



## **BLACKBURN VILLAGE RESIDENTS GROUP INC.**

*Protecting the distinctive features of Blackburn since 1987*

Email: [bvrg@ymail.com](mailto:bvrg@ymail.com)

Post: PO Box 406, Blackburn. 3130

Phone: 9894 2531

# **BVRG Submission for Plan Melbourne Refresh**

## **December, 2015**

### **Introduction**

Since its formation in 1987 the Blackburn Village Residents Group (BVRG) has promoted the interests of residents in planning issues affecting Blackburn. To help achieve this goal the BVRG has participated in various planning working groups and committees of review at State and Local Government level and made numerous submissions to Planning Panels and Tribunals.

We formulate our representations on the feedback obtained from our core supporters, on the links we maintain with the wider Blackburn Community through public meetings, circular letters and surveys, and on those informal networks which include local groups and individuals which are a feature of the local community. Blackburn has a long history of valuing its bushland setting

The Blackburn Village Residents Group made a submission to the State Government in relation to both the draft and final versions of Plan Melbourne. We found that Plan Melbourne incorporated aspirational elements which our group supported such as “improve transport infrastructure and services in Melbourne’s newer suburbs” and “make our city greener”.

In Plan Melbourne Refresh similar aspirational elements for transport including “ensure transport improves Melbourne’s liveability and amenity and supports development of key places and precincts” (page 40) and for greening including “green the city to better prepare for higher temperatures and heat waves” (page 70) are included. We would also endorse these views.

However in both Plan Melbourne and Plan Melbourne Refresh there are aspects that we do not support. For example in the former document we did not support the Melbourne Planning Authority not being independent of the Minister while in Plan Melbourne Refresh we do not

endorse the widening of the scope of code assess. The key elements of Plan Melbourne Refresh are discussed below.

In general where oversight is reduced and more ‘as of right’ provisions are introduced into the planning scheme there is an increased need for compliance monitoring and sanctions where rules are breached. Councils and Government departments have not provided sufficient resources for this aspect of planning and it is a concern for BVRG that the opportunities for non-compliance will continue to expand unchecked.

Once approved, Plan Melbourne Refresh should undergo regular reviews by independent oversight and include evaluation of measurable outcomes.

## **Neighbourhood Character**

A major difference between Plan Melbourne and Plan Melbourne Refresh exists in relation to the protection of Melbourne’s existing suburbs. In the briefing provided by the Minister for Planning following the release of Plan Melbourne the Minister confirmed that 50% of Melbourne’s residential land would be in the Neighbourhood Residential Zone (refer page 103). In Plan Melbourne Refresh (page 46) the concept of a “70/30 target, “where established areas provide 70% of Melbourne’s new housing supply and Greenfield growth areas provide 30%” is introduced. While we understand that because of the projected growth in Melbourne’s population urban consolidation is required, and this will involve increasing density in all areas of Melbourne including middle suburbs such as Blackburn, increasing the housing stock should involve a consideration of a range of factors, including importantly neighbourhood character, highly valued by many Melburnians including Blackburn residents. The implementation of such a target would inevitably have an adverse impact on the neighbourhood character of middle suburbs such as Blackburn and is something that the BVRG would not support.

We are concerned by the proposal in the Ministerial Advisory Committee ( MAC) 2015 report which advocates that government “ embark upon informing the Melbourne community of the benefits of more diversity and choice in the housing sector” (page 56) This could be viewed as an attempt to encourage Melburnians to be less concerned with neighbourhood character and to undermine the preservation of character and is at odds with the statement on page 70 that “greater emphasis will also be placed on ..... significant landscape areas that give Melbourne and its surrounds its distinctive character and liveability.” Blackburn is a suburb with a many areas covered by Significant Landscape Overlays, put in place by the Council by a series of Amendments, to protect the unique area within, including in particular the vegetation and wildlife.

We are also concerned by the following statement “A key question is whether the existing assessment process unduly constrains medium density development (page 86). This implies that as well as watering down the provisions of Clause 55 of Local Planning Policy Frameworks (LPPF’s) a move to lessen the weight given to neighbourhood character in application decisions is being considered.

We strongly agree with the proposition (page 26) that “people identify with where they live and so help shape a place, which in turn shapes them”. Blackburn residents have worked tirelessly over many years to create a unique character described in the Neighbourhood

Character Study conducted by the City of Whitehorse as Bush Environment, where “streetscapes will be dominated by vegetation with subservient buildings frequently hidden from view behind vegetation and tall trees.” Blackburn residents value highly the neighbourhood character and are passionate about its preservation but putting the emphasis on measures such as those referred to above would only make retention of character more difficult.

