

National Trust of Australia (Vic)

SUMMARY OF SUBMISSION ON MELBOURNE 2030

The National Trust believes the changes to the Victorian Planning scheme mandated by "Draft Clause 12" of the Planning Scheme has endangered orderly planning and the protection of our built heritage.

General

The National Trust Of Australia (Victoria) is concerned that *Melbourne 2030's* laudable but general statements on environmental sustainability and social equity are not backed up by substance. For example, the government appears to favour spending billions on new freeways over the cost and energy-efficient public transport promised by *Melbourne 2030*. It fails to identify how the promised extra public parkland, recreation facilities, libraries, children's services, low income and assisted housing etc. are to be provided. Experience tells us that our governments do not exact a sufficient "economic rent" for the trade in community owned assets, which includes the character and significance of our historic areas and suburbs.

Urban Development - Resources and Regulation

Melbourne 2030 does not acknowledge the seriousness of water and energy shortages faced by Melbourne as well as other Victorian towns and cities. With a finite (and shrinking) water supply, how is Melbourne to cater for a further one million residents without far stricter controls to reduce profligate consumption of potable water in existing and new developments. Energy consumption controls are also required given Melbourne's unsustainable electricity demand for summer air-conditioning. This will continue to spiral despite the recent 4-Star and 5-Star energy rating required in multi-unit residential development, as these rating systems are based on winter heating needs, not summer cooling needs. Melbourne 2030 is also premature in allowing and encouraging planning permits for intense residential developments when there are no regulations for dwelling occupant amenity standards or amenity protection of adjoining properties. (Rescode standards do not apply to buildings over 3 storeys). Without proper regulation over these aspects of urban development, Melbourne 2030 could deliver a series of energy and water-wasteful residential enclaves with inadequate open space, community facilities, and public transport.

Activity Centre Basic of *Melbourne 2030*

Melbourne 2030 is arbitrary and confusing regarding the definition and location of Activity Centres, and shows a deplorable lack of consultation between its authors and municipal government. The precise location and extent of Activity Centres is very unclear, yet *Melbourne 2030* had the temerity to prescribe a 400

metre catchment area around these ill-defined Centres. Placing the onus on councils to develop structure plans for each Activity Centre after the inclusion of the *Melbourne 2030* Planning Scheme Clause 12 was, and still remains, unfair. Developers are now using *Melbourne 2030* to justify all medium and high density planning applications while “*structure plans...to provide clear direction to investors about preferred locations...to confirm the extent of each centre including areas for higher-density housing*” are hastily being developed by councils with minimal time, professional skills and resources.

The National Trust believes the Activity Centre concept should only apply in outer and developing suburbs and only after proper consultation. The inner and middle suburbs are already well served by shopping centres, community facilities and public transport. A more fine-grained approach is needed to pinpoint suitable locations for high density housing in these areas. *Melbourne 2030* seemingly nominates in ad-hoc manner, whole suburbs as Activity Centres for intense redevelopment (e.g. Northcote, Elwood), while leaving others (such as Balwyn and Brighton) alone. More concerning still is the nomination of inner suburban Activity Centres including much of Carlton and Collingwood (within 400 metres of Lygon St and Smith St), and all of South Fitzroy and Richmond. Poorly managed, *Melbourne 2030* encourages oversized speculative development threatening the scale and character of these low-rise 19th century suburbs. Ironically, development of “brownfield” industrial inner suburban sites outside these precious heritage precincts for new high-rise, is prohibited by *Melbourne 2030* because they are not identified as Activity Centres.

Our Position

The Trust calls for a moratorium on *Melbourne 2030* as a planning policy until municipal structure plans for siting and height controls of high-rise development in all inner and middle suburbs are in place. These structure plans should not be based upon the Activity Centres model but on careful selection of strategic development sites and development of options for well-planned development. For example near middle-suburb railway stations, land could be re-zoned for high-density residential development, covered by individually tailored Design and Development Overlays. Inner suburbs require a careful, fine-grained design and development approach to new high-density development, using former industrial sites outside heritage precincts. Naturally, the normal protocol of consultation and management of the implementation of *Melbourne 2030* between Councils, government and independent planning professionals should be restored as part of the process.

