

Plan for Victoria

AND THE PLANNING SYSTEM REFORMS

A CHARTER 29 REPORT

NOVEMBER 2024

The Victorian government is preparing *Plan for Victoria* – a strategic framework for the whole state – while it simultaneously rolls out the most radical program of planning system reforms in thirty years.

This report summarises the publicly available information on both, adds analysis and commentary, and offers constructive feedback in the form of positive propositions.

The analysis draws on five years of advocacy work by Charter 29, a group of planning and urban design professionals. We work *pro bono* to improve planning in Victoria, independently of government and industry.

The contents of this report have been workshopped with a number of widely respected planning industry professionals and academics.

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On 20 October 2024, Victorian Premier Jacinta Allan launched a week of housing policy announcements by listing 25 'activity centres' for more intensive development, as shown on this government map. These added to the original 10 pilot centres, the six Suburban Rail Loop East development areas, and a number of other key precincts, also shown on the map. A further 25 activity centres are to be added at a future date. **What will be the impact of these changes on each centre, and on the residential areas surrounding them?** This report attempts to answer these questions, using multiple sources of government information.

SUMMARY

The State government has proposed a radical plan that would allow demolition of much of the established metropolitan area of Melbourne and replace it with high and medium rise apartments. Its new plan for Melbourne involves rebuilding an initial 60 activity centres, each with a high rise core in the existing shopping centre, and a medium rise catchment area within an 800 metre radius.

This plan will change the shape of much of the metropolitan area and the way it functions. When the six extensive Suburban Rail Loop East precincts are added, up to an estimated 400,000 families would be displaced, and much of Melbourne's built heritage and high amenity suburbs would be lost. It would overload existing infrastructure and services such as schools, pre-schools, hospitals and parks, and cause major road traffic congestion. Melbourne under this plan would become a very different city.

The government argues that this is the only way to provide more affordable housing. But apartment building costs have risen to unprecedented heights, resulting in the lowest rate of multi-unit construction in years. High rise apartments are the most expensive construction types per occupant. Replacing expensive houses with multi-million dollar apartments is doing nothing for affordable housing provision. The government's own policy gives up on affordability, proposing only 10 per cent of new apartments as affordable – and even this can be waived.

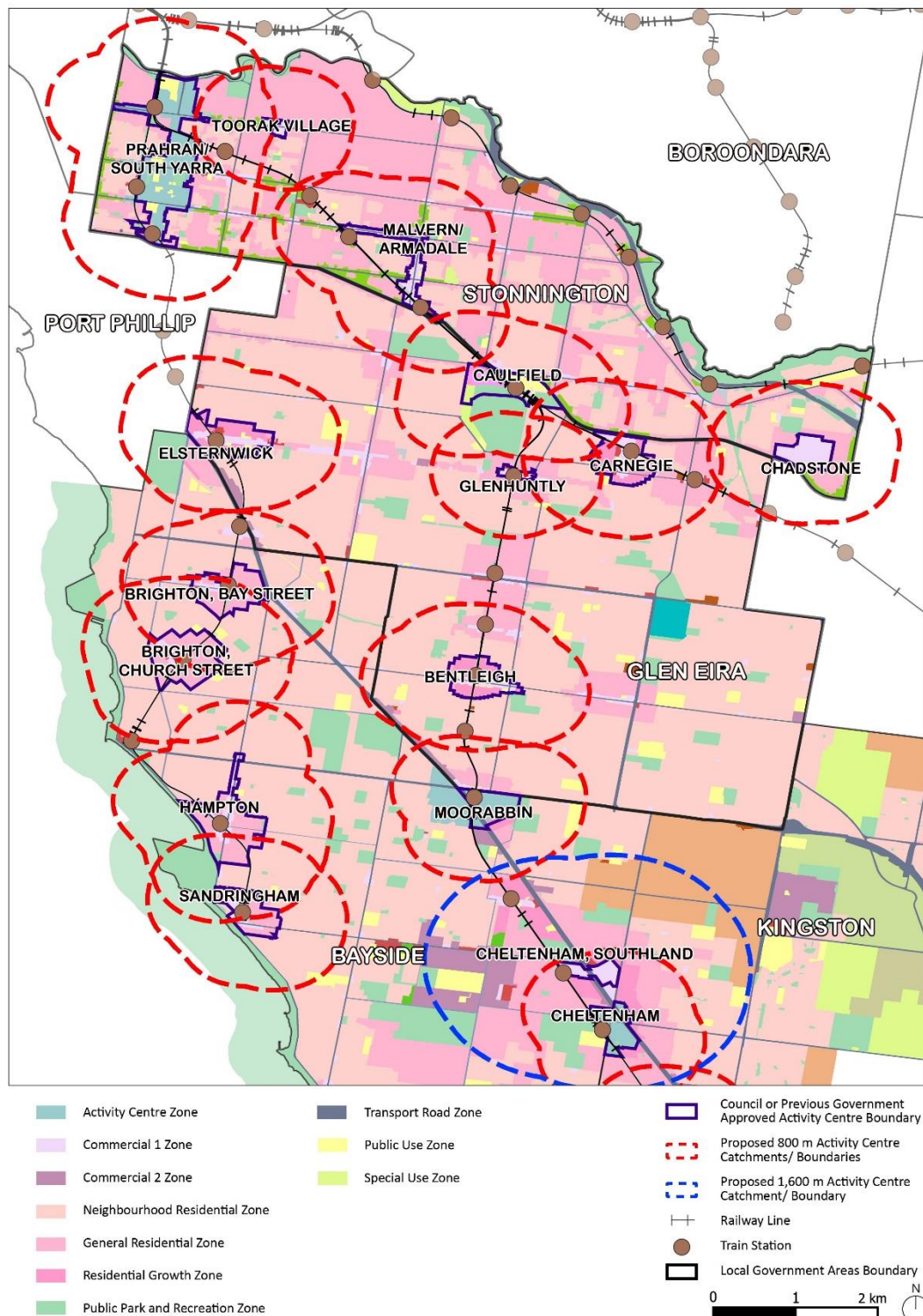
The government is imposing radical housing targets on all municipalities without public consultation. The public will have no rights to be notified about development proposals or to appeal. Rights of objection will be removed or reduced.

