

REVIEW OF PLAN MELBOURNE

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1. Introduction

Like its predecessor “Melbourne 2030”, Plan Melbourne is replete with motherhood statements with which all Melburnians could not but agree. A few examples include “protecting the suburbs” (Page 2), “improve transport infrastructure and services in Melbourne’s newer suburbs” (Page 15) and “make our city greener” (Page 16).

However in assessing the merits of this document it is necessary to examine the detail, and in particular, actions that are to be implemented as part of this Plan. If examined closely, there are also clues which provide possible guidance as to the directions that planning will take in the future with a coalition government in office in Victoria. Generally with reviews and updates the objectives for these courses of action are explicitly stated, for example, “update planning provisions in designated precincts to provide the market with flexibility to maximise development opportunities” (Page 63) and “review planning controls in Activity Centres and streamline them where possible” (Page 38).

The underpinning philosophy for this Plan is not difficult to decipher. One of the dominant driving forces shaping this Plan is the need to ensure continuing economic growth in Victoria and hence support for jobs. Obviously a large number of cranes on the skyline will greatly assist in the achievement of this objective and few Victorians would oppose maintenance of relatively low levels of unemployment. However, how development is managed, whether developers are given free rein (a laissez faire approach) or the interests, lifestyle and welfare of the community are given the highest priority is a prime consideration for Melburnians. While we understand and accept the need for development (involving urban densification) to cope with Victoria’s growing population not all Melburnians are attracted to the idea of trying to achieve sustainable standards of living based on continued growth of population. This position is inconsistent with the statement that “Melburnians support growth” in the Premier’s Foreword to Plan Melbourne.

The question also arises as to whether Victoria should depend so heavily on developers for continuing economic growth, given the cyclical nature of the construction industry; there is already evidence of a surplus in the supply of apartments in the inner city. This problem will be magnified with the continuing contraction of manufacturing in this state. In the Plan much is made of “knowledge- based’ industries as an employer of Victorians (refer to Page 23) and the central role of National Employment Clusters (refer to Pages 43- 49), but merely creating new suburbs and engaging in urban renewal will not give rise to such jobs in the numbers required. While some industries such as retail, health and education are attracted to new population centres there needs to be a blueprint for the generation of enterprises focusing on “knowledge based” industries.

The other overriding concern of the state government is movement of freight and logistics and maintenance of “Victoria as the nation’s leading state for freight and logistics” (Page 72). This advantage will contribute to growth in Gross State Product (GSP) as “transport underpins the economic prosperity..... of cities” (Page 71). While the state government focuses on the alleged substantial reductions in traffic congestion as a major benefit of construction of the East-West Link another lesser publicised benefit relates to the movement of freight. However, once again, in providing infrastructure related to freight and logistics the amenity and lifestyle of Melburnians needs to be a major priority.

In summary, the focus of Plan Melbourne is to drive delivery and facilitate development in general, as stated bluntly in Direction 7.1 (p.163). Virtually every aspect of the planning regime is to be modified to facilitate the economic vision of Plan Melbourne and make it “more relevant”. This includes the entirety of each planning scheme - not only the new zones and changes to existing Overlays and Particular Provisions but also the state and local planning policy frameworks (SPPF and LPPF) which will soon be rolled into one PPF.

This new Planning Policy Framework is supposed to “better align” and integrate state, regional and local policy together, thus “*shifting the focus of planners from a regulatory mindset under the current system to a facilitative mindset that encourages development*” (Page 163). This indicates that current local policies will be superseded by the new overriding state policy.

Interestingly, the phrase “Local Planning Policy Framework” doesn’t occur once in the entire 190 page Plan Melbourne document. Yet it is local policy which helps guide development in areas where standard state policy is a poor fit. This is especially true at VCAT where councils and residents alike complain about the lack of emphasis the Tribunal often gives to local policy. Soon that will no longer be an issue - in less than 6 months there will be no local policy framework.

The new PPF will “rationalize” references to “broad documents” (eg, river management plans) and also “specify the role” of neighbourhood centres. Other similarly vague references are made to changes to overlays such as Heritage and Development Overlays and to Particular Provisions such as Clause 52.06 (car parking). Heritage protection is only briefly and vaguely addressed in Plan Melbourne – eg, “improve heritage planning and assessment” and “investigate the potential of transferable development rights for significant heritage conservation and development projects” (Page 115).

A hint to the state government’s financially pragmatic approach to Heritage protection is the statement that “*in some instances, public benefits flow from private sector developments that involve significant heritage assets. This can include the conservation and **adaptive reuse** of heritage assets that would otherwise deteriorate and cease to contribute to Melbourne’s **economic development**. Examples of this include the conversion of Melbourne’s former GPO into a landmark retail complex and the conversion of the former Abbotsford Convent into a community and arts precinct*” (Page 103).