We concur with the view expressed on page 47 that a 70/30 target would require more infrastructure and create additional problems related to parking. Parking problems are now acute in Blackburn and the additional cars generated by high density developments in the Residential Growth Zones north of the railway line will only exacerbate the problem. Two recent permit applications granted by Council provide for apartment complexes involving in excess of 100 dwellings at 1-5 Sergeant Street and 3 Whitehorse Road. In nearby Box Hill, where much of the health infrastructure associated with Box Hill Hospital is located, parking is extremely difficult to access. Parking space within walking distance for the Palace Cinema in Balwyn during the week is generally difficult to find. The new apartment complexes, existing and under construction near Blackburn in Whitehorse Road will only exacerbate this problem locally. The general trend towards lowering requirements for car park spaces within all multi unit developments has only exacerbated problems associated with increased on road parking.

Moving the additional people living in middle suburbs will require additional rail and other transport services. While the removal of level crossings will allow for increased rail services, substantial investments in more modern signalling technology may also be necessary as well as investments in rolling stock. Other forms of infrastructure including schools and hospitals will also be required and the acquisition of suitable land will necessitate large investments occasioned by high land and property values. Adequate available public open space also needs to be addressed as population pressure impacts on the existing declining public open space resource.

## **Twenty Minute Neighbourhood.**

The concept of a 20 minute neighbourhood endorsed in Plan Melbourne is to remain a strategic principle in Plan Melbourne 2016 (page21) The 20 minute neighbourhood is defined on page 22 as “the ability to meet your everyday (non-work) needs locally, primarily within a 20 minute walk”

Whilst desirable, such an objective is clearly aspirational and in practice this proposition is clearly unrealistic; some services such as retail (not including more specialized goods), and health (not including specialized services) may conceivably be within a 20 minute walk, other service providers, including those of entertainment and education, may not. In addition sporting facilities may not be accessible on this basis depending on the nature of the sport, for example sports such as baseball and hockey. To the extent that the services/facilities are not accessible within a 20 minute walk, Melburnians quality of life is adversely affected by traffic congestion and parking availability.

In addition, different individuals within the same household are likely to have differing needs in terms of health, education, recreation and other services, some of which may be specialised

and unreachable through a 20 minute walk. Government planning guidelines alone are also unlikely to determine the locations of a range of service providers.

There are 900 neighbourhood Activity Centres (NAC's) across Melbourne (page 23). The implication is that there is plenty of scope to create 20 minute neighbourhoods. But undoubtedly many of these NAC's would be like Blackburn and Blackburn South NAC's where the range of services provided is very narrow and is dominated by retail food outlets and real estate businesses. To access a wider range of services it is necessary to travel to regional shopping centres, major shopping strips or Major Activity Centres such as Box Hill which are not necessarily within a 20 minute walk. For a 20 minute neighbourhood to be a reality there would need to be some kind of mechanism or oversight of retail facilities to broaden the scope of products/services available from many existing NAC's.

## **Approach to Planning**

On page 5 of Plan Melbourne Refresh it is suggested that greater certainty in the planning for multi dwelling developments may be provided by the use of a code assess approach. Currently a code assess approach is only used in relation to minor developments such as approvals for sheds. The BVRG would oppose strongly any move to widen the application of this planning tool to multi-unit developments and particularly to apartment blocks. Melburnians are entitled to be made aware of developments that may impact on their amenity and neighbourhood character and have the opportunity to object to such developments. The adoption of such a proposal involves trampling on the rights of Melburnians and cannot be justified by increasing the certainty for developers, streamlining the approval process, reducing costs and increasing the profits of developers.

Lot consolidation incentives are suggested as a means of "supporting the ongoing renewal of established areas" (page 48). While lot consolidation can markedly increase dwelling density in an area through the construction of multi-dwelling developments, especially apartment blocks, developers do not need incentives for lot consolidation; such incentives are provided to property owners through attractive purchase offers from real estate agents. In any case lot consolidation, if not controlled and left to market forces, can adversely change the character and liveability of areas of Melbourne.