THIS REPORT

There are better ways to meet the future housing needs of Melburnians and other Victorians. Melbourne's valued features are internationally admired and loved by its citizens. This report, prepared by the Charter 29 group, asks: **Why would a government threaten Melbourne's valued attributes when better ways are available to accommodate its residents?** The following pages analyse the government's plan and outlines these better options.

The Charter 29 group proposes a fundamentally different approach, one based not on an autocratic approach alien to a liberal democracy, but on citizen participation in decisions about the future of their own city. Local councils, residents, the property industry and government would work together through regional groupings of councils to decide what types of development are appropriate in defined locations.

Many councils are already undertaking such an approach through detailed planning across their municipalities. They are demonstrating the potential for locating a future population in diverse and affordable housing types while retaining the valued character of our urban environments. Councils consistently have been approving more housing projects than those actually constructed. This approach can be expanded through a consultative approach to ensure that growth is compatible with our valued lifestyles. **We do not have to destroy our city to save it.** Traditional planning methods, not the arbitrary imposition of targets, are the way to avoid a dysfunctional future for our city.



This Charter 29 map shows an indication of the likely boundaries in a sample of the 800 metre 'walkable catchments' in Melbourne's south eastern suburbs designated by the State government for intensive redevelopment. The boundaries frequently overlap, and cover a high proportion of the residential suburbs. Section 3 of this report explains the government's proposals for these areas.

1 INTRODUCTION

The State government argues Melbourne has to accommodate 2 million more homes by 2051 under current migration levels, and 2.4 million statewide. The government's primary solution is to intensify development around activity centres, rail stations and tram lines. **This approach has been state policy for many years but is now being applied as a radical project to demolish and reconstruct much of the metropolitan area.**

An initial sixty centres will be redeveloped into 'core' and 'catchment areas'. **The core areas will comprise high rise housing up to 20 storeys. Catchment areas will be rebuilt as apartments and other forms of multi-unit housing to six storeys, extending to a radius of 800 metres from the edge of the core.** Residential areas beyond these centres will gradually be reconstructed to lower rise apartments and townhouses. Government policy lists a total of 130 *major* activity centres, but a recent planning amendment nominates redevelopment within 800 metres down to the *neighbourhood* activity centre level.

Local communities will be locked out of decision making as the government proposes to remove resident rights of being notified of developments or being able to appeal. Rights of objection will be removed or substantially reduced.

The government's plan will destroy the historic character and valued amenity of extensive suburban areas. In the first sixty precincts, it will displace the residents of over 350,000 dwellings. The uniform apartment types will be ill-suited to diverse resident needs. High construction costs for high and medium rise housing and high land costs in expensive suburbs will make apartments unaffordable for most residents. Massive population increases in these locations will greatly increase pressures on existing services and infrastructure such as schools, child care, health services and parks.

There are better ways to provide the necessary housing. It is not necessary to demolish a city to save it. **The planned population increase can be located in greater Melbourne without destroying the assets which make Melbourne such a liveable, vibrant and economically successful place.** These alternative ways will avoid the main defects in the government's plan while maintaining the valued benefits of the city.

This report critiques the government's approach and proposes viable alternatives. It proposes different ways to solve the problem confronting the government and the people of Melbourne. Fundamentally, this way is not to autocratically exclude residents from decision making, but to **include citizens in planning the future of the city in which they live.**

The Appendices to this report tabulate the detail of the significant changes referred to here.