A new “good planning guide” is also being prepared to “improve Rescode and streamline the planning system” to guide multi-unit development and the application of the reformed residential zones (Page 53 & 67).

In making the above recommendations, the SPPF Review Advisory Committee “consulted widely” with 77 organisations and 34 councils, and received 74 informal submissions. But again the community have been overlooked.

The powers of the Planning Minister will be greatly increased. The Planning and Environment Act 1987 will be amended to specify where notice exemptions (such as s20(4)) for matters of state-significance are appropriate and to enable the Planning Minister to delegate decision-making powers to the Metropolitan Planning Authority (MPA) to facilitate such projects. Section 20(4) exempts the minister from having to notify councils or affected landowners, or give public notice of the amendment or make it available for public inspection.

The MPA is not independent but will answer to the planning minister, who is the responsible authority for projects of state significance (which have no 3rd party rights of notification, objection or appeal). These include development proposals within “city-shaping” projects such as the Expanded Central City, National Employment Clusters, Metropolitan Activity Centres and transit-orientated urban renewal projects (Page 31)

While a few references to regulation seem to involve positive initiatives such as new apartment design guidelines, these are in danger of being white-anted before they’ve even been developed: “*The review will need to assess the economic impact, impact on housing affordability, and potential red tape burden of introducing any new regulations to the construction sector*” (Page 59).

Other sections speak for themselves, such as updating home-based business regulations (Page 38) and updating regulations and approval processes to support “identified strategic tourism investment” (Page 39), both of which could have negative local amenity implications.

Plan Melbourne bemoans the lack of scope to provide more open space for a growing inner urban population (Page 107): *“There are limited opportunities to provide new open space in Melbourne’s established areas....(which) include identifying opportunities for new or enhanced open space in urban renewal precincts, on surplus government-owned land and as part of precinct-wide redevelopment plans”*. Yet the government appears to prefer selling off surplus public land to developers to boost the budget: *“develop a framework to identify under-utilised government land, including a system to manage, value capture and dispose of it”* (Page 149).

Finally, as feared last year upon its introduction, the severely-flawed VicSmart process is now to be applied to multi-unit development in the Residential Growth Zones (Page 67). Yet last year we were assured that VicSmart would only apply to streamlining permit assessments for minor applications like fences and carports.

VicSmart has also been burdened with a series of complex decision guidelines which ironically mean that it now cannot function as a “code assess” process but will become yet another layer of discretionary decision-making - see planning scheme draft clauses 90-95: http://www.dpcd.vic.gov.au/__data/assets/pdf_file/0004/198850/Consultation_Draft_VicSmart_Planning_Scheme_Provisions.pdf

Under VicSmart, there are no third party notice or appeal rights and permit decisions must still be made within 10 days (possibly by non-planning staff appointed by a council CEO), without the ability of council to request further information. Consequently, the degree of compliance with these guidelines and the transparency with which decisions are made are likely to be compromised.

Thus there are a number of aspects of this Plan which give rise to serious concern and pose threats to the ongoing liveability, amenity and wellbeing of Melburnians. These issues include the role of the Government, the Melbourne Planning Authority, VCAT, VicSmart, the “reformed” Zones and changes to state, local and regional planning policy. These are discussed along with other problem areas in the following sections of this review of Plan Melbourne.

NB: For an excellent professional planning critique of the above issues, see:

The Circle of Life: Plan Melbourne, Zones, and Notice Rights:

<http://www.sterow.com/?p=4071#more-4071>

and

The Wrong Idea Not Implemented Properly (Submission on VicSmart):

<http://www.sterow.com/?p=4050>

2. Metropolitan Planning Authority

Most Melburnians would not question the need for a body such as the Melbourne Planning Authority. However a major concern relating to this authority is the fact that it is not independent; the Authority is responsible to the Minister for Planning, Matthew Guy. A predecessor of this Authority was the Melbourne and Metropolitan Board of Works. In December 1890, legislation enabled the formation of the Melbourne and Metropolitan Board of Works (MMBW). From 1 July 1891 this autonomous body was given responsibility for the management of Melbourne’s water supply, as well as the task of engineering, building and

maintaining a functional and cost-effective underground sewerage system. Over time, the MMBW became involved in roads development, urban planning and parks planning. It was abolished for political reasons in 1992 (2). One reason advanced for making bodies such as the Metropolitan Planning Authority autonomous is to de-politicise planning; this would also reduce the lobbying power of developers who, because of political donations can exercise substantial influence over government decisions relating to planning policy and building codes, .