The role of the Review of the Reformed Residential Zones is discussed on page 46 of Plan Melbourne Refresh and a number of options are provided. The BVRG would support the use of character studies to determine the residential areas covered by each of the 3 differing approaches to change. In the City of Whitehorse, and particularly in Blackburn, we consider there would be little or no variation to the residential zones put in place by Council, due to the recent and comprehensive Neighbourhood Character Review conducted by council on which the zones in the Housing Study are based.

We would not support the wholesale overriding of established neighbourhood character by considerations of strategic location, such as proximity to transport or activity centres, contemplated on page 52 of Plan Melbourne Refresh. Many beautiful parts of Melbourne's established and middle suburbs are in what may be described as "strategic" locations and implementation of such an approach would see the widespread destruction of many areas which give Melbourne its distinctive character. The term "strategic" is widely used by developers in support of inappropriate developments and recent experience at VCAT

hearings suggests that this approach is being enthusiastically endorsed in VCAT decisions; a cause for great concern.

The locking down of the Urban Growth Boundary in order to contain Melbourne's sprawl (page 18) the BVRG sees as becoming unsustainable if not so already. However we are curious as to why more consideration is not being given to medium density housing in Greenfield growth areas particularly when this is becoming more the norm throughout Melbourne. Such an approach would relieve the pressure on the supply of residential land and housing in Melbourne and make the provision of infrastructure more cost effective.

Positive measures if introduced, appropriately implemented and enforced include:

- Investigating the use of planning tools to help protect strategic agricultural land (page 4). Already urban development is starting to impinge on the production of fruit and vegetables on the fringes of Melbourne and must be halted.
- The role of community input in planning should be strengthened (page 25). We remain sceptical given that governments rarely deliver on such promises, particularly where there is talk by this government of widening the scope of application of code assess.
- The importance of partnership with local government (page 27). However in Plan Melbourne Refresh the focus seems to be on implementation. It is however vital if the residents of Melbourne are to have a voice in planning issues, that Councils be heavily involved in the development of planning policy and strategy for their municipalities.
- Underutilised land provides substantial future development opportunities (page 49). However underutilised land in established suburbs also provides opportunities for increasing public open space, particularly as it is in these suburbs where 70% of new housing is to be constructed. The middle suburbs of Melbourne were never planned and developed with either medium density or high density housing in mind (unlike cities in countries overseas such as Italy); backyards provided private open space relieving the need for public open space which was often satisfied by car trips to rural areas. Backyards also provided an avenue for neighbours to interact around events such as barbecues; in countries such as Italy these opportunities are provided by large piazzas.

## **Social Housing**

On page 58 of Plan Melbourne Refresh it is proposed that the responsible authority for social housing be the Minister. Giving the Minister this power would involve sidelining the community and councils when it comes to important decisions relating to the location, size and density of housing developments.

Moreover in our view the Minister already has sufficient and maybe more than enough power to intervene on matters associated with planning scheme amendments. This may involve:

- amending a planning scheme, with exemption from notice requirements
- advancing the processing of an amendment to a planning scheme
- calling-in a matter before the Victorian Civil and Administrative Tribunal.

These powers are provided for under the Planning and Environment Act 1987, the Heritage Act 1995 and the Victorian Civil and Administrative Tribunal Act 1998.

It is also proposed that “expedited planning approvals processes for selected social housing projects, including modified third-party appeal rights and planning scheme requirements that could be waived or reduced without compromising the amenity of social and affordable housing or neighbouring properties” (page 58), be considered. Whilst the BVRG recognises the importance of increasing the stock of social housing, expediting planning approvals processes smacks of introducing mechanisms which will limit the role of residents and councils in the approvals process. Residents should have the right to lodge objections against developments involving social housing. It is not clear how these rights could be modified without disadvantaging objectors; the scales are already tipped heavily in favour of developers.

In relation to waiving planning scheme requirements, the Plan suggests that consideration be given to reducing the parking requirements for social or affordable housing. As indicated earlier, the BVRG would be opposed to any move involving a waiver or reduction of parking requirements. Currently, as expected, parking requirements are lower for social housing than those in place for dwellings in residential zones as a consequence of the lower car ownership of social housing residents. A waiving or reduction of these parking requirements nevertheless will have the same negative impact on parking accessibility as it does now with parking in the middle suburbs of Melbourne. A further problem associated with such a proposal is the fact that each development is considered on a “stand alone” basis and the cumulative impact of a number of such decisions is never considered.

