred – we don't need to see Tree Protection Strategies!

### Who are we engaging with

EPA Planning has engaged with a wide number of planning authorities including the Victorian Planning Authority (VPA) and various local Councils both generally and when specific proposals are being considered. We are involved in a broad range of strategic planning matters and are pleased with the

level of influence we are having. Most importantly we are more involved with the careful consideration of encroachment and potentially contaminated land. Early engagement has led to more in-depth discussions regarding:

- the need for, and timing of environmental audits,
- the need to better understand offsite amenity and human health impacts associated with buffers to industry, and
- the use of planning tools as a way of managing encroachment.

## What has been the experience of planning authorities?

The initial anecdotal response from planning authorities to the implementation of MD19 has been positive. During eight DELWP/EPA led state-wide council forums held in March-May 2019, local and state government planners expressed a sound understanding of the new requirements and an acknowledgement of the value of obtaining early advice from EPA. We continue to focus our efforts on supporting planning authorities with information that will assist them at the start of an amendment process.

Feedback from VPA has been that MD19 has had benefits to their work in planning for places that are growing across Victoria. They have found it valuable to gain input from the EPA, providing an early indication of the scope of investigations required, and the potential pathways for resolution. They have also provided feedback to EPA to ensure the benefits of MD19 are optimised.

VPA have provided positive feedback regarding the timeframes for the turnaround of advice from EPA. From this feedback, EPA has concluded that the increase in EPA planning resources and our internal authorisation and review process has resulted in efficiencies in our assessment and advice process. EPA's MD19 advice represents a clearly authorised response from EPA during the strategic planning process. This has provided greater certainty to the rezoning/planning scheme amendment process, and hence certainty for existing and future local communities, developers, and planning authorities.

Feedback from the City of Whittlesea has also been positive. The City of Whittlesea has recently benefited from the use of MD19 through the adoption of a significant amendment to rezone approximately a 140ha parcel of land to employment uses. The land is close to a range of different uses including a quarry, former landfills, and a shooting range. Using MD19, Council sought guidance from the EPA early in the process regarding the potential impacts.

The Planning Team at the EPA assisted Council in understanding the impacts of adjoining land uses, the relevant EPA publications, and were open to discussing the tools which could be used to respond to them. Council was able to work with the EPA to draft revised controls, including the schedule to the Development Plan Overlay (DPO), to ensure the requirements for further environmental assessments were appropriately undertaken as part of future development.

It was considered beneficial for Council to have the EPA supporting the proposed changes to the amendment that were later presented to the Planning Panel. This was made possible by the early engagement required by MD19.

## Continuous Improvement

The application of the MD19 process has continued to develop since its initial introduction. At first, key stakeholders (Councils, VPA and other parts of State government) were unclear regarding what information should be provided to the EPA to enable it to provide its advice. However, during subsequent negotiation and discussion, it has become clearer as to what information was needed, and what level of support EPA could provide to the strategic planning process.

EPA has worked closely with a number of key stakeholders to ensure that they have a single point of contact at the outset of a project. We are committed to providing a service that adds value to the decision-making process, where timeframes for response are understood, where information requirements are clear and where communication lines are open. ●

**Mark Chicoine is Senior Planning Policy Officer, Major Projects & Planning at Environment Protection Authority Victoria. He can be contacted at [mark.chicoine@epa.vic.gov.au](mailto:mark.chicoine@epa.vic.gov.au)**



A shoutout to the young and emerging planners out there – there is no doubt that there are few who will not be affected by the current

economic circumstances. For those starting their careers or emerging planners who are settling into the industry however, this can be an especially daunting time with the prospect of missing out on a year's worth of networking and interning opportunities, as well as the likely diminished employment opportunities in the years following. I did not experience the recession in the 1990s or the 2008 GFC in my career, but it has certainly been interesting looking at these events and how industries and economies adapted in the years following. With every trough there is a peak with new opportunities, and when we bounce back the reconfigured industry will be more aligned with the younger generation (for example, being more digitally connected, and updates to policy and legislation and leaving behind redundant or outdated legislation).

A fellow PIA Vic committee member recently made a very apt point about classmates and friends who went down slightly, or very, different paths after their planning degrees (ie not specifically a role as 'urban planner') following the GFC. This

highlights how broad and multidisciplinary 'urban planning' can be, and the skills planners have which are well translated into social policy, strategic planning, advisory, communications, and research. Keep this in mind moving forward.

