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Securing travel plans through the planning approvals process: A case study of practice from Victoria, Australia

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ABSTRACT

Travel plans can be required for new developments through the land use planning and approvals process. They contain specific measures that can be implemented at a site to reduce car use and encourage the use of more sustainable transport modes. Travel plans have been used in various countries as a requirement of development approval, including the United States, United Kingdom and other parts of Europe. However, the scale of practice in Australia is largely unknown.

Using a case study from the Australian state of Victoria, a survey of councils was undertaken to assess the scale of travel planning practice for new developments. Results showed that half of the councils had previously required a travel plan for a new development, with a total of around 100 travel plans secured through the planning process between 2010 and 2012 alone. Key issues facing councils include the lack of any state planning policy that is supportive of travel plans, difficulties with monitoring and enforcement, and general uncertainty regarding effectiveness. Some of these issues could be addressed through the preparation of travel planning guidance specific to new developments, comprehensive training, and changes to planning policy and enforcement practices.

Future research is needed to contrast experience with other jurisdictions and to better understand the effectiveness of travel plans at new developments, both in terms of their process and outcomes.

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Introduction

Continued demand for new housing and commercial developments is expected to add further pressure to existing transport networks in many urbanised areas, contributing further to increased greenhouse gas emissions (Tiwari, Cervero, & Schipper, 2011). Given these issues and a limited ability to add more capacity to the existing transport network, Travel Demand Management (TDM) offers an alternative approach by managing existing resources better and modifying the behaviour of transport users. While TDM can include 'hard' policy measures such as road pricing (Seik, 2000), it can also encompass 'softer' measures such as travel plans (Enoch, 2012).

Various definitions for travel plans have been developed over time (Cairns et al., 2004; Department of Infrastructure, 2008; Rye, 2002) with recognition that the term 'travel plan' is probably not the most easily understood but for lack of a better option has remained (Enoch, 2012). For the purpose of this paper, a travel plan can be defined as a strategy that contains measures that are tailored to the needs of a site to reduce car use and encourage

the use of more sustainable transport modes, such as public transport, walking and cycling. Examples of measures in a travel plan can be wide-ranging, although the more effective ones tend to include 'carrots', such as financial incentives to use public transport, as well as 'sticks', such as car parking charges to discourage car use (Cairns, Newson, & Davis, 2010). While results have varied considerably, travel plans introduced at workplaces and schools have typically brought about a median reduction in car use of around 15% (Enoch, 2012).

In recent years, there has been increasing interest in the role that travel plans can play in managing the transport impacts of new developments, such as offices, residential sites, schools and other major trip generators (Addison & Associates, 2008; PBAI, 2005). However, in contrast to existing developments, relatively little research has been undertaken into travel plans for new developments. While applications in the United States (Jollon, 2013), United Kingdom (Rye, Green, et al., 2011) and other parts of Europe (Rye, Welsch, et al., 2011) have been reported, the scale of practice in Australia is largely unknown.

In response to this knowledge gap, a case study of practice from the Australian state of Victoria has been chosen as a focus for this research. Victoria is located in the south east corner of the Australian mainland and is home to over five million people. The

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capital city of Victoria is Melbourne, with a population of around four million people (Department of Transport, Planning and Local Infrastructure, 2014c). Melbourne has been consistently ranked as the most liveable city out of 140 cities surveyed since 2011 (The Economist Intelligence Unit, 2013). A key contributor to this ranking is the quality of transport networks and availability of good quality housing.

While this paper is focused on Victoria, the methodology and approach can be replicated in future to examine levels of practice in other states and countries to obtain a broader perspective.

The overall aim of the research underlying this paper[1] was to develop an appreciation of travel planning practice for new developments, using a case study of Victoria, Australia. Key objectives of the research were to:

- Understand the extent to which travel plans have been required by local government.
- Identify the reasons why travel plans have and have not been required.
- Identify mechanisms used to require travel plans.
- Assess the level of monitoring that has taken place to date and relate this back to planning enforcement and regulation theory.
- Understand levels of travel plan familiarity and experience among local government staff.
- Understand perceptions of travel plan effectiveness among local government staff.
- Gauge the likelihood of local government requiring travel plans in the future.