The powers of this new Authority are extensive, and in many instances councils and Melburnians are sidelined and excluded from the planning processes, policy framework and permit approvals associated with “state-significant” projects. This body will have the authority to:

- Plan state significant sites and precincts and to streamline planning. (Page 15)
- Prepare structure plans for state-significant projects. (Page 28)
- Identify urban renewal opportunities associated with upgrades to interchanges starting with Springvale and Blackburn stations (as part of level crossing removals) Sunshine station and a new station at Southland. (Page 43)
- Establish a permanent metropolitan urban growth boundary around Melbourne’s built up metro area. (Page 141)
- Designate urban renewal precincts of metropolitan significance (Page 163)
- Plan the urban structure of designated sites and precincts earmarked for significant change (Page 163)

There is ambiguity associated with the language which is used in outlining the responsibilities of the Authority. For example what is an urban renewal precinct of “metropolitan significance”? Although there is a listing in (Pages 153-161) of urban renewal locations for each of the 5 subregions of the Melbourne Metropolitan Area, the new Authority through its power to designate urban renewal precincts of “metropolitan significance” could extend this list. Presumably the same situation could apply in relation to “state significant” sites and projects. Moreover when the totality of places of ‘state significance’ and urban renewal locations is considered across all of the new 5 subregions it can be seen that the scope of the new Authority’s influence on development is considerable. This gives cause for great concern as local government and residents will have little or no input into how development proceeds in these areas.

The focus of the Melbourne Planning Authority is to be matters of state interest in designated precincts and locations that are “strategically” significant in terms of Melbourne’s growth and competitiveness (Page 149). The Authority will also focus on facilitating “appropriate” development, speeding up development processes and advising when red tape can be reduced (Page 149), and on unlocking areas of strategic value to the city and on driving land use efficiency and productivity (Page 151).

The word “strategic” has become a buzz word in planning and development circles, and is usually used in reference to a site which offers an opportunity to greatly increase dwelling density and thereby assisting in the process of urban densification. VCAT appears to be mesmerised by this term when applied to development proposals. Although the means of “streamlining” development is not spelt out, potential measures, such as the extension of VicSmart, normally involve dispensing with the rights of residents, to either have knowledge of permit applications and/or appeal against permit decisions

Driving land efficiency and productivity can, and probably will, involve maximising dwelling density on particular sites through a combination of tall buildings and small dwelling sizes. It

is of great concern therefore that mandatory heights are not widely specified in planning policy frameworks, with guidelines the norm. Based on comments made by the Minister of Planning at the briefing on Plan Melbourne mandatory heights of 20 storeys will apply in certain areas of Fishermans Bend while in other areas buildings will not be able to exceed 4 storeys in height. However to this point in time this is the exception and not the rule and does not apply to the city centre. It is also of considerable concern that building codes do not include minimum apartment size and other parameters affecting liveability and amenity.

The new Authority's co-operative efforts include in conjunction with other stakeholders (excluding the community) planning for the future urban structure of significant precincts (Page 149) and supporting local governments to unlock capacity on their own underutilised sites, for example car park sites (Page 41). While the Melbourne Planning Authority may work with other stakeholders in carrying out its role in matters of state-significance the Authority will have decision making powers delegated to it by the Minister for Planning. (Page 163). It is to be hoped, but cannot be assured, that underutilised sites are developed with the interests of the local community paramount rather than just in the interests of developers.

3. VCAT

There is very little reference to VCAT in Plan Melbourne although this tribunal is so significant a player in the planning approvals process. One positive development should it occur is "Ensuring VCAT is sufficiently resourced to improve the timeliness of decision making" (Page 33). This is long overdue as in the words of Justice Stuart Morris "It receives quite modest funding considering the role it plays in creating a civilised and just society" (3).

However, the current solution to resourcing VCAT since June this year has been to greatly increase appeal and hearing fees for permit applicants and objectors – applicants can pass on these costs but they are now an insurmountable financial barrier for most objectors who are hence denied access to natural justice.

The Department is also to "continue to investigate mechanisms and reforms which will improve the timeliness of dealing with planning matters" (Page 33). These reforms will probably be at the expense of both objectors and councils but to the advantage of developers. From the community's viewpoint there is an overwhelming case for reform of VCAT (4), and former heads of VCAT have made recommendations in the past to government for various reforms to Tribunal processes. Yet at the recent briefing on Plan Melbourne the Minister for Planning disingenuously stated that because VCAT was under the jurisdiction of the Justice Department, he could not influence the way it operated.

4. VicSmart

The VicSmart legislation when enacted appeared innocuous in its application to the planning permits application process, as the types of applications covered were not of a contentious nature. However the community feared at the time that the scope of the application of VicSmart would be broadened so as to make it easier for developers to be granted approvals promoting urban densification.

This apprehension has now been vindicated with the proposed extension of VicSmart to multi-unit development (Page 67). Such a situation would see applications for multi-unit dwellings being approved without the knowledge of local residents and with no right of appeal.