The planning profession and PIA are here for you, and we are exploring ways to keep connected and to provide networking and education/training opportunities such as through the PIA mentoring program, virtual coffee catch ups, and the upcoming virtual trivia night. The PIA Victoria Divisional committee and the PIA VYP committee members are more than happy to have a chat and talk through any concerns or ideas you might have. You can find our contact details on the PIA website [www.planning.org.au/vic](http://www.planning.org.au/vic) ●

**Estella Qing PIA (Assoc) is a Planner and VYP Convenor**



# Addressing climate change mitigation

## a continued role for planning

Andrew Butt MPIA

How we live and move about in Australia's cities is a key contributor to our greenhouse gas emissions and offers great potential for mitigating. Households energy use contributes about 12% of national emissions. Cars and light vehicles are the largest single transport sector by emissions. The form and structure of our cities, where we live, work and go about our daily lives is a big contributor to this, and decades of planning and urban have locked in patterns and practices that have made this hard to change.

Planning systems have to recognize and get serious about the role urban development and its regulation in climate mitigation. Despite the importance of planning for adaptation, including through highly visible planning issues such as bushfire vulnerability, adaptation alone should not be our goal. How we plan and build our cities and communities is a key contributor to greenhouse gas emissions. Contributing to emissions reduction – mitigation – has to be a planning priority.

Regardless of technological solutions, the causes of our ongoing dependence on long commutes, energy-intensive built form and continuing suburban growth. At the last Census, over 60% of journeys to work in Sydney and Melbourne were by car. Fewer than 5% were by walking or cycling. Yet over 10% of car commutes in each of our largest cities were under 2.5km, and over 40% under 10km.

In our largest cities the expansion of the urban footprint has been led by housing development, not jobs growth. For example, new urban growth in Melbourne's south-east, north and west are some of Australia's fastest growing areas, yet public transport and schools and local jobs are not keeping up, necessitating long travel time which have big social and health impacts, beyond greenhouse gas emissions alone.

The priorities for planning should be on how to live locally in mixed use neighbourhoods where the various forms of housing and access to activities and jobs across our cities. Smaller cities in Australia offer some examples of this, and at a national scale planning for growth in areas beyond just a few large metropolitan cities should be a priority – but this means jobs and infrastructure sooner rather than later. We should not just wait for energy alternatives and solutions as the benefits of increasingly 'living locally' and of solutions to car-dependency and long commutes extend to many facets of life. Planning for a reduced carbon footprint in our cities brings a range of potential benefits to their liveability and that can only be a good outcome. Under the current pandemic condition it is apparent that the quality of local neighbourhoods is more crucial than ever. ●

**Andrew Butt is Associate Dean of Sustainability and Urban Planning and can be contacted at [andrew.butt@rmit.edu.au](mailto:andrew.butt@rmit.edu.au)**



## Vale Mike Veitch

Michael John Veitch died peacefully on 23 February 2020 in Brisbane, aged 71. Mike was the founder of Veitch Lister Consulting and the developer of Zenith, the most widely used transport model in Australia today.

Mike was born 23 February 1949 in Moascar Egypt and spent his early years there and in Hong Kong. His family returned to the UK for Mike's education where he graduated with a

Bachelor of Science majoring in civil engineering before going on to complete a Masters of Transport at Leeds University, graduating at the top of his class. His thesis topic, *Measuring the Tensile Strength of Thin Films of Bitumen*, gives little indication of where he would ultimately make his mark.

Mike moved to Australia in the early 1970s to start his planning career. His first job was with the NSW Department of Main Roads, implementing the Sydney Regional Plan's proposal for a new 500km freeway network. A young profession, as transport planning then was, gave everyone great opportunities. Mike, then in his mid-20s, would represent the DMR at townhall meetings attended by up to a thousand people. Mike wouldn't stay long in Sydney, moving first to Melbourne to join Alan M Vorhees and Associates (now MVA), then to Brisbane with the Metropolitan Transit Authority before a stint in Hong Kong working on the Tuen Mun public transport plan.

On his return to Australia, Mike established a transport planning consultancy, Bornhorst & Ward Veitch (BWV), which by 1993 had become Veitch Lister Consulting (VLC). Today

VLC now employs over 50 people with offices in Brisbane, Melbourne, and Sydney.

