

A CHARTER FOR PLANNING

REVISED AND ADOPTED BY THE COMMITTEE OF THE TOWN AND COUNTRY PLANNING ASSOCIATION, 1 SEPTEMBER 1997, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DELEGATED WORKING GROUP

1. PLANNING GOALS

1.1 Efficiency

Planning policy must seek efficiency, in the sense of returning the greatest possible good to the community, to the extent that this may be consistent with ecological sustainability and other agreed objectives.

1.2 Social equity

Planning policy must aim to give all members of the community equal access to benefits and facilities, to the extent that this is practicable and consistent with their own desires and capacities.

[1.2 This is applicable to transport, parklands, health, educational, cultural and all other facilities]

1.3 Ecological sustainability

Ecological sustainability must be a primary criterion for the establishment of planning policy.

1.4 Quality of life

Planning policy must aim to provide quality of life through social interaction, variety of experience, cultural depth and aesthetic satisfaction.

1.5 Amenity

Planning policy must aim to maximise the amenity enjoyed by the relevant property owners and occupiers, neighbours, and the community at large.

1.6 Conservation of nature

Planning policy must protect natural assets including parkland, rural land, coasts, creeks, rivers, wetlands, flora and fauna.

1.7 Conservation of cultural significance

Planning policy must ensure the conservation of the cultural significance of all places.

[1.7 Cultural significance is defined by the *Burra Charter* of Australia ICOMOS. It is distinguished from natural significance, and it includes Aboriginal cultural significance.]

1.8 Quality of design

Planning policy must foster good landscape, urban and architectural design.

2. PLANNING ETHICS

2.1 Common interest

Planning must serve the common interest.

[2.1 The common interest is not to be construed as the majority interest.]

2.2 Property equity

The planning process must treat owners and occupiers of land in an equitable manner. The planning process must give equal weight to the interests of current and future generations.

2.3 Consistency

Changes of planning philosophy or direction must occur in an evolutionary rather than a revolutionary manner. Individual planning decisions must be made on a consistent and, so far as practicable, a predictable basis.

2.4 Public input and accountability

The planning process must be responsive to the needs and views of the community. It must provide for public participation and be open to the scrutiny of the community at all stages.

[2.4 This refers especially to the *directly affected community*, which is not to deny that there may be broader community interest which should also be taken into account. However, that broader interest should not be used to rationalize the imposition of policies which will unduly disadvantage those directly affected.]

2.5 Barriers to participation

Individuals or groups must not be prevented by technical, administrative or financial barriers from exercising their legitimate roles in the planning process.

[2.5 This clause is intended to ensure that the right to participate is not thwarted by legal technicalities, unreasonable charges, the absence of translation facilities, or the holding of hearings in inaccessible locations or inappropriate times. It is also intended to ensure that all parties are able to express their views in relation to projects which are on public land or are funded or underwritten from the public purse.]

2.6 Transparency

The reasons for planning decisions, the evidence upon which they are based, and the principles applied, must be readily accessible to the public in an easily comprehensible form.

2.7 Freedom from political interference

Planning administration must be independent of political interference except where policy decisions are superimposed at the behest of democratic government, or in cases of genuine emergency.

[2.7 The administrative and policy framework of planning is inevitably established by political means, but politics must not be allowed to interfere in the decision-making process within that framework.]

2.8 Overriding commitments

Planning decisions must honour national and international commitments, consistent with this charter.

2.9 Compensation for demonstrable loss

Planning decisions must not curtail or remove the existing rights of owners or occupiers without compensation.

[2.9 No individual should be called upon to bear the burden for the community. Therefore owners or occupiers should not suffer direct, substantial and otherwise unforeseeable loss, whether financial or otherwise, unless fair compensation is paid. This does not imply that there should be compensation for zoning changes in which the existing use is not affected; for the loss of anticipated speculative or development profits; or for gradual changes attributable to overall planning and urban development.]

2.10 Unearned gains

Planning decisions which accord development rights to property owners should include a levy which captures the unearned increment and returns it to the community.

[2.10 Planning decisions must not deliver direct, substantial unearned or windfall gains to property owners. Such gains should not be confused with the legitimate returns from entrepreneurial and development activity carried out *within* the existing controls or zoning, or under new conditions *after* the levy has been paid.]

2.11 Amenity

Planning decisions must give due recognition to the amenity enjoyed by the relevant property owners and occupiers, neighbours, and the community at large.

3. PLANNING PRINCIPLES

3.1 Legislation

Planning legislation must provide an effective and democratic mechanism for the management of all changes in land use, consistent with the goals of this charter.

[3.1 This, like the other clauses in this section, is as applicable to public as to private projects.]

3.2 Policy development

Planning policies should be framed at a state level, having regard to all applicable national policies, treaty obligations, and related state policies already in existence, and these policies should be developed at a regional and a local level.