The justification provided for applying the VicSmart system to multi-unit development is to “improve housing affordability by reducing the length of the approvals process and reducing associated financing costs for the development sector” (Page 67). This involves trampling on the rights of local residents impacted by such a development to line the pockets of developers. The State Government has also indicated an intention to apply VicSmart to a broader range of “low-risk, straightforward projects” for industrial-zoned land. What developments would fall into this category is not clear.

5. Transport

On Page 6 of Plan Melbourne it is reported that Melbournians have said that “public transport is a priority” and this statement does reflect the views of people living in Melbourne (5). It is also acknowledged that “The growth of Melbourne’s population means that proportionally our reliance on public transport will need to increase (Page 72). Notwithstanding the importance assigned to public transport by Melbournians, Infrastructure Australia and other experts in the field, in the short term the only major transport investment will involve the commencement of the East West Link (Page 73), with construction of the Melbourne Metro underground rail project not being commenced until the medium term, that is, some time between 2017 and 2025 (Page 75).

This focus on roads has developed in the context of Outer Melbourne being the most car-dependent region in Australia’s four largest cities with a greater proportion of suburban fringe dwellers who drive to work than on the outskirts of Sydney, Brisbane or Perth. Moreover 84% of outer Melbournians drive to work, the highest level among Australia’s four largest cities with just over 9% using public transport and parts of outer Melbourne have less than one job for every three people in employment (6)

The roll out of high-capacity signalling across the rail network is not scheduled to be completed until some point in time between 2025 and 2050 (Page 75). This signalling equipment has the capability of substantially increasing the capacity of the metropolitan rail system. Construction of rail links to Rowville, Melbourne Airport and Doncaster are not planned to commence until the long term, that is, between 2025 and 2050 (Page 75). The building a number of new railway stations, as the network is developed, will occur over the coming decades (Page 41).

While the controversial East West Link is likely to proceed (despite a possible legal challenge that could delay the signing of contracts until after the next state election), the rail initiatives may never be delivered, particularly those scheduled for 2025 to 2050. While the Napthine Government has indicated that the State’s total contribution to the East West Link Project will be \$1.8 billion over the four year budget period (7), this “headline cost” or net present value still means that over 25 years Victorians will pay \$ 11.25 billion for this project (8) With the Federal Government committed to providing no finance for rail projects, financing the Melbourne Metro project or Doncaster rail link may present a challenge. A Doncaster rail link would cost about \$1.5 billion and with improved signalling the capacity of the Doncaster line would be equal to 3 extra traffic lines in each direction along the Eastern Freeway. (8)

The view stated on Page 85, that “Improved or new bus and rail services will require a critical mass of housing and resident population and appropriate road infrastructure before they can be delivered” is a concern. The problems of people residing in new outer suburbs such as Doreen arise as a consequence of such an approach. Currently there is no rail service to Doreen and residents have to use cars to travel some distance to the nearest station. This is an unsatisfactory situation but is unlikely to be remedied for some time, if ever. In the interim bus services will need to be extended to fill the gap. Plan Melbourne states that the government will improve public transport service levels in established outer urban areas and

urban growth areas particularly bus service availability (Page 84). Whether this will be realised is open to question.

Moves to extend bus services," for cross-town travel to urban renewal precincts and National Employment Clusters" (Page79) and have trams "operating in their own right-of-way with greater physical separation from other road users, (Page77) will only increase traffic congestion making the expansion of the railway system and capacity more critical.

Three initiatives that we welcome include:

- GoGet Carshare program (Page 58)
- Further harmonisation of timetables for train, tram and bus services (Page 81)
- Selected stations with good road access being supported by expanded Park+Ride facilities where it is cost effective (Page 85)

6. Role of Government

It is not surprising that Plan Melbourne envisages less of a role for government in planning and therefore a freer hand for developers. This is confirmed in the statement "Sometimes it's about governments getting out of the way so that the creativity and energy of the community has room to thrive (Page 9). The private sector is also to have a role in development through the utilisation of "innovative" Public-Private partnerships (Page 25). Exactly what innovative means in this context is not revealed. It is to be hoped that this does not mean advantaging developers at the expense of the community through such means as socialising losses and privatising profits; there must be proper sharing of risk. Public-Private partnerships involve a higher funding cost than if government borrowing only is involved. It is interesting to note in this context the decision by the Federal government to increase debt to fund new infrastructure.

The state government is to develop "better ways to deal with unsolicited proposals for urban renewal and delivery of state-significant infrastructure" (Page 25). It is hoped that this process will be an improvement on that which the NSW government employed for the development of the new casino at Barangaroo Cove. The NSW government dealt with the project through its unsolicited proposals guidelines for unique development proposals from the private sector. The cove is to shrink by about 2000 square metres under the latest design changes, endorsed by the Barangaroo Delivery Authority.

These would also shift parkland inland from the harbour - a consequence of Lend Lease agreeing to relocate its hotel from a site approved over the water to Mr Packer's preferred location.

