

# OPINION

## BETTER LAWS FOR BETTER CITIES

Our cities are undergoing dramatic transformation. High and medium density residential developments have captured the popular imagination. Shopping as entertainment has led to multi-level shopping malls which bedazzle and bewilder. Mass transit systems are seriously debated as necessary alternatives to private transportation. The urban sprawl has substituted 'the megalopolis' in place of 'the metropolitan' in discourse on Australian cities.

A combination of demographic and economic changes underlie these changes in cities and thinking about cities. As a consequence there have been attempts to re-define urban life. Street culture, cafe society and 24-hour shopping are the new badges of city living. The aim is to create better cities, more livable cities, cosmopolitan cities ... The 'central activities district' has replaced the central business district in Melbourne. Pedestrian plazas have reclaimed roads in many cities. The quality of urban life is high on the agenda of federal, State and local politicians.

But who are better cities better for? Are all people to have equal access to the (supposed) delights of these 'new' cities? Or is the lifestyle of the city merely a marketable commodity which depends for its value on the exclusion of some people from what it has to offer?

There has been little attempt to articulate the role of the law in ensuring that 'better cities' are indeed better for everyone. Where are our laws which guarantee our cities do not marginalise and exclude certain groups of people? Present anti-discrimination laws may be ineffective in addressing the manner in which urban design often ostracises the poor, the young or people with disabilities. And who will police the estate agents who screen prospective purchasers of inner city apartments to ensure that only the 'right' people access this mode of living? Are our cities to become full of self-contained fortresses where the rich

live and work, while the poor struggle for an existence on the streets? And will those streets be closed or open to the activities of those who cannot afford to eat in the stylish cafes or purchase from the fashionable boutiques?

One can already see in our cities attempts to exclude certain groups from various public spaces. On any day in Rundle Mall in Adelaide one can observe young people being subjected to the scrutiny of the police as they 'hang out' in an area which contains no identifiable space for young people to meet. In other areas of the city, public seating has been removed to prevent young people from meeting outside shops. This presumably is bad for business. But there are few alternative meeting places for youth. It seems that young people are welcome if they are shopping, but if not they become a nuisance and need to be moved on.

It is not just the young who are affected by the manner in which space is regulated in the city. Shopping malls present an array of issues for all citizens. To what extent can a shopping mall be regarded as a community centre if the activities which are allowed to take place within its walls are at the discretion of the mall owner. Should publicly used private property be subjected to a different legal regime than other private property? In previous ages, the town square was the focal point for all kinds of community activity and demonstration. If the shopping centre is to now serve that purpose then what should be the obligations on shopping centre owners to provide access to all groups in the community and design their centres around that purpose?

The Planning Strategy for Metropolitan Adelaide states that 'changes in the physical environment need to reflect public values and aspirations'. But then follows an ominous comment:

These values are not always compatible. On particular issues they make contradictory and competing demands for

resources. Judgements have to be made and a balance struck on major factors which are expected to influence the future. Each judgement involves tracing a preferred course, based upon values and the best available information.

But whose values are likely to dominate this process? Much of the debate on urban change surrounds the needs and concerns of developers, investors and the professional middle class. In some cities councils divide on the issue of heritage versus development. While these are legitimate divides our cities are also occupied by other groups who rarely figure in determining the preferred course for our urban environment to take. The homeless, the young, people with disabilities, the elderly and indigenous Australians also deserve to have their values shape the design of better cities.

Many of the recent changes to planning laws, for example, reflect a narrowing of the extent to which community views are simply *considered* in planning with an emphasis on the need to fast-track certain developments. These laws are simply not good enough. Lip service to community consultation cannot replace proper community involvement and control of the environment in which people live, work and play. The law may be only one force which affects urban change but it can be an important device for ensuring that the making of decisions in the urban context are socially just. For those who currently sit on the margins of urban change the demand should be for laws which do just that. 'Better laws' to ensure that they too access the promise of 'better cities'.

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