[3.2 Some applicable international treaties and conventions are: *International Covenant on Economic, Social and Cultural Rights* *International Covenant on Civil and Political Rights* *International Charter for the Conservation and Restoration of Monuments and Sites* (The Venice Charter) (1965) *Convention on Wetlands of International Importance* (Ramsar Convention) (1971) *WECD Legal Principles for Environmental Protection and Sustainable Development* (1987) *Vienna Convention on Ozone Layer* (1985) including the *Montreal Protocol* (1987) *Charter on the Conservation of Historic Towns and Urban Areas* (The Washington Charter) (1987) *European Charter of Pedestrians' Rights* (1988) *Delhi Declaration on the Safety of the Vulnerable Road User* (1992) *Rio Declaration on Environment and Development* (1992) and the associated *Agenda 21* *Biological Diversity Convention* (1992) *Framework Convention on Climate Change* (1992)]

3.3 The development of plans

The purpose of a plan is to provide a just and effective mechanism by which policy objectives are implemented in relation to specific local conditions.

3.4 Objective assessment

Where any social, environmental or material effect is likely to result, the decision itself, and all professional assessments relied upon, must be made by bodies independent of the proponent, user or developer. The process must also allow for public input.

3.5 Information rights

A planning proposal must be properly notified to those who may be affected; adequate information about it must be readily available; and sufficient time must be provided for response.

3.6 The appeal process

The appeal process must enable any interested party to be satisfied that planning decisions are made in accordance with the principles of this charter.

3.7 Environmental and social impact assessment

The environmental or social effect of a planning policy or action must be evaluated before a decision is taken. Where the effect may be significant, the evaluation must take the form of a comprehensive and objective environmental and social impact assessment.

3.8 Government intervention

Government intervention in the decision-making process may occur under only two conditions. The first is where the actions of other authorities or parties threaten to delay, frustrate or bias planning decisions, in which case the intervention must be challengeable at law. The second is where government is willing to offer mediation, financial or other assistance which may help to resolve an issue without disadvantage to the principal parties.

[3.8 Where there is a conflict with government policy or planning objectives, these should be implemented through the planning framework rather than through the decision-making process. That an intervention should be challengeable at law must be taken to mean that genuine challenges should not be ruled out by reason of cost. Any individual or group seeking to mount such a challenge should have the opportunity to establish their bona fides before an independent body such as the Administrative Appeals Tribunal, which should have the power to order that their costs be paid from the public purse.]

3.9 Financial assessment

The financial consequences of acquiring or rezoning land, using or developing public property, or other such planning decisions, must be the subject of competent, independent and publicly accessible assessment as the basis for any financial compensation, assistance, betterment tax, levy or similar transaction which may ensue.

[3.9 Commercial confidentiality must not be used to conceal financial implications relating to the public interest except for a maximum period of sixty days during a process of tendering or negotiation. All parkland should be assessed at market value, in accordance with the Parkland Principles, and a monetary value placed upon trees, fixtures and improvements.]

Public assets should be disposed of, radically altered or committed to new functions only when not required by the community concerned, and with due recompense to that community.

3.10 Public assets

4. PLANNING POLICIES

4.1 Environmental standards

Environmental standards must be defined and enforced objectively, for the good of the community at large, in the present and in the long term.

[4.1 Compromises may be entertained only where they are to the community's demonstrable benefit. Any such proposal must be testable by law.]

4.2 Targets

Targets must be set for the achievement of economic, environmental and social objectives.

4.3 Performance standards

The administration and regulation of land use must be based so far as is practicable upon performance standards which take into account the real effects of the use in terms of economic, environmental and social impacts, and of amenity, where these can be measured. Where these effects cannot be reliably measured, standards and rules based upon precautionary principles should be applied.

[4.3 This clause is not to be used to justify ad hoc modifications to whatever standard is already laid down in a given locality – as in the case of site-specific rezoning.]

4.4 Conservation and rehabilitation of natural areas

Planning policy must seek to conserve and rehabilitate natural areas.

4.5 Containment of urban spread

Planning must seek to control the spread of urban development onto rural land, and more especially to land of high economic, natural or cultural value.

4.6 Minimisation of travel

Land uses should be arranged to minimise the need for travel, particularly by environmentally inefficient forms of transport.

4.7 Integration of land use and transport

Land use and development must be integrated with the necessary systems of transport for people and goods, and on the basis that these systems must be in turn compatible with the ecological and other principles identified above.

4.8 Maintenance of open space

Planning must proceed upon the basis that urban areas are provided with appropriate and sufficient open space for the provision of light and ventilation, psychological relief, aesthetic enjoyment, recreation, nature conservation and other community requirements.

[4.8 Standards for the provision of such space should be drafted, adopted and enforced. Public open spaces including parks and gardens must be preserved by adherence to the *Parklands Code for Melbourne* and the *Parklands Principles*.]

4.9 Long term strategy planning

Planning decisions must accord with the objectives of long term strategy plans.