Mike purchased his first computer in 1982, developing a program to predict the results of horse races. Concluding that race results were rigged, he shifted focus to modelling traffic volumes. Zenith was developed in the early 1990s to meet a growing demand for multi-modal modelling. Mike's sons tell how the core modelling software was developed during a four-week family holiday to Bali, followed by endless hours at the kitchen table at home. The algorithms developed then remain at the heart of the model some 25 years later. Zenith is now used extensively around Australia as a key tool for network planning. Given Mike's hands-on knowledge of his model, he was uniquely placed to provide advice to clients that acknowledged the strengths and weaknesses of transport models.

The last decade saw Mike engaged as an expert witness in a number of cases concerning various failed toll roads. Mike felt that the profession had been let down by those who would manufacture traffic forecasts just to win a tender. One lawyer tells how he asked Mike to take things seriously because he was about to be grilled by one of the top three barristers in Australia. Mike responded with a laugh "He'll have no chance against the best traffic forecaster...".

Mike is survived by his sons Nick and Tim who now lead VLC, their sister Katie, and his ex-wife Sue. Mike's humour and his love of a chat over a glass of red will be sorely missed by many in the transport profession. ●

**Eric Keys, Nick and Tim Veitch**

# What I Wish Planners and Designers Knew about planning for pandemics

Vincent Ng PIA (Assoc)

An epidemiologist turned transport planner, an architect, a digital health expert, and 60 planners walk into a bar. Uh, wait a minute. Sorry, no they don't! The pub's sadly closed.

Faced with the intractable dilemma of what to do when the pubs are closed, Melbourne University's Planning Student Society (MUPSS) decided to take to the digital realm and, fortunately, the good news is that the virtual pub's still open. Last year, one of our most successful series was 'Planning at the Pub', in which we invited a speaker or two to share a few insights into a topical planning issue. Given the constraints of not being able to meet physically, the committee this year decided to launch a virtual event series, partially inspired by PIA NSW chapter's "What I Wish Planners Knew" series with a virtual session on "Planning for Pandemics," moderated by MUPSS Education and Industry Officer, Natasha Manawadu.

Grappling with how pandemics and built environments intersect is not a simple question. As Mark Stevenson, Epidemiologist and Professor of Transport Planning and Public Health at the University of Melbourne noted, the built environment and pandemics have historically been closely intertwined. From cholera and open sewage systems, to the Spanish flu which spread significantly through transport networks, there is undeniably a close relationship. Some countries have already begun repurposing large venues – and even public transportation – as critical healthcare infrastructure (eg London is repurposing stadiums for emergency hospitals, Australia is using hotels – and previously offshore detention centres – for quarantine measures, and France is using its TGV to transport critically ill patients to less overwhelmed areas for emergency treatment).

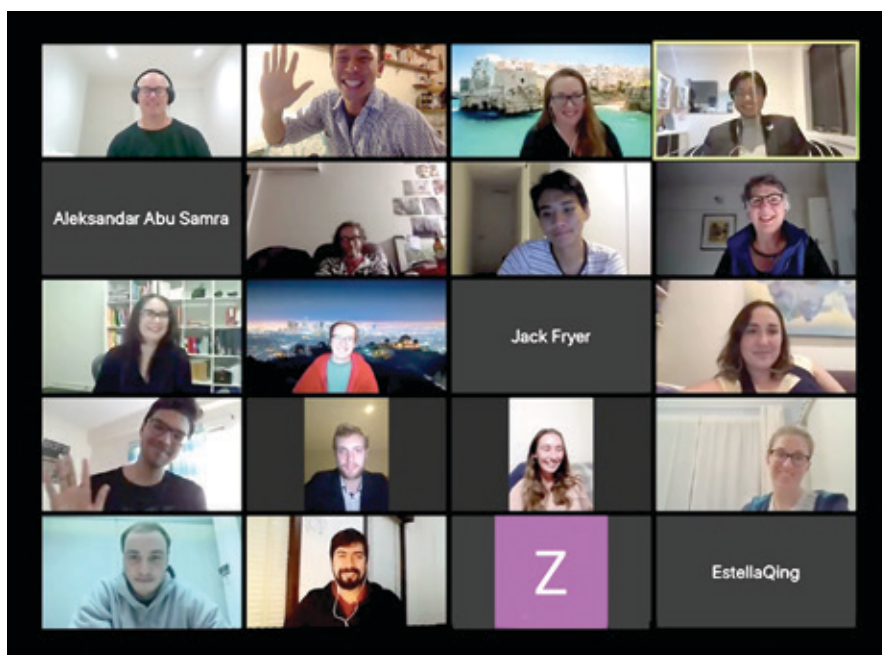
As Rachel de Sain, advisor for the national eHealth policy highlighted, the test of working from home in Australia has actually revealed our gross under-investment in digital infrastructure. According to a recent 2020 global index by Speedtest, Australia ranks 68th in the world in average internet speed, lagging behind Kazakhstan. "Our NBN is simply not sufficient. How do we expect aged care homes, hospitals, or even residences to take advantage of opportunities for telemedicine if we don't even have the digital infrastructure to make a 'healthy' city." Perhaps planning codes need to have digital infrastructure requirements embedded? On the point of digital infrastructure, Mark further added, "We are in the middle of a pandemic. We need to be finding ways to track and isolate movement around a city. Contact tracing has been shown to be incredibly effective at isolating cases and physically cordoning off areas within the city." How we plan and design cities, and even the type of building materials we use, can significantly impact our ability to use digital enhancements to improve health and wellbeing outcomes.