See Detailed Submission on Melbourne 2030 below

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DETAILED SUBMISSION ON MELBOURNE 2030

1.0 Introduction

We are in broad agreement with the government's objectives in containing Melbourne's urban sprawl, its commitment to protecting the outer metropolitan Green Wedge areas from suburban subdivision and development, and a strengthened, more comprehensive system of public transport serving clearly defined Activity Centres in Melbourne's outer ring suburbs. We endorse *Melbourne 2030's* key rationale of ecologically sustainable development (ESD), as stated in its Technical Report (McNabb et al). This report, *Activity Centres Policy Review*, states that the driving force of sustainable development is the reduction of private car use in conjunction with increased public transport patronage. It assumes that Activity Centre clustering of commercial, retail community services and higher (even intense) density housing around existing public transport nodes will bring a range of ESD benefits including reducing private car use, energy efficient building, environmental protection etc. However, the Trust questions the Activity Centre basis of *Melbourne 2030*.

Firstly, without the promised improved public transport links, outer area Activity Centres will not attract high population density or business investment, and private car use is unlikely to drop significantly. There is also no firm funding commitment on the government's part to invest in new public transport; and there is unlikely to be, given the highly cost of the Scoresby and potentially, other new very expensive metropolitan freeways.

Secondly, *Melbourne 2030* has no clear planning mechanism to ensure that Activity Centres will satisfy the ESD objectives of reducing energy and water consumption in the built environment, or improving the quality of natural ecosystems. It does not address the critical issue of Melbourne's finite water supply. *Melbourne 2030* assumes that our existing water resources can cater for an increase of over 50% in the existing number of households. In the light of the government's *Victorian River Health Strategy*, the seriously degraded Yarra and Thompson rivers, and the need to reduce Melbourne's domestic water consumption at existing population levels, it is extraordinary that *Melbourne 2030* assumes a population increase of one million without the need to impose strict water conservation measures on all urban development. The most effective reductions are made by legal and pricing restrictions on consumers but this should be supported by water-conserving building and plumbing design standards.

Thirdly, there are no clear policies to satisfy other *Melbourne 2030* objectives such as social equity in housing and employment opportunities, access to public open space, schools, recreation facilities, medical services etc. in the nominated Activity Centres. It is presently not possible to require the development industry to properly contribute to the desired features of a *fairer, greener city*, or to good

urban design and neighbourhood character- *the great place to be*. A compulsory, comprehensive system of developer contributions would seem the only means of ensuring that private medium and high-density residential developments are *fairer, greener, and great places to be*. Otherwise, who will provide and pay for the low income or assisted housing, aged residential facilities, community facilities such as health centres, social clubs, kindergartens, public libraries, parks and other “non-profit” local government functions needed to service the 620,000 new households in the metropolitan area?

The Trust believes that achieving the many directions of Melbourne 2030 would require far greater government regulation over both public and private development, particularly in Activity Centres where most new development is to be concentrated. For instance, there is no statutory requirement for commercial and residential development to reduce or eliminate the need for summer air-conditioning, electric clothes drying, and use of potable water for flushing toilets. Furthermore, the 4-5 Star ratings yield a relatively poor standard of energy conservation because they do not take summer air-conditioning into consideration. Far better energy-efficient design is readily achievable by simple means such as double-glazing, effective external sun-shading, cross ventilation, and solar equipment. Melbourne 2030 also misses the huge opportunities for localised energy generation via photovoltaic solar panels that can (and should) be incorporated in new development, particularly medium and high-density housing.

Melbourne 2030 appears to have no mechanism providing the new and replacement service infrastructure necessary for dense new populations and built form within Activity Centres.