## **Infrastructure**

The BVRG supports the establishment of Infrastructure Victoria and its role in advising on infrastructure investments and policy directions (page 40). However this body would need to be independent of government and there would need to be transparency around its operations, advice and findings

The discussion of road and rail projects on page 41 makes no reference to new signalling for the rail network; in our view this is a significant omission. “Signal failures are one of the biggest sources of delay on the system. Much of the signalling equipment on the network is antiquated and presents significant impact potential on the network's performance. Some signals, called interlockings, are 100 years old but have a design life of 35 years. Their age makes them increasingly prone to failure and expensive to maintain, due to the diminishing number of technicians with the relevant maintenance experience to fix them”. (The Age Thursday December 3, 2015; Adam Carey, Clay Lucas)

Other problems not discussed in Plan Melbourne Refresh which require major investments to improve the efficient running of the rail network include:

- Lack of electrical power which results in the newer trains performing poorly. The solution involves a major investment in electrical substations.
- “Dark territory” where for long stretches of suburban tracks trains are not visible to signallers. Overcoming this problem will require investment in a new back-up system.
- Outmoded technology including “life expired” CCTV cameras, public address and passenger information systems.
- Complex rail junctions where interconnections between rail lines mean that a failure or delay in one section of the network causes “cascading” across the network. The solution involves converting the “Victoria era” network into 5 separate and simpler railways.
- Run-down stations. At Caulfield station there is a 25km/h speed restriction for trains travelling over the station subway. ( The Age Thursday December 3, 2015; Adam Carey, Clay Lucas)

## **Partnerships with Local Government**

BVRG agrees with the need to recognise and reinforce the importance of partnerships with local government in sub-regional planning and the implementation of Plan Melbourne 2016.

By way of example, where a stronger partnership would have resulted in better outcomes, we refer to the Level Crossing replacement at Blackburn in the City of Whitehorse. In 2009 City of Whitehorse engaged consultants to develop an Urban Design Framework for Blackburn Village and the western end of the Mega Mile along Whitehorse Road. This strategic study identified a number of linkages and improvements that could better link the 2 sides of the business precinct divided by the railway line.

However, the brief provided by VicRoads to the Removal Authority in 2015 for the level crossing removal was narrowly focussed and was unable to include improved north/south linkages near the railway station or a realignment of a shared use path to the north of the rail reserve between Blackburn and Nunawading to service industrial, commercial and future high density residential areas via connecting streets off Whitehorse Road Mega Mile. As it is a VicRoads project, Council has little say in the outcome. Missed opportunities for significant improvements at a small incremental cost when wrapped into the existing works program will never likely be carried out into the future.

The outcome for Blackburn is counter to A More Connected Melbourne - 4.3 Active Transport Victoria (Page 43). BVRG therefore agrees that references should be incorporated into Active Transport Victoria and Linkages to land use outcomes in Plan Melbourne.

## **Climate Change**

Climate change was a serious omission from Plan Melbourne and the BVRG is pleased to see this issue receive the attention it deserves in Plan Melbourne Refresh. “Green the city to better prepare for higher temperatures and heatwaves” and “increase soil moisture’ (page 70)

and tackling the heat island effect by increasing the tree canopy and permeable surfaces throughout Melbourne (page 78), are sensible measures. But the present trend towards a greater coverage with a built environment is what is actually happening in Blackburn and other middle suburbs of Melbourne.

In Blackburn, dwellings with good tree canopy, vegetation and permeable surfaces are being replaced with MacMansions and medium density and high density multi-unit buildings with a substantial reduction in the tree canopy, vegetation cover and permeable surfaces. It is not uncommon in Blackburn for sites to be “moonscaped”. These developments have given rise to an increase in the residential area covered by impermeable surfaces creating more water runoff and a reduction in soil moisture retention.

BVRG encourages a policy preference for retention of existing canopy trees where possible or a requirement to include canopy tree planting in residential developments. This approach would ensure passive cooling is a legitimate strategy for improving energy efficiency which would also have other sustainability benefits. Ensuring canopy trees are included in residential developments also augments street and park planting by Councils. A tree in each residential property would make a significant contribution to cooling the city.

While the natural habitat is discussed on page 76 there is no mention of fauna. The natural habitat in Blackburn provides a wonderful home as well as movement corridors for the many and varied forms of wildlife that inhabit areas of Blackburn. Much of this wildlife is disappearing due to the loss of habitat and viable linkages to stable habitat. Strategies should be developed so that we can better co-exist with this wildlife.