Tania Davidge, architect and President of Citizens for Melbourne, who notably led the campaign against the location of an Apple store within Federation Square, cautioned that "it actually makes planning for public space, parks, gardens, and our streetscapes even more important. The shape of our cities shouldn't be driven by fear. As in the physical realm, we also need equitable digital access. Not everybody has the ability to access the internet. As with public space, the digital public is a forum that requires us to ask the same questions of digital public forums. Who owns the platform? Who has access? How is it moderated? What does a publicly owned Facebook look like?"

Speaking further on the topic of policy and governance, Tania stated that "while pragmatic infrastructure streamlines (development), the government's ability to care has been left behind. It comes back to fundamental questions about complex issues such as housing. In a pandemic, where do we house the homeless, and what about people living with the threat of domestic violence? Affordable and social housing has been neglected for a long time and the issues are only further exacerbated in a crisis situation." As planners, designers and city shapers, equity must be at the forefront of our minds.

Sustainability is also paramount, Mark Stevenson elaborated. "One of the most unusual outcomes of COVID-19 is that there is a phenomenal natural experiment happening where we are seeing some of the most substantial decline in PM 2.5 air pollutants. We are starting to actually see what visions for a sustainable transport system could look like!"

Perhaps what COVID-19 will leave us with is an opportunity to shift not only what it means to do healthcare, but also how we think about the built environment. As Rachel concluded, "20% of a person's health is based on clinical care rest, but the rest is how you've lived your life." Particularly in times of crisis, cities cannot lose sight of the importance of creating thriving and equitable spaces, both in the physical and digital realm. ●



Link to our video of the talk at <https://tinyurl.com/y8gvoz17> Special thanks to PIA VYP, PERMITSS, MAPS, and The Good City Foundation for their support of the "What I Wish Planners and Designers Knew Series."



# Melbourne Industrial and Commercial Land Use Plan (MICLUP)

Henry Wallis

In April, the Department of Environment Land Water and Planning (DELWP) released the Melbourne Industrial and Commercial Land Use Plan (MICLUP). This followed a brief consultation period in November and December 2019 where a total of 104 submissions were received by DELWP.

The MICLUP will have significant implications for how future decisions relating to land supply and permissible uses are made. It aims to *'provide an overview of current and future needs for industrial and commercial land across metropolitan Melbourne'* and generally enable state and local government to effectively plan for the future of these areas

The structure of the plan includes a hierarchy for commercial and industrial areas and eight specific actions to support planning for industrial and commercial land going forward. These are supported by four key planning principles. The plan will have wide ranging implications for commercial and industrial landowners as well for State and local planning agencies.

## MICLUP Background

Melbourne's population is forecast to undergo significant growth from 4.7 million in 2016 to 6.3 million in 2031 and then on to 8.5 million people by 2051. The MICLUP highlights this growth and the corresponding 857,000 additional jobs required by 2031, and a further 1.8 million jobs by 2051 to support the larger population, as the key drivers in demand for commercial and industrial land across Melbourne. The growth and the structural changes the Victorian economy is facing makes the orderly planning of industrial and commercial land more important and likely more contested than ever. The MICLUP surmises that based on current and forecast growth:

- There is approximately 23 years supply of zoned industrial land available and approximately 17 years supply of unzoned land that has been identified as future supply for industrial purposes; and
- An additional 10 million square metres of commercial floor space will be required by 2031.