See Appendix 2: Chronology of Planning Scheme Reform Process Milestones

2 THE GOVERNMENT PLAN

The government proposes to provide the required housing supply to 2050 in the established city by setting housing targets for all municipalities. **These targets do not adequately consider the features which make Melbourne such a distinctive and liveable city, transport infrastructure, the special features of municipalities, and the varied opportunities across Melbourne for housing intensification.** Instead, they are arbitrary allocations devised by estimating future housing capacity, future population, and continuing past development trends. Each relies on assumptions, producing estimates which are not necessarily

accurate. Other assumptions will produce different results. They will lead to the destruction of the features that are Melbourne's strengths, impose serious pressures on infrastructure and services, major traffic congestion and lead to other destructive impacts. **Other ways to provide housing supply are possible and could avoid the detrimental impacts of the current approach.**

The targets increase the housing numbers in most established municipalities by between 70-105 per cent. They propose that **middle ring suburbs would continue to bear most of the burden of new construction** at 740,000 new dwellings or 37 per cent of the total, compared to 610,000 in the new outer growth corridors. While some middle ring suburbs are relatively well served by public transport, many are not. Most additional housing will be car-dependent adding enormously to already high congestion levels and making movement in these suburbs increasingly difficult.

Much of Melbourne's heritage housing is located close to public transport but will be severely affected by current target allocations. Dwelling numbers will rise in Merri-bek by 72,000 or 89% and in Yarra by 48,000 or 91% leading to an increase in already serious road congestion and an extensive loss of heritage buildings. Applying the government's plan to the Camberwell Junction Activity Centre, for example, could lead to the loss of 4,500 dwellings with heritage value. Conversely, Knox is one of the most transport poor municipalities in Melbourne yet dwelling numbers there will rise by 47,000, an increase of 74%. Yarra Ranges Shire's dwelling target is a 45% increase, and Mornington Peninsula 33%, contrary to planning strategy since the 1970s to limit or prevent further development because of sensitive environmental values.

The government is spending almost all its public transport funds on the Suburban Rail Loop (SRL) but most new development will occur away from this corridor. Most new construction will occur in middle ring suburbs far from the SRL. The six SRL East precincts for Stage 1 will house only 70,000 new homes of the 210,000 earmarked for the three municipalities the line will serve. The project will offer little to existing residents along its route because of the long distances between stations.

3 THE NEW PLANNING MEASURES

The State government has adopted a de-facto planning strategy, without public consultation, to rebuild much of the established city.

What the plan does: This plan proposes to rebuild nominated major activity centres into a high rise and medium rise predominantly residential built form. The plan nominates a central 'core' and an 800 m 'catchment' for activity centres. These areas often merge into each other and into Suburban Rail Loop precincts, and extend from Broadmeadows to Frankston and Dandenong to cover much of the established metropolitan area outside the growth corridors.

The government initially listed **10 centres** in *North Essendon, Niddrie (Keilor Road), Broadmeadows, Epping, Preston (High Street), Ringwood, Camberwell Junction, Chadstone, Frankston, and Moorabbin*. A total of **25 now have been nominated** with new ones along the Belgrave-Lilydale, Frankston, Glen Waverley, Sandringham and Metro Tunnel line corridors, and along some

Reference documents:
VPA City of Centres report (Urbis/Sheppard & Cull, May 2024); VPA draft Activity Centre Plans (2024); VPA Urban Design Background Summary Report (Sep 2024).

Relevant Planning Scheme Amendments: draft Built Form Overlay (September 2024).

tram lines; **60 in total will be developed**. However, the government's Plan Melbourne names 130 major activity centres. Neighbourhood centres can also be redeveloped.

The Core: Most building heights for the activity centre cores are proposed to be **4 to 12 storeys** with Frankston (up to **16 storeys**) and Ringwood (up to **20 storeys**).

The Catchment: areas within 800 m of the 'core' boundary, rail station or tram line will be able to be redeveloped to **6 storeys**. Initially only housing in the General Residential Zone (GRZ) was proposed for replacement conforming to design templates (Clause 53.24 *Future Homes* program for apartments), and excluding all Heritage Overlay (HO) areas and the stricter Neighbourhood Residential Zone (NRZ). **Modelling for housing targets proposed a 50% discount of development potential for housing in the HO, and only a 20% discount in the Neighbourhood Character Overlay (NCO).**

The 800m areas are zoned both GRZ and NRZ. NRZ limits building height to a maximum of 9m and 2 storeys. But the government has now released a new zone, the **Walkable Catchment Zone (WCZ)**, intended to **replace the NRZ and HO in the Catchment areas. This will allow apartments to 6 storeys. Residents will have no rights of notification or appeal.**

Proposed activity centre **height controls are discretionary, not mandatory**. Discretionary height limits are frequently exceeded, sometimes by a wide margin. Height limits in a planning scheme should provide certainty for industry and community alike. Only a mandatory control achieves this.

A new Clause 58 contains **design requirements for apartments above 5 storeys** in residential zones (excluding the NRZ) and commercial zones, supplemented by built form standards and a built form overlay intended to apply to high density precinct development.