While not objecting to appropriately located high-rise medium and high-density residential development, the Trust believes the current State planning system is seriously defective without a detailed design and amenity code (such as Rescode) for residential development of 4 storeys and over.

2.0 Effects of Melbourne 2030 on Planning Outcomes

The Trust is deeply alarmed about the *Melbourne 2030* strategy as it affects Melbourne’s established middle and inner ring suburbs, and in particular the areas covered by planning scheme heritage overlays and local heritage policies for appropriate redevelopment. Heritage precincts contain mostly low-rise 19th and early 20th century built form in intricate residential and commercial streetscapes. Local planning scheme heritage policies are specific about maintaining the historic scale and character of these areas. These policies have supported the evolving role of many inner-suburban heritage precincts as tourist attractions. The picturesque low-rise shopping/restaurant and entertainment strips of the inner suburbs, from Toorak Village to Bay Street, Port Melbourne, to Fitzroy Street, St Kilda to Brunswick Street Fitzroy, to Victoria Street, Richmond to High Street, Northcote, are integral to Melbourne’s status and success. They are critical to Melbourne’s international reputation as one of the world’s great

19th century, and most “liveable” cities. Yet these key heritage precincts which contribute so much to the character, liveability and economy of Melbourne are threatened, as *Melbourne 2030* Activity Centres, with extensive high-rise redevelopment.

Dr Barry Jones AO, Vice President of Australia ICOMOS, has argued that the inner suburban terraces of Melbourne are in fact worthy of the World Heritage Register. In most heritage overlay precincts residential densities are already (due to the 19th and early 20th century building stock) already at or near the benchmark of 1 dwelling per 200 square metres site area contained in the Kennett-era planning guides. *Melbourne 2030* does not examine their enormous capacity for new, sympathetic low-rise dwelling stock on smaller redevelopment sites, residential factory conversions etc. On the contrary, incorporation of *Melbourne 2030* into the State planning provisions as a “seriously entertained” policy has resulted in some VCAT decisions giving overriding weight to *Melbourne 2030’s compact city* direction. Bulky and intrusive high-density residential applications within heritage precincts have been approved in disregard of conservation controls and heritage overlay provisions embedded within planning schemes for many years. The residential densities thus approved by VCAT are 1:30 or less – unnecessarily high within heritage precincts, and potentially destructive of their historic scale and character. Unless an equally strong signal is given in support of the legality of heritage overlays they will continue to be eroded by developers opportunistically pressing VCAT for extremely dense residential developments over 3 storeys (9 metres) high. These decisions include the NKYA “Cheesegrater” development (up to 6 times higher than its neighbouring and opposite streetscapes), a multilevel apartment building overlooking the Botanical Gardens and others in direct contravention of local heritage planning policies.

The Trust has approached the Planning Minister regarding its alarm about these VCAT decisions. They do not appear to be justified, particularly when all *Melbourne 2030* strategy directions should surely be given equal weight. The treatment of heritage precincts in the *Melbourne 2030* documentation is not clear except in its *Urban Design Guidelines* Technical Report (p83) that exhorts “continued conservation of heritage areas” by accommodating “more intense development...where heritage characteristics can be maintained by “hiding” new development from view”. The recent VCAT decisions neither conserve heritage areas, nor do they “hide” new development in heritage precincts from view. Approvals for intense housing developments in based on their locations within heritage precincts nominated for development as Activity Centres has created the potential for our heritage suburbs to be engulfed by land profiteering and speculative redevelopment on an ad-hoc free market basis.

3.0 Melbourne 2030 Activity Centres

Melbourne 2030 is based on the imperative of constructing 620,000 new dwellings within the metropolitan area and introduces the unproven notion that Activity Centres can automatically provide a better urban outcome in terms of

housing and transport efficiencies. The document does not really define the extent and purpose of Activity Centres except that new intense housing and other commercial, government functions will be encouraged to occur within them. Existing locations in metropolitan Melbourne have then been nominated by *Melbourne 2030* based on a simplistic formula relating to a "critical mass" of existing commercial floor area space within major suburban shopping centres connected to (or potentially connected to) public transport nodes or other Activity Centres.