## MICLUP Structure

Four overarching principals are set out to guide the future planning for industrial and commercial land. These relate to themes of:

- The provision of long-term land supply.
- Recognition of the contribution industrial and commercial areas make to state and local economies.
- Providing clarity and certainty.
- Supporting industry and business to innovate and grow.

To achieve these principles, the MICLUP establishes a hierarchy for commercial and industrial land consisting of State, Regionally and Locally significant Industrial and Commercial precincts.

**State significant** industrial and commercial areas are identified in the Metropolitan Planning Strategy. They include State Significant Industrial Precincts (SSIPs), the central city and Metropolitan Activity Centres.

**Regionally significant** industrial areas are those that contribute significantly to local and regional economies and those identified in Growth Corridor Plans. Commercial areas include places identified in Plan Melbourne as Major Activity Centres as well as growth area business with residential precincts identified in Growth Corridor Plans.

**Locally significant** industrial and commercial areas include industrial land not identified as being of State or Regional significance, as well as commercial land in neighbourhood activity centres and other small local centres. The plan states that Councils are best placed to determine how local industrial areas are to be planned for and provides draft guidance for the development of local industrial land use strategies. To aid the implementation of the plan eight specific actions to support planning for industrial and commercial land going forward are set out. These relate to:

- Implementation new and updated policy into the Victoria Planning Provisions.
- Development of a more sophisticated methodology assess future supply and demand.
- Review of the commercial and industrial zones in relation to use for dwellings in commercial areas and flexibly of uses in industrial areas.
- Instruction for Councils to prepare industrial land use strategies and activity centre strategies.

## Implications

Generally, the plan sets out a clear process for the relevant planning and government agencies to achieve the long term aims. These processes are based largely only the hierarchy of significance set out in the plan. Possible implications of the plan will affect planning agencies, commercial and industrial landowners as well as business operators who have changing land use needs. The stronger settings for State and Regionally significant areas raise the threshold for rezoning or alterations to the existing controls. While this provides certainty for business and landowners it may also close to the door on future plans that aren't a close match to the existing controls. Correspondingly, owners of significant portfolios may focus advocacy efforts on changes to the controls in Locally significant areas. As a result, Councils are likely to experience additional pressure on existing industrial and commercial policies. Many are likely face the need to revisit and strengthen strategies to support their positions.

Importantly, the plan provides opportunities for key stakeholders to inform the methodology used to calculate the supply and demand for industrial and commercial land. The changing needs of logistics and advanced manufacturing sectors are briefly referenced in the plan but other significant sectors with specific needs such as Large Format Retail are also likely to advocate for particular reference in supply and demand calculations.

Lastly, as the market come to terms with immediate and ongoing impacts of COVID-19, it remains to be seen if there will be a need to revisit strategies set out in the MICLUP. However, there is strong sentiment across the board that COVID-19 could change the look and feel of Australia's cities and suburbs in the long-term. Discussions are ongoing at a Federal level that may see a move back toward local manufacturing and self-sufficiency which may impact the long-term industrial land requirements. Implications of increased update of work from home options and increased volume of home deliveries may also need to be factored into commercial and industrial strategies over time. ●

**Henry Wallis is Senior Urbanist at EthosUrban and can be contacted at [hwallis@ethosurban.com](mailto:hwallis@ethosurban.com)**

# Small steps towards positive change

Jake Koumoundouros

In town planning, and transport planning in particular, we can easily get caught up in the big ticket and highly political projects that seek to improve how we move within our cities, such as the Melbourne Metro Rail Tunnel. While these are necessary projects, there are some more nuanced and 'lower-scale' initiatives we can plan for which would have just as positive an effect on our cities.

On 19 April 2020, Premier Daniel Andrews announced that, following the lead of New South Wales and South Australia, pedestrian traffic signals within the Melbourne CBD had been automated as an additional protective measure against the spread of Covid-19: pedestrians no longer need to push the 'beg button' to initiate a sequence.