Areas outside Core and Catchment areas: Outside these catchment areas, the government plans to **replace the medium density code, ResCode, by a new process which allows medium density development to 4 storeys.**

If applications meet the standards of a code they will be **'deemed to comply'** and **eligible for fast-track approval, removing resident third party rights**. Under clauses 54 and 55 of ResCode objectives *had to be* met while standards *should* be met and decisions guidelines *considered*. A permit could not be granted unless all objectives were met.

The new approach to heritage and neighbourhood character is expressed in a new purpose: *To facilitate residential development to support the accommodation needs of a growing and changing population.*

It replaces this former purpose, which has been deleted: *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*

Among the proposed deemed-to-comply provisions are the building heights: **NRZ 9m (two, possibly three storeys), GRZ 11m (three storeys) and RGZ 13.5m (four storeys),** unless varied by means of a local schedule.

See Appendix 6: Changes to Activity Centre Built Form Controls, and Appendix 8: New Built Form Controls for Activity Centres.

See Appendix 7: Changes to Residential Area Built Form Controls Near Activity Centres, and Appendix 10: The Future Homes Potential Lots Map compared with the Walkable Catchment Maps.

Relevant Planning Scheme Amendments: draft Walkable Catchment Zone and draft clause 58 (September 2024).

See Appendix 7: Changes to Residential Area Built Form Controls Near Activity Centres

See Appendix 4: Principal Sources of Reforms Affecting Residential Area Built Form, and Appendix 5: Changes to Residential Zones (NRZ, GRZ, RGZ) & ResCode.

Relevant Planning Scheme Amendments: VC242, VC243; also draft clauses 54 and 55 (leaked to The Age, August 2024).

The Neighbourhood Residential Zone was changed in 2017 to allow more than two dwellings per lot, which lessened the ability to control density in areas with heritage and character values.

Suburban rail loop (SRL) precincts: Suburban Rail Loop precincts will be developed up to a radius of 1.6 km from the stations into medium and high rise predominantly residential centres. SRL East station precincts include: *Cheltenham, Clayton, Monash, Glen Waverley, Burwood, Box Hill*. Draft structure plan/precinct 'visions' prepared by Urbis include activity centre core building heights ranging from **10 storeys (Monash)**, to **18 storeys (Cheltenham)**, **20 storeys (Clayton, Burwood)**, **25 storeys (Glen Waverley)** and **40 storeys (Box Hill)**. Building heights in **peripheral precincts range from 4-6 storeys**. Beyond these, the Walkable Catchment Zone is likely to apply.

Refer to Suburban Rail Loop Authority website.

Development facilitation program: Optional new pathways are now available to developers **direct to the planning minister** for a wide range of applications which meet the criteria for the cost of developments (Clauses 53.22 and 53.23).

See Appendix 3: Government Intervention in Planning Approvals since 2020

Loss of resident rights: The right to objection will be reduced or eliminated and the right of notification of development proposals or of appeal will be removed. Across large areas of metropolitan Melbourne, the government will exempt applications from notice, appeal requirements and other requirements such as decision guidelines in planning schemes if applications meet specified development standards.

4 OTHER IMPACTS OF THE GOVERNMENT PLAN

The government's plan will incrementally remove many of the internationally acclaimed attributes which are most valued by the city's citizens and visitors while producing many adverse impacts. Chief among these attributes are the city's acclaimed heritage and amenity. Historic housing and commercial centres such as Victorian era shopping centres, and environmental features such as vegetation and open spaces, have many benefits such as health and identity, tourism and a range of economic values

This redevelopment will occur gradually. The government will initially encourage the high-rise development intended for the core activity centres. However, developers will incrementally redevelop housing outside core areas, often by amalgamating and consolidating sites. Such incremental development will gradually change localities and increase pressure on residents to vacate housing.

The government's model of intensification will produce serious road traffic congestion. Impacts on all services including open space, schools, child care and health services will be substantial.

The government's target-driven approach assumes that removing planning controls will increase land and housing supply. But **large-scale construction of high and medium rise apartments in Melbourne's most expensive suburbs will not provide affordable housing or meet diverse housing needs**. Other factors such as location, and construction costs will make much of this housing unaffordable to most residents. Melbourne is plagued by poor quality housing construction and high-priced, low quality apartments often falling in value. High

rise residential development is the costliest and least energy efficient form of per-capita housing. It will replace vital, interesting, liveable suburbs with windy, sunless, alienating urban areas which separate residents in towers from communities. In addition, the government's September 2023 planning amendment (Am242) proposes only at least 10% of development for affordable housing under Clause 53.23 (Significant Residential Development with Affordable Housing) and even this can be reduced or waived.