Tree canopy targets (page 78) would be supported by the BVRG. However such targets would need to apply to residential land and not just street trees and public open space. The tree canopy targets for residential land would need to be more than aspirational and would need to be embedded in the local planning and state planning frameworks and given weight by councils and VCAT when approving permit applications, if these are to be effective.

## **Housing Choice and Diversity**

On page 17 of Plan Melbourne Refresh it is suggested that there are tensions between “protecting the suburbs” and providing greater housing choice and diversity. Protecting the suburbs therefore involves considerations of the extent of change and character and their need to be balanced against the benefits of greater housing choice (page 56). In addition the diversity policies and objectives are determined via a range of local zones, overlays and plans. An increase in housing diversity and choice by implication therefore requires a lesser weighting given to character and a change in the LPPF; both options we would regard with some trepidation.

A factor which is increasing the choice of housing for Melburnians is the ageing of the population. As older residents are ageing, either downsizing or death is providing accommodation for families. For governments this process may not be proceeding at an appropriate pace due to the large proportion of seniors who do not want to downsize. There may be incentives that could be provided to increase downsizing although many seniors have



a strong desire to remain in their family home and are unwilling to contemplate a move due to a range of considerations. This is understandable where an ageing individual can enjoy easier (often one level) access and private open space, features not readily available in higher density housing.

However the concept of choice with regard to housing in any case is illusory, both in terms of location and type of housing. Where Melburnians can afford to live and in what type of housing is determined mainly by house and land values; generally beyond the control of governments. Melburnians do not necessarily live near their work locations as suitable job opportunities may not arise close to their homes or some members of the workforce may choose to live at some distance from their work location. Many families wanting to reside in a home will only be able to live in an apartment and the size of that apartment may not be appropriate, particularly given the relatively small proportion of apartments being constructed with 3 or more bedrooms in Melbourne.

The concept of adaptable housing (page 58) has merit, and providing housing standards are suitably maintained, would be supported by the BVRG.

## **National Employment and Innovation Clusters (NEC)**

The BVRG would encourage the government to increase the focus for NEC's beyond core institutions (such as education and health) and businesses (such as retail and real estate) and make it more attractive for innovative and "start-up" businesses to locate in these clusters. It must be recognised however that the choice of location for businesses is made by those businesses and not by government, and subject to a range of factors including the catchment areas for prospective employees.

## **Greyfield Renewal (page 57)**

Greyfields are defined as "residential areas where the building stock is near or ending its physical life and land values make development attractive". Who decides whether a precinct is a greyfield, on what basis the decision is made and the extent of community input are issues that would have to be clarified before the BVRG could endorse such a policy. We would have concerns that precincts may be declared greyfields simply because dwellings are old; too many older homes are being demolished in Melbourne's established suburbs. Developers would have a strong and direct interest in having as many areas as possible declared as Greyfield precincts, particularly as on page 103 there is a recommendation of the MAC to identify Greyfield areas suitable for medium density housing.

## **Housing Targets (page 50)**

While housing targets are obviously desirable for planning purposes, the targets should not be too prescriptive, too detailed (residential mix diversity index for each sub region – page 102)

descend down to too low a level and project too far into the future, bearing in mind the fact that forecasts are estimates only and are rarely if ever correct in practice. This is due to the fact the forecasts are based on a number of assumptions which are seldom fully realised. It is also important when assessing the viability of residential zoning that reference is made to the housing supply capability of the zones when implemented. For instance, the City of Whitehorse has estimated that based on the current residential zoning, eight times the number of dwellings required for the population growth through to 2036 can be provided. If the population growth is less than projected, this will further increase the potential housing supply capability.

It is also important to remember that the Victorian economy is based on a free market philosophy, and is not centrally planned like China, so that governments can issue guidelines but that the outcomes will be based on market forces.

As part of the review of Plan Melbourne the State Government should be obtaining the views of Melburnians on future population growth. Many Melburnians may want population growth curtailed and consider that obtaining economic growth based on population growth is a “lazy” way of growing the economy, and that there must be smarter ways of generating economic wealth than having cranes on our skyline. There is also a serious question regarding the sustainability of the current rate of Melbourne’s predicted population growth given the need to find jobs for the additional residents. This will be a serious problem when, for example, automotive manufacturing ceases in Australia in 2017.

We trust that you will take our views into account when finalising Plan Melbourne 2016.

**President BVRG**