This paper is structured as follows. The next section sets the context around travel plans for new developments through a review of the Victorian planning system and relevant literature. It then details the methodology employed in a survey to determine the scale and associated characteristics of travel planning practice in Victoria. This is followed by a summary of the survey results which are then compared to the literature. The final section of this paper presents some concluding remarks and identifies future research directions.

This paper uses the term 'council' to refer to a local government elected authority. It is recognised that slightly different terms may be used in other countries such as municipal government or county government.

Research context

Victorian planning system

Despite the development of a national urban policy for Australia in 2011, regulation of urban planning and land use activity is the responsibility of states and territories who each have independent planning systems in place (Department of Infrastructure, 2011).

In Victoria, planning schemes are developed separately for each local government area and contain a range of policies and provisions to ensure the appropriate use and development of land (Department of Transport, Planning and Local Infrastructure, 2014a). While state-wide content is included in the planning schemes and supports access to new developments by more sustainable transport modes, it does not make any specific reference to the use of travel plans. Furthermore, while councils can choose to include local content within their planning scheme, only 4 out of the 79 councils in Victoria (5%) currently include a requirement for travel plans (Department of Transport, Planning and Local

Infrastructure, 2014b). Despite this minor representation, other councils are not precluded from imposing the requirement where it is considered appropriate.

In Victoria, a travel plan for a new development can generally be secured either through a condition on a planning permit or through a formal agreement. Basic principles have been established about the validity of conditions on a planning permit. Each condition must be reasonable and relevant, fulfil a planning purpose, accurately convey its intended effect, and avoid uncertainty and vagueness. In addition, planning conditions must be enforceable (Department of Transport, Planning and Local Infrastructure, 2014a). A formal agreement arises out of section 173 of the Planning and Environment Act 1987 and can be registered over the title of the land and become binding upon future owners (Department of Transport, Planning and Local Infrastructure, 2014a).

Options available to local government for enforcing planning conditions and section 173 agreements range from negotiation and official warnings, to enforcement orders and court proceedings (Department of Transport, Planning and Local Infrastructure, 2014a). However, local guidance suggests that an emphasis should be placed on obtaining compliance rather than on prosecuting offenders (Planning Enforcement Officers Association Inc., 2007). Training of enforcement officers therefore needs to build skills in verbal and written communication, negotiation, and conflict resolution (Victorian Auditor-General, 2008).

Most planning enforcement activity in Victoria is undertaken in response to public complaints (Planning Enforcement Officers Association Inc., 2007). However, it may be questionable as to whether a complaint would arise from inaction of a travel plan, particularly in the absence of any traffic and parking issues at the development.

Planning enforcement and regulation theory

The subject of planning enforcement and regulation theory has received little attention to date (Harris, 2011). However, the theory does suggest two main approaches for achieving planning compliance. The first, commonly referred to as systematic enforcement, favours the use of legislative mechanisms to deter violations such as sanctions and fines. Over the past decade, there has been a shift away from this regime towards a more facilitative approach that is centred on securing compliance, with punitive measures retained as a last resort. This approach favours the use of incentives, negotiation and education to assist offenders to comply with regulations (Burby, May, & Paterson, 1998; McKay, 2003). The facilitative approach is based on the assumption that most breaches of regulations occur through ignorance and are therefore unintended. Harris (2011) argues that the facilitative approach can be suited to situations where resources are limited, given this style of enforcement tends to be less resource intensive than systematic enforcement regimes.

Through a survey of local governments in the US, Burby et al. (1998) found that effective enforcement is more likely to occur with a facilitative approach. Their study identified four key ingredients to achieving successful compliance:

- An adequate number of technically competent staff.
- Strong proactive leadership.
- Adequate legal support.
- A consistent, strong effort to inspect building plans and sites, and provide technical assistance.

While the literature is supportive of the facilitative approach, the ability to use punitive measures should not be neglected, particularly in cases of repeat and flagrant offenders. Punitive

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[1] This paper builds upon a conference paper that was presented at the Australasian Transport Research Forum (ATRF) in Brisbane, Australia in October 2013.