The government has gradually announced elements of the activity centre program but **much detail remains unclear**. One important element is whether a **'value capture' mechanism** will be introduced for activity centre redevelopment. The government has stated its intention to introduce such a mechanism for SRL precincts, intended to gain a proportion of the increase in land value from precinct rezoning and redevelopment equal to one third of the cost of the SRL project. Many elements of planning for the SRL precincts are being considered for activity centre redevelopment. It is likely that the government will impose a similar value capture mechanism within activity. One model is a tax of between 50-62% of any increase in the value of land through rezoning at the time of zoning change or at the point of sale, with interest charged to that point. Such a tax would be expected to increase pressure on residents to vacate much existing housing.

5 WHAT'S DRIVING THE GOVERNMENT PLAN?

The government, some in the property industry and other interest groups have portrayed **a housing crisis that exists because local councils, pressured by allegedly self-interested residents, have not produced sufficient housing supply**. They particularly blame middle ring residents and councils for the lack of housing supply, alleging that a 'missing middle', or a lack of housing in middle ring suburbs, has occurred. The government then argues that removing planning controls is the only way to increase housing supply and lower prices.

However, **this is a false narrative**. There has been no 'missing middle' of housing supply. **Housing approvals consistently have exceeded dwelling demand as councils have approved more houses than have been built**. Recent falls in construction have been caused primarily by development industry problems such as supply chain deficits and costs, high labour costs, materials and construction costs, and high interest rates, with impacts worsened by a post pandemic surge in migration and a shift away from shared households.

Large scale redevelopment has already occurred in middle ring suburbs. In the 30 years to 2021, 318,000 new dwellings were built in Melbourne's 15 main inner and middle-ring municipalities increasing housing there by 55 per cent. About 90 per cent of this was medium and higher density housing. If achieved, the government's new housing targets would reduce the proportion of detached housing there to under 33 per cent. Between 2005-2022, twice as much multi-unit housing was constructed in the middle ring and established outer suburbs as inner area high rise housing.

6 A BETTER WAY TO PLAN

There is no need to destroy a distinctive and valued city in order to accommodate future housing needs. A projected future population can be

accommodated while retaining the features that make Melbourne a distinctive and valued place and avoiding the worse impacts of the government's proposals. **Why threaten a city's most valuable assets if better alternatives exist to accommodate growth?** The government's radical plan is the worst way to proceed – it is the antithesis of good planning by proposing growth of the wrong kind in the wrong places. Charter 29 proposes a different, more conventional and proven approach based on sound planning principles. The details of this alternative approach are outlined below.

6.1 BASE THE PLAN ON STRATEGIC PRINCIPLES

Instead of imposing arbitrary and unnecessary targets, **Charter 29 proposes that future housing be based on a set of strategic principles.** Future housing principles would have to comply with these principles. This strategic approach would preserve not obliterate the valued characteristics of the city while providing opportunities for genuinely affordable and varied new housing types close to an expanded public transport network and jobs. It would ensure that accommodating growth begins with the need to retain the city's greatest assets and avoid, wherever possible, detrimental impacts of intensification.

A number of potential principles are listed below:

An urban form based on extensive modelling of different city types: The government has adopted a polycentric city model for the SRL project based on a limited number of middle ring precincts together with the redevelopment of 130 centres across the entire city. No effective modelling of the ways these alternative types of urban form would function in relation to each other has been undertaken, particularly on types and locations of employment, comparative transport impacts and their spatial relationships, infrastructure provision, road congestion, and social and environmental factors. **Informed decisions on the preferred future urban form for Melbourne in accommodating a large population increase should be based on modelling of such variables.**

Evaluation of the suitability of urban design types: Alternative models of urban intensification, including alternatives to medium and high-rise buildings should be evaluated. **Determination of dwelling yields and appropriate built form controls should be based on a sound appraisal of market potential for each development type in each location.**

Heritage and amenity protection. Many heritage buildings are located in precincts around rail stations and activity centres. These and other high amenity areas play a crucial role in maintaining Melbourne's liveability. The government's approach through imposition of targets and its housing plan ignores its own current planning strategy, *Plan Melbourne*, which identifies the **crucial contribution cultural heritage, including "Melbourne's distinctive high-street shopping strips" and housing, makes to Melbourne as a 'distinctive city':**

"Melbourne is one of the world's most distinctive, liveable cities... To ensure Melbourne remains distinctive, its strengths will be protected and heritage preserved... Melbourne is a city of distinctive centres and neighbourhoods, from the high-density, inner-urban areas of the central city to the leafy neighbourhoods of the east to the foothills of the Dandenong Ranges to the bayside beaches to the new growth areas to the south-east, north and west.... Melbourne is a design capital—thanks to its well-preserved heritage buildings, strong and distinctive architectural character... it is vital that current assets are protected".

Protection of green wedges. Green wedges and the broader Melbourne green belt should exclude all urban-related land uses, and the urban growth boundary should be maintained as integral elements in maintaining a liveable Melbourne. The allocation of targets to green wedge municipalities will lead to much development of multi-unit housing in and around green wedge townships, contradicting planning policy in place since the early 1970s to redirect urban development from them into growth corridors.