The selection of places as Activity Centres seems to be arbitrary with no apparent justification other than the measure of existing retail floor area and proximity to existing public transport. The geographical extent of the nominated Activity Centres is far too vague. The map of Activity Centres contained with *Melbourne 2030* shows them as discrete points but this does not seem to match the list of centres. For instance, there are few discrete points (e.g. Camberwell Junction). Some appear to be long linear streets (e.g. High Street, Preston, Lygon Street, Carlton), some are entire suburbs (e.g. Northcote, Ivanhoe) and some are whole towns (e.g. Mornington). In the short term, this is at least confusing and at worst, has led to VCAT making assumptions about the extent of Activity Centres and handing down decisions that override existing planning controls over heritage and urban design planning policies.

Melbourne 2030 contains a section on Actions required to "Plan for growth and change in our activity centres". This says "*Melbourne 2030 reinforces the importance of structure plans...to set the strategic framework for use and development of land in and around activity centres – to provide clear direction to investors about preferred locations...*" It is further explained that Principal, Major and Specialised Activity Centres in *Melbourne 2030* are identified "*by their recognised name and by indicating their general location on a map. In their strategic planning work local councils will need to confirm the extent of each centre including areas suitable for higher-density housing*".

The Trust fully agrees that investors (indeed, the community as a whole) should have clear direction about preferred locations for high density development. It seems unbelievable that *Melbourne 2030* has been mandated into the planning scheme without the structure plans that are yet to be prepared by Councils for these Activity Centres. Without these, there can be no successful implementation of any of the *Melbourne 2030* strategy directions. The Trust foresees an enormous financial burden on municipal councils as they struggle to complete the studies and analysis to formulate Activity Centre "structure plans". We believe the initial \$100,000 funding to each council for these Plans is insufficient for the detailed, fine-grained work that needs to be done. (In particular, there is an impossible burden on Yarra Council, faced with enormous areas covered by Activity Centres). The structure plans must not only identify Activity Centre boundaries, potential development sites, but also contain the means by which access to community facilities, public services, residential care facilities and housing for low income and aged people, sports, recreation and parkland etc, will be provided. In the meanwhile, the planning profession and development industry, indeed the entire community, are in a state of confusion. All land within

the as-yet ill-defined Activity Centres is seen as suitable for intense development. This is being used to argue for planning approval of inappropriately scaled, very dense development in named Activity Centres, or within the arbitrary *Melbourne 2030* 400-metre “catchment areas” surrounding Activity Centres

The Trust notes that the number and extent of Activity Centres in the middle ring suburbs are relatively few compared to the concentration of Activity Centres over Melbourne’s inner areas (including Darebin and Moreland). In the middle suburbs, Activity Centres seem have been selected in streets where there are Council-owned surface car-parking areas existing behind behind the main streets of established shopping strips such as Glenferrie Rd, Malvern, Camberwell and Kew junctions, and the Pines in Doncaster. The intention of *Melbourne 2030* (as stated in its *Urban Design Guidelines Technical Report*) is to harness this land for residential and commercial development via government/private partnerships. The Trust has no objection to this strategy but would have preferred it to more transparent, and far clearer in the *Melbourne 2030* document.

The Trust disagrees with the nomination of entire suburbs (e.g. Northcote, Elwood, Williamstown, Ivanhoe, Croydon, Frankston) as Activity Centres and therefore targets for intense housing developments throughout their length and breadth.