But Joe Agius, NSW chapter president of the Australian Institute of Architects, described Barangaroo as a "diabolical mess" 'MrAgius said the latest changes to the proposal were "alarming". "The first thing that strikes me looking at the plan is that the proposed hotel casino tower is immediately north-west of this new inland park, which means that it will be casting a shadow between one and three or four o'clock in the afternoon right across that park," he said. "It just seems wrong from fundamental amenity point of view. You do not put public space in the shadow of a high-rise tower." (9)

7. Strategic Locations

In Plan Melbourne strategic locations include:

- urban renewal sites
- developments around railway stations and other transport infrastructure
- level crossing removals particularly “where a number of the most congested level crossings are at high-value locations that are potentially attractive to developers” (Page 83), and
- development in areas prioritised through the new urban structure (5 new metro subregions) that is, places of state significance and activity centres (P. 25)

This means all of these locations will be the focus of high density development and the state government will use various measures to facilitate urban densification on these sites. This will include:

- “working with local governments to rezone privately held land in precincts around railway stations and train corridors that have been identified to have capacity for additional residential and mixed use development” (Page 41)
- “Ensuring that the Small Lot Housing Code and Residential Growth Zone are used in growth areas around the existing and proposed rail network” (Page 64)
- Developing an ongoing program of level crossing removals that maximises investment opportunities and contributes to urban development and employment growth in the suburbs (Page 83)

Because of the sheer number of these strategic sites it is imperative that mandatory controls for key parameters such as building heights be put in place, in order that overdevelopment, loss of amenity, traffic congestion and other adverse impacts do not eventuate. For example, overdevelopment associated with the level crossing removal at Blackburn would destroy the amenity of Blackburn Village for local residents. There is no expressed intention for any restriction on developer activity at these sites in Plan Melbourne; this is a major concern.

8. Activity Centres

In Plan Melbourne changes to the manner in which development can proceed in Activity Centres is to be achieved by a review of planning controls and provisions. This review is designed to ensure that:

- Flexibility is provided to accommodate growth. (Page 31)
- There is a diversity of activities in Activity Centres. (Page 31)
- Retail and floor-space caps are removed in precinct structure plans as Activity Centres are developed (Page 31)
- Planning controls are streamlined where possible (Page 38)
- Metropolitan activity Centres are investment ready (Page 37)

If amenity of neighbourhoods is to be maintained there needs to be restrictions on the growth of activity centres and the mix of businesses operating in activity centres. An inappropriate mix can give rise to problems such as unacceptable noise levels and traffic congestion. The review objectives outlined above appear to conflict with the preservation of neighbourhood

amenity. Also of concern is the stated intention of streamlining controls which often involves some loss of protection for affected parties. There is no explanation of what being “investment ready” entails.

9. Urban Renewal

One of the major concerns with urban renewal is the proposed streamlining of development approval processes (Page 63). The streamlining of development processes as a rule, advantages only developers and generally at the expense of the community. The publication of criteria for designation of urban renewal precincts of metropolitan significance (Page 63) is welcomed as it provides transparency, but it is imperative that there is genuine community consultation involved in the establishment of the criteria. The potential inclusion of social housing in urban renewal projects (Page 65) will assist in meeting community needs, however the context and implementation needs to be appropriate.

10. Affordable Housing and Social Housing

Measures such as reducing development contributions for the balance of private dwelling stock delivered as part of projects that provide a minimum threshold of housing association stock (Page 65) can encourage the integration of social and affordable housing options within major urban renewal and growth area housing developments (Page 57). However, this can give rise to many social problems if not carefully managed. The problems of social conflict that can arise from the integration of social housing in new developments have been well documented in relation to the Hamptons development at Surrey in the UK (10).

On the other hand, there may be some merit where rezoning is necessary to achieve urban renewal, to use the capacity to capture a proportion of the increased land value to directly contribute to the costs of providing social housing (Page 65).

Amending the Victorian Planning Provisions to make the Minister responsible for selected social housing planning permit applications (Page 65) seems unnecessary and yet another example of a decrease in the transparency and accountability of planning decision-making. Any advantages of taking this step are not apparent.

The use of the VicSmart process to deliver more affordable housing (Page 67) is a retrograde step as although it will reduce the time taken to get approvals processed the rights of the community are trashed in the process. The use of discounts on development contributions to deliver more affordable housing (Page 67) may achieve that end but will result in less monies being made available for infrastructure needed by the community including open space. Additional open space is a necessity given the increasing densification of Melbourne.

11. Development Contributions

The Growth Areas Infrastructure Contributions (GAIC) fund a multiplicity of infrastructure needs, including transport, community, environmental and economic infrastructure, and the growth areas need a supply of employment land which is attractive to business and investors in order to maintain the provision of local jobs.