New mandated design principles for all development types including housing diversity and affordability.

Safeguarding of existing shopping and community centres by prohibiting out-of-centre retail development.

Commitment to a high quality public transport network, according to a new transport plan that would include the construction of a rail line to the airport, the Melbourne Metro 2 project, improved capacity and speeds on regional rail routes, electrification to Melton and Wyndham Vale, and a network of fast, frequent, direct trunk bus services across the metropolitan area.

6.2 ALLOCATE CITY WIDE TARGETS

Targets should be allocated on a city-wide or regional basis, not the municipal basis of the current approach. Different municipalities contain varying attributes and disadvantages which affect their suitability for new housing. Yet municipalities have been allocated targets regardless of heritage value of existing housing; amenity attributes of suburbs; existing infrastructure and services including public transport, schools, hospitals and open space and potential for new services; and other factors such as the likelihood of serious road congestion.

6.3 ELABORATE A REGIONAL NETWORK CITY MODEL

Arbitrary targets have been allocated in the absence of any regional plan for Victoria which addresses housing, jobs, transport, infrastructure, heritage, and broader social, economic and environmental needs. *Future Homes* allocates targets only to three large regional cities, ignoring the development potential of other regional centres. A regional model would protect heritage values of regional towns, ensure quality of urban design, provide affordability and diverse housing, regional employment and fast, high quality public transport.

Post-Covid, Melburnians have taken advantage of more flexible work arrangements and improved regional train services to move to regional centres and country towns within 1-2 hours commuting distance. Victorian regional centres offer lifestyle opportunities, and welcome opportunities to expand their economic base and grow their populations. **A foundation of future planning should be a Network Cities strategy for regional Victoria that builds on these already manifest trends.** Sound regional strategy should precede and form the

framework for allocation of dwelling targets, based on an analysis of the capacity of major centres or other regional towns to increase populations, major transport and other infrastructure improvements, and a regional employment strategy.

6.4 ADOPT AN ALTERNATIVE HOUSING TARGETS MODEL

Different assumptions used for modelling will lead to different outcomes. The RMIT *Melbourne at 8 Million* report calculates possible housing supply across the city by identifying sites suitable for development and applying appropriate yields informed by relevant characteristics – lot size; planning zone; region; existing dwelling number; and heritage value – to assess development potential for every lot in metropolitan Melbourne. Its modelling is based on the 2013 zones including the NRZ which excludes multi-unit development. **The report scenario shows that almost 80 per cent of anticipated demand can be met within the established city while protecting Melbourne's remaining heritage buildings.** Most future dwelling supply could be available in Melbourne's established suburbs mainly in the General Residential Zone (GRZ). Limiting development to the scenario assumptions demonstrates that Melbourne's suburban housing does not need to be redeveloped *en masse* to satisfy projected housing demand.

See Appendix 9: RMIT's Melbourne at 8 Million Dwelling Target Scenarios.

6.5 UNDERTAKE DETAILED LOT-BY-LOT ANALYSIS

Target allocation could be based on a lot-by-lot analysis of intensification opportunities under existing zones and other planning controls. This would involve a process involving detailed estimates of available land supply using a variety of land types and urban opportunity sites such as infill sites, underused or vacant sites and development opportunities under existing zones and other planning controls. Many local councils have shown the way forward with this process.

Local councils are best placed to work with their communities and interest groups to plan the future of their municipalities. Many councils have investigated housing capacity through housing studies, detailed supplementary capacity estimates based largely on existing zones and preserving valued characteristics, and structure planning processes to identify significant additional land supply. **Such analyses, including detailed analysis of need and capacity, are leading to council housing strategies and structure plans based on evidence and research, not the arbitrary imposition of housing targets.** The government has no need to override this work but should support it, by reinforcing the need for consultation not exclusion of residents from decisions about the future of their city.

6.6 INTENSIFY DEVELOPMENT IN THE GROWTH AREAS

Outer urban growth corridors could accommodate a significantly greater population than projected by the government, in suburbs that function better and offer vastly improved amenity. The development approvals process consists of five stages leading to a complicated, ineffective, costly and time-consuming process. This could be reduced to two stages and include mandatory quantified measures to increase certainty and produce a range of affordable housing types catering for different needs.

Standards would require sunlight access to housing; at least 8 star housing energy efficiency; wide variation in dwelling type; average gross residential density of at least 25 dwellings/ha based on graduated housing types from low rise apartments

See Appendix 11: Charter 29 Observations and Suggestions

See also Charter 29's reports on growth area planning, listed at the end of this report.

close to activity centres and public transport to attached and detached housing types; street-oriented activity centres; high walkability; accessible services; use of water sensitive design; and frequent public transport. **Such higher density would produce sixty per cent more housing and save 45 per cent of land per corridor. In these ways, growth corridor development would become better related to development throughout the established city.**

6.7 PROTECT HERITAGE SHOPPING CENTRES

Significant redevelopment opportunities exist in the Activity Centre Zone (ACZ), Commercial 1 (C1Z) and Mixed Use (MUZ) zones, even while excluding all pre-1945 shopping centre buildings. However, further yields could be gained by allowing controlled redevelopment of these shopping centres including HO buildings. A set-back of 12 metres and a height control of 11.5 metres at the rear of buildings with a HO would allow significant further development while not affecting heritage values.