Compared with the outer and inner suburbs, the middle ring suburbs are superbly served by rail transport and other public infrastructure such as open space, sporting facilities, schools, and established services such as medical, aged care services, shopping centres etc. While the Trust has long been opposed to inappropriate medium density development in the middle ring suburbs, we suggest that strategic planning on the scale of *Melbourne 2030* should have seriously considered how to facilitate pockets of high density residential development clustered near suburban railway stations and carefully selected tram routes. Such sites should be selected on the basis that they can sustain high-density development with little or no potential for adverse off-site amenity impacts on the surrounding existing low-rise residential development. This could produce many small-scale high-density developments scattered throughout the middle suburbs, rather than a few major Activity Centres developed as “mini” Docklands or Southbank high-rise precincts. Our suggested method of increasing housing density near public transport in these suburbs would also make far more efficient use of their existing high quality social infrastructure.

4.0 The Outer Suburbs

The Trust believes that *Melbourne 2030*’s Activity Centres concept is quite suitable for outer suburban shopping centre/railway nodes with a critical mass of existing commercial floor area and in proximity to existing and future upgraded public transport. Most outer-suburban Activity Centres nominated in *Melbourne 2030* have large areas of underused land occupied by surface car-parking, or there is vacant/underutilised/non-residential land nearby. Comprehensive

residential redevelopment to cater for increased population density on this under-utilised land will require at least re-zoning. The re-zoning process can be used to ensure proper planning is done prior to any development occurring. This process should involve community and government agencies setting the parameters for private developers. Thus the potential for well-planned development incorporating public open space, community services and facilities is high (with community and public infrastructure funded to a significant degree by compulsory developer contributions).

5.0 The Middle Suburbs

The larger middle-suburb shopping centres are already vibrant places needing little further “urban design improvements” (as stated in the *Melbourne 2030* Technical Report *Urban Design Guidelines*). The middle suburbs are also rich in community infrastructure, open space and recreation, medical and other services. Aging middle suburban populations provide a ready market for smaller medium-high density residential development. Almost any middle suburb location within 400 metres of a tram service or train station would be a satisfactory location for medium to high residential development providing there are no issues of heritage, neighbourhood character, and off-site amenity impacts. The Trust wonders why *Melbourne 2030* did not explore the option of spreading new housing development more evenly throughout the middle suburbs and avoiding the need for large and intense density high-rise residential developments to be concentrated in a small number of arbitrarily selected Activity Centres. The Trust believes that strategic planning on a finer level throughout all middle suburbs should be done by local and state government to identify potential redevelopment sites for medium-high density housing, instead of nominating large areas or whole middle-distance suburbs as Activity Areas. The Trust also believes other avenues should be discussed and explored. For example, examining the potential for rezoning of land within 200 or so metres of middle-suburbs railway stations and selected tram stops for high-density residential development. Many suburban pockets around these stations contain some commercial development ranging from a few small defunct shops to larger but rather marginal local shopping strips. Re-vitalisation of these areas would bring many benefits. A universal, once off rezoning such as this would seem both fair and effective, if the rezoning was accompanied by individual Design and Development Overlays. The Trust considers that proper and comprehensive planning should respond to the individual context of the area and such Overlays cannot be replaced by the “one-size-fits-all” future planning policy for residential development over 4-storeys in height. A “4-storeys and over” residential design policy is sorely needed and the Trust urges the government to provide it as promised, as an urgent priority.

6.0 The Inner Suburbs

The Trust seeks an explanation for the reason that *Melbourne 2030* does not include the Melbourne Docklands area as an Activity Centre, and fails to provide any information on expected household numbers in Docklands to the year 2030.

The Trust questions *Melbourne 2030's* use of metropolitan population projection of household growth as have a number of inner metropolitan councils, including the Melbourne, Port Phillip and Yarra Councils. These councils maintain that in any case, there are already 24,500 new dwellings planned, mooted or under construction within their boundaries. This is far more than the average annual growth in dwelling numbers required for the next 27 years to meet the 90,000 new dwellings identified by *Melbourne 2030* as being necessary in the inner suburbs of Yarra, Melbourne, Port Phillip and part of Stonnington.