Despite its apparent insignificance at first glance, this is actually a big step towards making our city much more pedestrian friendly and liveable. This is a positive outcome as it raises the status of pedestrians in our streets and embraces the idea of a 'sustainable transport hierarchy'<sup>1</sup>. It ensures that pedestrians are not forced to wait an entire traffic sequence *after* pressing the 'beg button' to cross the road. This improves pedestrian experience, reduces walking times and improves the perception of walking as a viable mode of transport. Alas, this appears to be only a temporary initiative.

As COVID-19 forces us all to make changes in our lives, the pandemic can also provide us with the opportunity to reflect on how our cities function and how they could be changed for the better. Such changes can be small, yet very effective, including those which make our cities more pedestrian friendly.

Building on the positives of automating pedestrian signals within the CBD, there are other relatively straightforward initiatives which could be implemented, as listed below. In listing these, it is acknowledged that transport planners have previously tabled these suggestions<sup>2</sup>.

- Making the change to automated pedestrian signals permanent, with 'beg buttons' remaining in-situ only to allow the pedestrian phase to occur sooner.
- Expanding the scope of automated pedestrian signals to beyond the CBD.
- Reducing pedestrian wait times. In cities such as London, a pedestrian may wait as little as 40 seconds to cross the road<sup>2</sup>. Sydney's shortest wait period is 45 seconds while Melbourne's is 65 seconds<sup>3</sup>.
- There should be a pedestrian phase for every vehicle movement phase.
- More intersections should have an all pedestrian phase, similar to the function of the intersection at the corner of Flinders and Elizabeth Streets in the CBD.

Such initiatives elevate the status of pedestrians and therefore provides for an improved lived experience. They are also nuanced and can be tailored to specific contexts. Implementation can be via standalone projects or as smaller elements in streetscape improvement works – including as actions within urban design frameworks or activity centre structure plans.

It is also well known that Government wishes to encourage walking as a mode of transport, for a range of reasons

including health, environmental sustainability, and economic development<sup>4</sup>. Improving pedestrian environments, even by simply minimising wait times or removing 'beg buttons', will help to achieve this goal. It will also work to support increases in residential density.

To this end, it is acknowledged that even the time spent waiting at intersections can influence one's perception of the feasibility of walking, making less sustainable mode of transport more desirable<sup>1</sup>. Reducing waiting times for pedestrians will improve the perception of walking as a viable mode of transport, thus encouraging more people to walk.

This has the flow-on effect of encouraging more people onto our streets, making the public realm more vibrant, which also encourages more people onto the street, thus creating *places* out of movement<sup>5</sup> and the positive cycle continues...

It is important to point out that traffic light sequences are designed to have pedestrians stop at every intersection they come to (unless somebody else has pressed the 'beg button' beforehand).

It would be absurd to expect a driver to stop at every set of traffic signals and wait its full cycle before setting off again (even if pedestrians in the same direction of travel had a green light). People would rightly think that was outrageous, yet we accept this for pedestrians at almost every signalised crossing.

As uptake in the motor vehicle increased, pedestrians were further and further shunned from our streets. We now value our streets, and our time roaming them, so let's take the opportunity now to grab the low hanging fruit and make lasting improvements to our pedestrian experience. Let's reclaim our streets for the people!

1. Department of Transport and Main Roads, "Sustainable transport hierarchy", *Multimedia walking content*, Queensland Government, Brisbane, 12 December 2019.
2. David Levinson, "How traffic signals favour cars and discourage walking", *The Conversation*, 11 June 2018.
3. Naaman Zhou, "Placebo buttons: Australian pedestrians press for no reason at traffic lights", *The Guardian*, 9 September 2018.
4. Department of Environment, Land, Water and Planning, *Plan Melbourne 2017-2050*, Victorian Government, Melbourne, 2017.
5. Department of Transport, *Movement and Place in Victoria*, Victorian Government, Melbourne, 2020. ●

**Jake Koumoundouros is an Urban Planner at Human Habits, and can be contacted at [jkoumo@outlook.com](mailto:jkoumo@outlook.com)**

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## Around the globe



Photo: The Guardian

### Milan ambitious scheme to reduce car use after lockdown

Milan is to introduce one of Europe's most ambitious schemes reallocating street space from cars to cycling and walking, in response to the coronavirus crisis. The

northern Italian city and surrounding Lombardy region are among Europe's most polluted and have also been especially hard hit by the Covid-19 outbreak. Under the nationwide lockdown, motor traffic congestion has dropped by 30-75%, and air pollution with it. City officials hope to fend off a resurgence in car use as residents return to work looking to avoid busy public transport. The city has announced that 35km of streets will be transformed over the summer, with a rapid, experimental citywide expansion of cycling and walking space to protect residents as COVID-19 restrictions are lifted. Marco Granelli, a deputy mayor of Milan, said: "We worked for years to reduce car use. If everybody drives a car, there is no space for people, there is no space to move, there is no space for commercial activities outside the shops. "Of course, we want to reopen the economy, but we think we should do it on a different basis from before.