See Appendix 11: Charter 29 Observations and Suggestions

6.8 OPEN THE PLANNING PROCESS TO GENUINE PARTICIPATION

The task of providing future housing could be a genuinely participatory one based on a partnership between local government, local communities, the property industry and government. It could be based on strategic decisions on what can be built where. This process could involve representatives of local government, resident community groups, government and the property industry for the six metropolitan regional areas identified in Plan Melbourne. A similar process should be followed for regional areas. This process would be led both by strategy and the need to identify future dwelling supply.

See Appendix 11: Charter 29 Observations and Suggestions

6.9 DESIGN A MORE EFFECTIVE AND INCLUSIVE PLANNING SYSTEM

The type of planning system utilised to implement strategy is an integral element in the effective provision of housing which suits the needs of an urban populace and allows the city to continue to function effectively.

The government's approach is to impose a new set of planning provisions designed to deregulate the planning system using primarily *deemed-to-comply* or *discretionary* standards. These are designed to facilitate development and limit the participation of local councils and residents in the planning and approvals processes. However, an over-reliance on discretionary standards has produced a long and complex planning scheme, uncertainty for developers and the community, and a field day for lawyers at VCAT. **Instead the government should simplify planning controls, improve certainty and speed up the approvals system by replacing discretionary standards with mandatory rules.** This is particularly true of height limits, where discretionary limits are often exceeded.

Planning in Victoria is legislated as a partnership between state and local government, with councils as the default administrators of the system. **The government's plan will reduce and even remove meaningful council participation in strategic planning and approvals,** while at the same time placing additional burdens on local councils to meet the fast-track turn-arounds on VicSmart and other applications. This follows years of councils being subject to rate-capping.

Our planning system should operate for all users without the use of alternative planning pathways, such as special state legislative control over precinct development or 'fast tracking' of applications through special standing advisory

See Appendix 11: Charter 29 Observations and Suggestions

committees and ministerial decision making. **Ministerial intervention should be limited to matters of legitimate and statewide interest and such matters should be clearly defined.**

7 THE PLANNING SYSTEM AND PLAN FOR VICTORIA

Plan for Victoria, due for completion in December 2024, is the latest in a series of high-level planning strategies prepared by the state government. Previous strategies focused on the metropolitan area:

MELBOURNE 2030 (2002): Focussed development around district and other activity centres.

MELBOURNE @ 5 MILLION (update of Melbourne 2030, 2013) defined 25 Principal and 82 Major Activity Centres (PACs and MACs).

PLAN MELBOURNE (2014) retained and added to the MACs (they now total more than 130), and introduced the concept of the '20-minute neighbourhood', focused on the catchment area of every level of activity centre down to Neighbourhood (NACs). Two of its key directions were:

Melbourne is a distinctive and liveable city with quality design and amenity
Strengthen community participation in the planning of our city

PLAN MELBOURNE REFRESH (2017) added a new outcome that focuses on 'preserving our sense of place and identity so Melbourne remains a distinctive and liveable city with quality design and amenity.'

PLAN MELBOURNE ADDENDUM (2019) was a short statement, primarily to accommodate the addition of the Suburban Rail Loop (not considered in the 2017 plan).

See list of activity centres in Appendix 1.

Plan Melbourne relabelled 11 PACs as 'Metropolitan Activity Centres' (the rest became MACs), and designated six National Employment and Innovation Clusters (NEICs – eg Monash and LaTrobe).

The scope of Melbourne's metropolitan plans has been comprehensive, in the sense that they balance consideration of multiple urban issues like jobs, transport, infrastructure, community, heritage and environment. They include substantive spatial policies, conveyed by means of maps with symbols and diagrams. **By contrast, the *Plan for Victoria* process has been focused primarily on a single overriding goal: to deliver an extra 2.24 million new homes by 2051.** It is expected to be a shorter and more generalised statement of policy intent.

Further, *Plan for Victoria* has been prepared while its implementation mechanisms – the new controls described above – are being rolled-out. In other words, it is a strategy whose essence has already been determined: **strategy is following action.** This inversion of a rational planning process provides a credible explanation of the government's approach to community engagement.

The *Plan for Victoria* process was launched with a heavy emphasis on community engagement, and many thousands of Victorians have offered their views on topics such as 'big ideas for the future'. **But no opportunities have been provided for informed public debate about key planning issues.** Information about the content of the emerging plan has been scant, and it appears likely to be completed by the end of 2024 without being released as a draft for comment.