To accelerate the development of employment precincts in outer growth areas, some flexibility in the application of GAIC to is to be considered. This could include “greater scope

for payment deferral without interest, or streamlining the timing of payment in line with delivery of state infrastructure” (Page 30).

However, this appears to place more onus on the government to drive infrastructure provision and suggests that either the infrastructure will be provided more slowly, or the Government (ie, taxpayers) might have to contribute the difference to ensure the infrastructure is provided. There is no indication of where or how that extra government funding might be sourced.

12. 20 Minute Neighbourhood

The 20 minute neighbourhood is defined on page 9 as a “place where you have access to local shops, schools, parks and a range of community services within a 20 minute trip from your front door”. The concept however has a number of shortcomings. Firstly a 20 minute car journey is very different from a 20 minute walk and different again from a 20 minute train, bus or tram journey. To the extent that the services/facilities rely on a road journey of up to 20 minutes, Melburnians quality of life is already adversely affected by traffic congestion and parking availability.

Secondly the proposition is clearly unrealistic as while some services such as retail (not including more specialized goods), and health (not including specialized services) may conceivably be within a 20 minute journey, services providers of entertainment and education may not. Sporting facilities may also not be accessible on this basis depending on the nature of the sport, for example ice skating and archery.

In addition, different individuals within the same household are likely to work and recreate in different locations, some of which may be specialised and unreachable within a 20 minute journey, even by car. Government planning guidelines alone are also unlikely to determine the decisions of employment providers as to the preferred location of their workplace (11).

13. Infrastructure Projects

On page 7, it is claimed that the Strategy supports confidence by “improving the governance and decision-making process around approvals for these projects”. Whose confidence is supported is not made clear, but it could only refer to developers and the government and not the community, because it is clear from the manner in which the East West Link has been handled that transparency and due process have been lacking. A convincing business case has not been presented, community input has not been sought and the assessments of experts such as Infrastructure Australia have been ignored.

One of the benefits attributed to greater private sector involvement is the sharing of risks. (Page 166) This seems an unlikely outcome given that if traffic forecasts for the East West Link are not met then taxpayers will bear the cost.

Development bonuses for delivery of public infrastructure are to be investigated (Page 63). The provision of such bonuses while they may facilitate the delivery of infrastructure will reduce the funds available to government for other areas requiring expenditure.

14. Approach to Planning

A cause for great concern is the statement on Page 163 that “The focus of planners will be shifted from a regulatory mindset to a facilitative mindset that encourages development

consistent with the directions of the Strategy”. This will then bring planners into line with the mindset of VCAT. If planning is to be anything but haphazard, it needs to be undertaken within a robust policy planning framework where due notice is taken of the relevant clauses. Another cause for concern relates to the proposed primacy of the State Planning Policy Framework over the Local Planning Policy Framework when preparing amendments to planning schemes or making decisions under a planning scheme (Page 164). If the interests of local communities are to be protected the reverse should be the case where there is a divergence between the two frameworks, otherwise developing and having local policy is pointless.

In Plan Melbourne the state government has flagged its intention to undertake “Further statutory reform involving a review of overlays and particular provisions” (Page 163). This review will identify ways to further streamline the system, including the conditions that trigger the need for a permit (Page 164). This sounds very much like a watering down of the provisions in overlays that protect local residents and thereby improving the prospects for developers of having planning permits approved that under the existing Local Policy Frameworks would not proceed.

Amendment of the State Planning Policy Framework by a new Ministerial Advisory Committee “to reduce unnecessary red tape” (Page 164) would seem to be something undertaken for the benefit of developers rather than the community. Issues such as code assess, referrals and amendment timeframes and documentation could be considered as part of the review of “red tape” The reform of the State Planning Policy Framework is to be followed by reform of Municipal Mission Statements (Page 163).

Planning in the future is to be undertaken in the context whereby all structure plans for locations such as National Employment Clusters, Metropolitan Activity Centres and Activity Centres will need to demonstrate how they will deliver on the provision of more diversity and choice of housing, attract more jobs and help deliver the 20 minute neighbourhood (Page 64). It is clear that greater diversity and choice of housing will involve more high density dwelling development, but it is not obvious how such development will help deliver more jobs in many areas outside of retail or facilitate the delivery of this flawed concept of the 20 minute neighbourhood.

On Page 63 it is stated that an update of the State Planning Policy Framework should include explicit policy on urban renewal in Melbourne supported by streamlined development approval processes (Page 63). Streamlining of development processes will benefit developers but usually at the expense of objectors.

Positive measures if introduced, appropriately implemented and enforced include:

- Investigating a high-value agricultural food overlay (Page 126)
- The introduction of stronger planning protections for the Yarra and Maribyrnong rivers (Page 129)
- Ensuring that waste infrastructure and waste service requirements are appropriately dealt with in planning scheme controls that govern multi-unit residential and mixed-use development (Page 131).