<https://tinyurl.com/yczqumyg>



Photo: The Planner

### COVID-19: UK Planners concerned about delays to the system

A survey conducted by the RTPI has shown that its members are concerned about

delays to the planning system and its efficient functioning during the coronavirus (COVID-19) outbreak and resulting lockdown measures. After considering the results, the Institute urged the government to issue guidance to prevent unnecessary delays to development and the knock-on effect to the economy. Guidance is needed to address a range of challenges including planning permission durations, site visits, site notices, communication with stakeholders, and transparent decision-making.

The survey, which received more than 1,000 responses from the RTPI's 25,000 members, found that: more than 96% of respondents said they had moved to remote working; 65% have closed their offices completely; 63% said schemes of delegation should be changed to enable planning officers to make decisions during the crisis; 64% said delegated powers should be introduced to cover a wide range of decisions; More than a third said housing delivery targets for 2020 should be reduced and extension of permissions by notice, not application, should be allowed.

RTPI members also said that the reduction of pollution and cleaner air seen during the lockdown should be considered as an opportunity to adopt better practices to achieve net zero targets. The RTPI is working "closely" with the Ministry of Housing, Communities and Local Government (MHCLG) to ensure that appropriate guidance is given to English planners.

<https://tinyurl.com/y8ct7rzo>



### Butterflies stall County Kildare solar farm proposals

Concerns around the fate of small skipper and marsh fritillary butterflies have delayed An Bord Pleanála

in making a ruling on plans for a large-scale solar farm for County Kildare, Ireland. The planning board was due to make a decision on the Bord na Móna and ESB application in recent days. One hundred and fifty people are to be employed during the 25-month construction phase if the scheme secures the green light. However, the appeals board has delayed making a decision on the plan after receiving an objection from Butterfly Conservation Ireland against the scheme.

<https://tinyurl.com/y7ugymf2>



Photo: The Planner

### Construction on HS2 to proceed

HS2 Ltd has issued a 'notice to proceed' to the companies that will

undertake construction on the high-speed rail. This follows Prime Minister Boris Johnson's decision to give the project the go-ahead in February 2020, despite concerns about out-of-control costs and the loss of ancient woodlands. It was made after the publication of the independently led Oakervee Review of HS2, which recommended that "on balance, ministers should proceed with the HS2 project", subject to a number of "conclusions and a number of qualifications". The notice to proceed marks the formal approval for the project to begin the construction phase, but comes as the UK is on lockdown to prevent the spread of coronavirus (COVID-19). HS2 minister Andrew Stephenson said: "While the government's top priority is rightly to combat the spread of coronavirus, protect the NHS and save lives, we cannot delay work on our long-term plan to level up the country. The Department for Transport has published the new full business case for High Speed 2 Phase One at [www.gov.uk/government/publications/hs2-phase-one-full-business-case](http://www.gov.uk/government/publications/hs2-phase-one-full-business-case) For more information see <https://tinyurl.com/y7uzgtbu>



### UK Cycling Minister urged to support safety measures

Pressure groups have urged cycling minister Chris Heaton-Harris to support the reallocation of road space to cyclists and pedestrians during the coronavirus (Covid-19) pandemic and resulting lockdown. The letter highlight that roads are being used less and "that many street layouts across the UK are not currently fit for purpose during the pandemic". It states that the UK has "vast amounts" of road space currently being underused that can be temporarily reallocated at low cost. "This is becoming increasingly essential as key workers choose cycling or walking to get to work, avoiding potential transmission via public transport." In addition, the public is cycling and walking to exercise in compliance with the lockdown restrictions. "In order to mitigate against a second wave influx of coronavirus cases, we feel it prudent to plan ahead and implement these temporary measures now for key workers but also to allow the wider population to travel by bicycle or by foot in the short term as lockdown restrictions lift."