The Trust finds no information or analysis in the whole *Melbourne 2030* document of household growth resulting from the continued change of middle and inner city sites to medium density residential development under the current Rescode provisions of the Planning Act. We feel this to be a serious technical omission. Continuing Rescode style 1-3 storey appropriate redevelopment of sites in both inner and middle suburbs could well account for much of the desired or projected population growth in these areas.

We are strongly opposed to the *Melbourne 2030* Activity Centre model for the inner suburbs. In particular the nomination of Victoria Street, Bridge Road and Swan Street as Activity Centres, with the 400 metre catchment area laid down in *Melbourne 2030*, means that the entire suburb of Richmond will be targeted for intense development. This suburb already has the second highest population density of any Melbourne suburb, and is an area of unique heritage significance and urban character. The same applies for South Fitzroy, also identified by *Melbourne 2030* as one huge Activity Centre. The low-rise historic suburban scale, and the many significant streetscapes of these suburbs are in danger of being entirely engulfed by new "intense" developments in inappropriately scaled, development of 4-storeys and over.

Inner suburb Activity Centres represent a huge threat to metropolitan Melbourne's heritage and reputation as great Victorian-era city. For instance, the recent VCAT decision (Ashlyn Enterprises P/L v Yarra CC – the "NKYA" development) within a heritage overlay precinct, allowed a massively scaled development up to six times higher than historic buildings adjacent and opposite. Apart from destroying the scale of its immediate surroundings, its highly visible form will intrude into vistas of many parts of Fitzroy. This type of development creates a precedent for wholesale destruction of inner-city heritage precincts in almost every part of Richmond, Collingwood, Fitzroy, Northcote, Brunswick, Port Melbourne, South Melbourne and St Kilda.

The National Trust fears a disorderly and destructive frenzy of speculative development that will ruin Melbourne's internationally valued Victorian-era character, and its reputation as a favoured tourist destination. It is not only the central city that residents and tourists value and visit but also the lively and varied historic inner suburbs. It is inconceivable that *Melbourne 2030* has targeted a great number of inner suburban shopping, entertainment and specialist food strips as Activity Centres, including Toorak Village, Bay Street, Port Melbourne, Victoria Street, Richmond, Smith and Brunswick Streets, Fitzroy,

High Street, Northcote, and Sydney Road, Brunswick. Apart from their heritage values, these areas are already densely developed, with attendant traffic and parking issues. In these critically important heritage areas, new high-density housing can only be provided by a process of large-scale demolition and redevelopment. This is likely to quickly alter the social and ethnic character and retail economics of many specialist strips and they are unlikely to be able to afford to re-establish themselves elsewhere in inner Melbourne.

It is ironic that inner municipalities contain many good strategic sites for future residential mid-high density residential development, but these are outside the nominated Activity Centres. A study completed for Yarra Council by Ratio Consultants, has identified a range of these sites. They are generally occupied by obsolete industrial type buildings, are not in heritage precincts, and within walking distance of public transport. Yet, the intention of *Melbourne 2030* is to firmly discourage any intense residential development outside Activity Centres.

7.0 Conclusion

The Trust calls for an immediate moratorium on the application of *Melbourne 2030* in all suburban Activity Centres subject to a Heritage Overlay. We request that the government considers abandoning the Activity Centre model in the historic inner and middle suburbs. We urge a complete revision of the implementation of *Melbourne 2030's compact city* in favour of an alternative method, based on a fine grained strategic approach to identifying potential development sites or pockets of sites outside Heritage Overlay precincts, for intense residential development.

The Trust believes that residential amenity issues such as overlooking, open space, overshadowing, solar access etc, are particularly important in heritage precincts. Due to their dense, low rise built form, inner suburban residential areas are vulnerable to severe amenity losses when new infill development exceeds about 9 metres in height, and particularly when it is excess of 12 metres. We therefore believe that all new development within heritage precincts, should fully accord with Rescode provisions, but with an amending clause to allow buildings to exceed 9 metres, where there are no adverse heritage or amenity impacts, and strong justification exists in urban design terms for larger built form.

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