15. Urban Densification

Plan Melbourne provides for the majority of Melbourne's existing suburbs to be protected (Page 7). In the briefing for Plan Melbourne, the Minister for Planning stated that 50% of Melbourne's residential land in Melbourne would be in the Neighbourhood Residential Zone; this is confirmed on page 103 of Plan Melbourne. Speaking at a forum on the Governments Plan Melbourne Strategy, a partner with consultants SGS, Mr Pat Fensham, felt that housing affordability could be adversely impacted by this strategy (12). Obviously the coverage of the Neighbourhood Residential Zone will vary between municipalities as it has been reported that the coverage for the municipalities of Boroondara and Glen Eira would be around 80%.

Urban densification needs a move away from uniform sized housing lots towards provision of both higher and lower densities within each new precinct (Page 59). However in some precincts such as the Central City, based on planned development, and Docklands, the street space is dominated by very tall apartment buildings. At 590 Orrong Road Armadale Lend Lease has been granted a permit to build towers up to 12 storeys high on a 2.5 hectare site. The Stonnington Council sought but failed to have a limit of 6 storeys on this site. This development is an overdevelopment of the site and out of character with the Armadale residential area. We can expect to see more overdevelopments of residential and commercial sites under Plan Melbourne. Moreover at 545 Station Street, Box Hill (a middle suburb) there is a proposal to build a 33 storey tower which would incorporate 419 apartments, food and entertainment venues, office space, a residential gym and club and pool facilities. This would represent a gross overdevelopment of the site and destroy the amenity of Box Hill residents. It is an inappropriate development for a middle suburb.

The state government is to encourage the use of the Residential Growth Zone in Melbourne's outer growth zones (Page 59). This means that high density developments, which are more inappropriate to inner suburbs, will be able to be approved in outer suburbs. The state government also proposes to permit higher-density housing on land within 400 metres of the boundary of the commercial zones in urban renewal precincts, National employment Clusters, Metropolitan Activity Centres and Activity Centres (Page 63). This is entirely inappropriate and will impact on the amenity of local residents. It will also establish a precedent for higher-density housing adjacent to and near such developments.

One of the more worrying aspects of the approach to urban densification is the proposal to require the impact of proposed development to be considered not only in its current spatial context but also in the context of likely future development nearby (Page 115). This would make it easier for developers to gain approval for inappropriate medium and higher developments and set a precedent for further inappropriate development nearby. A developer recently argued that the planning permit application for a 3 storey, 35 apartment block at 104 Main Street Blackburn take into account what development at some point in the future could take place at 102 Main Street.

The proposal that mechanisms should be undertaken to encourage lot consolidation in existing suburbs (Page 64) if not subject to strict controls could lead to significant overdevelopment of suburban sites.

16. Working from Home

Investigating opportunities for working from home by updating home-based business regulations (Page 38) and the proposal to establish home office districts (Page 58) have the potential to increase traffic congestion and reduce car parking availability in residential areas of Melbourne.

17. Open Space

Measures outlined on page 99, 107 and 109 including the development of more open space, identifying opportunities for new open space on surplus government-owned land and investigating using the new standard development contributions levy to fill identified local open space gaps is all positive, but whether they will be implemented remains to be seen.

18. Tourism

The proposed updating of regulations and approval processes to support identified strategic tourism investment in Melbourne and regional Victoria (Page 39) is a measure that will increase GSP, and provided it does not lead to developments such as that proposed for Hanging Rock being approved is worthwhile.

19. Housing Over the Life Cycle

On page 57 there is support for provide housing for people to age in place while downsizing and to create better opportunities for extended families to live close together. As far as the former is concerned however, many older people still prefer to continue to live in their family home; a recent MacroPlan survey of Doncaster residents found that 70% of respondents didn't want to downsize (13). As for the latter proposition this is not realistic, given that that in many instances the income of an individual may not allow for such an outcome. For example, it is not uncommon for children of affluent parents to become downwardly socially mobile and not be in a position to rent (let alone purchase) a property in the area where they were brought up. This is certainly the case for a family living in an affluent area but would also be applicable to many "middle" suburbs. Moreover where differences between persons involve income or different age groups it may not be possible in a local area to cater for the needs of everyone if for example social housing or high density apartment developments are involved.

20. Funding

The ability of the state government to deliver many of the infrastructure projects, particularly rail projects, in a timely fashion (or indeed ever) may be constrained by the adoption of overly conservative fiscal policies such as reducing general government debt as a % of GSP to 2022 (Page 151).

The funding strategy for financing infrastructure outlined on Page 167 includes a mix of general taxation, direct user charging and capturing the value to indirect beneficiaries through such measures as the new system of development contributions (Page 167) which will contribute towards infrastructure in growth areas, strategic development areas and urban areas including brownfield sites. It would appear however that there will be a focus on Public-Private partnerships rather than direct government borrowing which is usually more cost effective because of lower interest rates.