<https://tinyurl.com/ybq6eujj>

## Planning in the News

### New Local Government Act for Victoria

The new Local Government Act 2020 (Vic) is the first comprehensive overhaul of Local Government in Victoria for over 30 years. The first phase of reforms took effect on 6 April 2020, with several other transitional stages occurring this year and up until 1 July 2021. The Government says the new Act seeks to simplify outdated and somewhat convoluted local government processes, and the aims are underpinned by ambitions of improving local government democracy, accountability and council operations, including the ability of local government to respond to emergencies like the current COVID-19 crisis. The new Act will be implemented in four transitional stages and applies to all 79 local councils. During these stages, the new Act will co-exist with a large number of the provisions in the old Act until 1 July 2021. For more detail see <https://www.legislation.vic.gov.au/as-made/acts/local-government-act-2020>



Photo: ABC News – Nicole Mills

### Good news about the Geelong bike lanes

The Victorian Government has snatched control of an award-winning road project in the centre of Geelong, to prevent the “reckless” local council spending \$2 million to rip parts of it up. Bellarine MP Lisa Neville said the State Government’s decision to declare Malop Street a Designated Road Project under Victoria’s Road Management Act would allow Geelong’s green spine project to remain untouched. Ms Neville said the green spine was an important part of the Revitalising Central Geelong Action Plan and “fundamental” to securing the economic success of the city. Stage One of the green spine was completed in 2018. It cost \$8 million and transformed a 200m stretch of road, which runs between Geelong’s two main shopping precincts, into a pedestrian and bike-friendly street lined with gardens, alfresco areas and trees. It reduced space for motorists in order to build separated bike lanes on each side of the street. At the time, Mayor Stephanie Asher, who voted in favour of the changes, said the separate bike lanes were causing too much traffic congestion. <https://tinyurl.com/y7w54rtl>

### New Victorian home for Spirit of Tasmania

TT-Line Company Pty Ltd will move its Victorian port operations for Spirit of Tasmania from Station Pier, Port Melbourne, to Corio Quay, north of Geelong. Chairman Michael Grainger said the move to Geelong provided the company with a unique opportunity to enhance the passenger experience and provide room to expand its freight offering in line with demand for many years to come. “The company’s operations are often negatively impacted by significant congestion in the



greater Port Melbourne area, particularly when cruise ships are in port, that causes delays in loading and discharge of passengers,” he said. Mr Grainger said Independent research of passengers identified three key elements that supported a move to Geelong – a location that was easy to get to, ease of check-in procedures and a lack of traffic getting to and from the terminal. The Corio Quay solution ticks those three boxes and alleviates all of the current operational constraints that exist at Station Pier,” he said. The new facility will be located 40 minutes from 80 per cent of our Victorian -based freight customers and 55 minutes from Melbourne’s CBD. What is not addressed is the fact that the evening departure times and morning arrival times coincide with the peak traffic problems of the Westgate Freeway and Geelong Road.



Photo: ABC Ballarat: Dominic Consdale

### Watchdog probes road project set to chop sacred Aboriginal trees

The Victorian Ombudsman is investigating an Andrews government decision to forge ahead with a multimillion-dollar highway upgrade that has sparked a string of court battles and ongoing protests over the bulldozing of sacred Aboriginal trees. Investigators visited sites along the Western Highway in December last year after fielding a wave of complaints since August about a 12.5-kilometre duplication project removing thousands of trees, including centuries-old natives.

A series of court cases waged by the Djab Wurrung people and private landowners have significantly delayed works between Beaufort and Buangor, while hundreds of activists have flocked to support the Djab Wurrung Heritage Protection Embassy – a campsite set up next to the highway by traditional owners nearly two years ago. But the Andrews government has vowed it would go ahead with the \$672 million project, arguing it would save lives on the dangerous truck route.

That decision will now be probed by the Ombudsman, “with particular regard to concerns raised about protection of sacred Aboriginal sites,” a statement from the watchdog said. The Ombudsman will examine how the alignment was determined by the government’s road agencies and the “extent to which development of the project has made appropriate allowances for the protection of Aboriginal cultural heritage”. Late last year, a Federal Court judge ruled in favour of the traditional owners and overturned a decision by Federal Environment Minister Sussan Ley to give the highway duplication the environmental tick of approval. The Ombudsman’s report will be tabled in Parliament. <https://tinyurl.com/y9qyfzhn> ●



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**EPISODE 4**  
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