8 CONCLUSION

Although work on the planning reforms began in 2017, most of the changes referred to in this report have emerged within the last few months, a timeline

driven by the government's *Future Homes* policy – the goal of delivering an extra 2.24 million dwellings by 2051.

The failure to consult meaningfully on *Plan for Victoria* reinforces the perception that the government had already decided on the strategy before the planning team began work. The strategy is to fast-track more intense residential development wherever it can be accommodated, with limited regard for the other goals of sound town planning.

In the absence of any opportunity for meaningful public debate about *Plan for Victoria's* directions, the government has been pushing through Victoria's most radical planning system reform agenda. This will be put in place before anyone outside the government is able to see and comment on a draft of *Plan for Victoria*, the strategy that is supposed to drive the new controls. The statutory tools, in effect, constitute the real strategy, a shortcoming that amounts to the implementation tail wagging the strategic dog.

Previous publications by Charter 29, some of which are available on our website www.charter29.com :

Growing Pains: The Crisis in Growth Area Planning (2020)

Growing Pains: Planning for Better Neighbourhoods (2021)

How to create Sustainable Communities in Victoria's Growth Areas (Alternative Precinct Structure Planning Guidelines) (2022)

Essential Reforms for Growth Area Planning & Development (draft submission to the Minister for Planning) (2023)

Submission to the Plan Victoria Team (April 2024)

CHARTER 29

Charter 29 is a group of environment professionals who believe that planning in Victoria is failing in many of its fundamentals. This report is their call to action on the topic of growth area planning.

The name Charter 29 is inspired by Melbourne's 1929 Plan of Development, and the fact that the centenary of this plan is approaching. If implementation of the 1929 plan – and the other metropolitan strategies that have followed it – had been carried out with greater determination and resolution, Melbourne today would be a more compact, better functioning and a more liveable city for all its citizens.

Regrettably, much that has happened to the city since 1929 has allowed Melbourne to develop into a very large, low density metropolis, with a sharp divide between the accessible, high quality environments of the inner suburbs, and the sprawling outer suburbs, where residents need two or more cars, and must travel long distances to work.

Charter 29 recognises that the *Growing Pains* and *Planning for Better Neighbourhoods* reports affect land whose sovereignty has never been ceded and this always was, and always will be, Aboriginal land. It is land that should be treated with respect and used in the best way possible.

We recognise the First Nations People of Australia and celebrate their continuing cultural practice and Connection to Country. We acknowledge the Traditional Custodians of the land on which we live and work, and pay our respect to Elders past, present and emerging.

We recognise the spatial expertise held by First Nations people and the long-standing practice of Indigenous land management, science and architecture. We acknowledge the role that the built environment holds in shaping Country and our responsibility to improve, unlearn and repair.

We are proud that we live in the country with the world's oldest continuous living cultures, and we commit to playing our part as allies to First Nations people across Australia.

Always was, always will be.

THE AUTHORS

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Michael is Emeritus Professor Environment and Planning, RMIT University, and former head of the RMIT planning and environment program. He has 25 years' experience in environment and planning in local, regional and state governments including 12 years in senior management with Victorian Planning and Environment agencies. He has published widely particularly on urban form, and on outer urban and peri-urban development. He formerly led the Premier's Green Wedge Working Party advising the Victorian government on green wedge protection.

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Geoffrey has been a practicing architect since the early seventies, designing climate-sensitive, sustainable buildings. He is also a practicing artist and illustrator. He has extensive experience in commercial building, educational, institutional and local government buildings, complex heritage issues and 'one family' houses. He is a strategic thinker with a sophisticated knowledge of architectural planning and contemporary aesthetics and practiced environmental design skills. Geoffrey's visualizations are highly successful in communicating key criteria in planning and design to public and stakeholder groups.

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Jim is an architect and urban designer with wide-ranging experience as a consultant to the private sector and to State and local governments, and as a senior officer in local government. He was a sessional member of Planning Panels Victoria for eight years to 2017 and served on many Panels and several Ministerial Advisory Committees. He currently conducts a specialist urban design and planning consultancy.

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Mike began his planning career in the UK before taking up senior positions in Victorian Councils, including the City of Melbourne at the time of the 1985 Strategy Plan. In 2001 he co-founded the consultancy Planisphere, where he pioneered methodologies for landscape assessment and Place DNA, winning more than a dozen professional awards. He was also in demand as a communicator and facilitator. He currently chairs the RMIT planning industry advisory committee, runs professional courses in communicating with communities, and is a member of the Victorian Design Review Panel.

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Steve is an architect and urban designer and Director of Design Urban Pty Ltd. He has worked in the private and public sectors and held various positions including; Director of Urban Design (Victorian State Government) and Principal Urban Designer (City of Melbourne). He has experience gained from working in Australia, the United Kingdom, South Africa, New Zealand, Oman, Saudi Arabia, China, the UAE and the Czech Republic. His work has been awarded more than 30 international, national and state urban design awards in a career spanning 37 years.

The authors assert the moral right to be identified as the authors of this work

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