21. Design Guidelines

Design guidelines are to be updated and measurable standards for high-density residential and mixed-use development are to be introduced (Page 59). Having measurable standards is a positive move but whether the outcome will benefit Melbournians will depend on the settings for the parameters involved and the range of parameters which are subject to measurement. Reviewing the design, layout, and internal living amenity and balcony needs

of apartment development (Page 59) is certainly overdue but delaying this until the medium term will be like “closing the barn door after the horse has bolted”

The review will also consider the “ability to encourage family friendly apartments” (Page 59). This is long overdue as many of the apartment blocks and towers being constructed in the Central City and inner city, quite apart from their size, are not what would be regarded as family friendly. Once again the fact that this review will be undertaken some time between 2017 and 2025, means that many apartments now built, and those built before the review is completed, will not be sought after by families.

22. Expanded Central City

The Central City is to be expanded and will include the CBD, Docklands, Southbank, Fishermans Bend & new urban renewal precincts incl. City North, E-Gate, Arden-Macaulay, Dynon, Cremorne Precinct, Collingwood Industrial Precinct & Flinders Street to Richmond Station Corridor). In the Foreword by the Minister for Planning, Matthew Guy envisages Melbourne being a true 24 hour city with jobs, shops and people. However it is doubtful given the expected increase in population in the Expanded Central City that suitable employment will be available nearby for all those residing there; in any case many people working in the Expanded Central City may elect to live elsewhere. Accordingly the increased movement of people into and out of the Expanded Central City will pose challenges for public transport and coping with traffic congestion and parking availability.

It is expected that Expanded Central City renewal locations will accommodate more than 100,000 dwellings (Page 35) or less than 10% of the new dwellings estimated to require building, if an extra 2.5 million people are to live in Melbourne by 2050. There is a proposal also to update planning provisions in designated precincts to provide the market with flexibility to maximise development opportunities (Page 63). Maximising flexibility no doubt implies giving developers more freedom with construction of high density development, especially high rise buildings and towers and more latitude with mixed use developments. The latter is already envisaged with the proposed zoning of more areas as Mixed Use Zones.

Planning provisions are to be implemented for mandatory height controls in and around appropriate Central City locations (Page 103).

23. Neighbourhood Centres

The intention to update the State Planning Policy Framework to specify the role of Neighbourhood Centres (Page 101) must not involve changes that will see these centres becoming de facto Activity Centres. The proposal to establish guidelines for the expansion of existing village precincts (Page 101) is an oxymoron as any expansion will involve the destruction of the amenity of these villages. Mandatory height controls for Neighbourhood Centres (Page 101) are a positive provided these controls are set at appropriate levels.

24. Consultation

The claim on page 7 that the evidence base includes commissioned research and expert advice, and therefore that the community has been consulted and has been involved in the development, is a distortion of the facts. For example the Plan Melbourne website devoted to launching the public debate and consultation on the Melbourne Planning Strategy was restricted in scope and the Docklands Deliberative Forum attendees included a substantial number of people who were members of focus group panels (14). At no stage have significant numbers of the public been involved in deliberative consultations on Plan Melbourne with independent expert input, proper debate and the examination of alternative

solutions. That criticism also applies to all the other aspects of what is essentially an overhaul of the entire planning system (including VicSmart, the new zones and changes to overlays and particular provisions, as well as the imminent changes to state and local policies.

25. Other Issues

No one would disagree with the need for greater permeability of higher density lots to reduce the runoff which pollutes our urban creeks (Page 121), but the widespread replacement of single dwellings by multi-unit developments to date as well as that envisaged under Plan Melbourne will see large tracts of unsurfaced ground replaced by concrete and other impermeable materials.

The proposed establishment of models for multi-storey schools (Page 106) is a concern. Does this proposal envisage having vertical playgrounds for the children?

The statement that "Certainty in decisions relating to the scale and location of developments is provided by the new residential zones" (Page 60) is only partly correct. Where mandatory controls are provided these will increase certainty of outcomes but opportunities for more Rescode variations (which are discretionary) in the new zone schedules will provide further scope for uncertainty in decision-making and thus more opportunity for objection and appeal. Adding further uncertainty to the mix are the new likely changes to Rescode. Certainty can only be provided where discretion is minimised or removed from decision-making by the implementation of mandatory controls.

26. Conclusion

The amenity and liveability of Melbourne and the lifestyles and wellbeing of Melbournians will be negatively impacted by Plan Melbourne. This will result from inadequate infrastructure, particularly rail transport, overdevelopment, the building of apartments not meeting the needs of many Melbournians and insufficient open space. The main beneficiaries of Plan Melbourne are the developers who will be given a freer hand through the loosening of regulation, the sidelining of local authorities and the community in the planning of urban renewal precincts and state-significant sites and extension of measures such as code assess.

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