Local democracy and urban consolidation in Melbourne

putting recent Victorian developments in historical context

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Abstract

In October 2002, the Victorian State Government adopted the urban policy, Melbourne 2030, which aimed to transform the Victorian capital, Melbourne, from a dispersed, low-density city to a compact city. A number of benefits have been asserted by the Victorian government in justification this policy, including environmental sustainability, efficiency of urban infrastructure usage, a strengthened sense of community, increased housing affordability and improved social equity. An impediment to the implementation of the Victorian government's compact-city aspiration has been a tendency amongst municipal governments within Melbourne to resist increased residential densities at the local level. This article argues that the current conflict between Victorian government compact-city policy and municipal democracy in Melbourne cannot be adequately understood without an appreciation of the way it has emerged historically.

Introduction

By the 1990s, the political climate in Australia had decisively shifted in favour of neo-liberal economics, a belief in the ability of deregulated markets to determine optimum social and cultural outcomes. This approach had a significant impact on urban policy (Hamnett, 2000; 169).

By the 1990s, cities were increasingly conceived in market-orientated terms by many urban policy makers and politicians. Cities, it was believed, needed to compete with other cities, both within Australia and overseas, to attract global investment capital and globally-mobile skilled persons.

In this context, rather than being perceived as a progressive social outcome, low-density post war suburbia came to be viewed by many urban professionals and policy advisers as economically inefficient and culturally limited. Increasingly, conventional low-density suburbia was interpreted as an historic mistake, - as the product of an inefficient, protected and over-governed era in national
development. From this critical perspective, an urban form was required which would be dynamic, diverse and which did not separate different activities through land-use zoning.

From the late 1980s, the ideal of more compact, more diverse and less regulated cities began to shape urban policy in Australia, including the capital of State of Victoria - Melbourne. A number of compact city policy initiatives have been adopted by Victorian governments during and since the 1980s.

The most recent and comprehensive of these policy initiatives was released by the Victorian Government in October 2002, -- called Melbourne 2030 (Department of Infrastructure, 2002). This policy called for increased residential densities across the Melbourne metropolitan area.

The policy asserted that expected population increase in Melbourne over the next 30 years (an expected 1 million persons, or 620,000 households), together with changing family structures and smaller households (Department of Infrastructure, 2002: 8) required a major departure from the conventional low-density urban form. The Melbourne 2030 compact city policy further asserted that, if environmental sustainability is to be realised, and future urban infrastructure costs constrained to acceptable limits, a less automobile dependent, more localised and higher-density urban form, and lifestyle, had to be implemented on a metropolitan-wide scale.

The policy alleges that there is a serious mismatch between the inherited housing stock and the housing needs of the contemporary population. In short, it is assumed that smaller households (particularly older households of one or two persons) need smaller dwellings. It is also asserts that smaller, high-density dwellings would provide affordable housing for low-income families.

The policy claims that a compact city would have social and cultural benefits. Directly influenced by new-urban compact city policy in the USA and Britain, the Victorian Government argues that, through more compact and better urban design, neighbourhoods will be created that are more secure, attractive and less automobile dependent. Believing that culture and social identity can be engineered through innovative urban design, the Victorian government's perspective claims that higher residential densities will also create a stronger sense of neighbourhood character and an enhanced sense of place (Department of Infrastructure, 2002: 95-96). The corollary of this view is that earlier low-density post-Second World War suburban development was culturally deficient and alienating.

Contrary to past urban planning aspirations, the Victorian government's compact city policy advocates mixed use zoning where residential, commercial, and other servicing activities may occur in the same locations.

The focus of this article is the conflict that has emerged between the Victorian government's attempts to implement its compact-city policy and municipal government resistance to increased urban densities at the local level. First, an account is given of recent developments in this conflict.
Local democracy and urban consolidation in Melbourne putting recent Victorian developments in historical context:

Ernest HEALY

This is followed by a longer-term historical view of the conflict between state government compactcity priorities and the tendency amongst local governments to defend neighbourhood character at the local level.

Recent urban policy developments in Victoria

On Tuesday the 9th of June 2009, the municipal councils of Stonnington, Boroondara, Banyule and Bayside, along with 55 individual local councillors from within Melbourne and elsewhere within Victoria, published a full-page open letter in the Melbourne Age to the Victorian Premier, John Brumby, and the Victorian Minister for Planning, Justin Madden. The central complaint expressed in the letter was that the Victorian government’s recent ‘…planning reforms had gone too far’ in limiting the right of local communities and their locally-elected council representatives to influence development projects that stood to adversely affect those communities. More specifically, the letter criticised the plan to appoint state government-dominated ‘planning committees’ (Development Assessment Committees – DACs), which would control decision making over local planning matters. Further, it was claimed that local residents would be required to pay for such committees and local governments would have to pay the cost of defending planning committee decisions if challenged by their own local constituents or by the councils themselves.

As a result, it was argued, democratic transparency had been undermined and development decisions were being decided behind closed doors. The curtailment of local-resident rights and the powers of elected local governments over planning decisions were demolishing:

... the cornerstone of this state’s planning system – the rights of residents to have a say about their neighbourhood. (The Age, 2009: 10)

This public expression of concern came on the heels of a sequence of Victorian government policy review initiatives, aimed at facilitating the implementation of the State’s overarching urban strategy for Melbourne (Department of Sustainability and Environment, 2006; Department of Planning and Community Development, 2007a; Department of Planning and Community Development, 2007b; Department of Planning and Community Development, 2008). In part, the review of urban policy had focussed on reform of the relationship of state and local government.

Victorian State government concern over the role of local government in urban planning grew during the Victorian government’s attempt to implement the Melbourne 2030 compact-city policy for metropolitan Melbourne. An underlying concern of the Victorian government was that local governments had been inhibiting the implementation of state urban planning priorities, especially
the radical increase in urban densities.

At one level, the problem with local government, as perceived by the Victorian Government and state departmental authorities, appears to have been procedural or resource-based, relating to slow response times (concerning building permit applications etc.), manpower, skill levels, or unnecessary regulatory complexity due to outdated urban planning provisions. A more fundamental objection, however, lay with the degree of independence exercised by local governments over planning within their respective municipal jurisdictions. Often, local government planning priorities did not correspond to the strategic direction prescribed in Victorian-government urban policy. Indeed, some local governments had been active in representing local resident opposition to development proposals, particularly those proposals which involved an increase in residential densities and high-rise developments. Such local challenges to higher-density development frequently resulted in legal challenges at the Victorian Civil and Administrative Tribunal (VCAT). VCAT arbitration on planning disputes often resulted in a significant reduction in the scale and character of the proposals.

Therefore, the thrust of recommendations arising from the Victorian government’s urban policy review process in the period 2006 to 2008 was not only to simplify the planning requirements and ‘red tape’ faced by developers, but to limit municipal planning and intervention powers in order to have local planning policy conform more closely to state urban planning strategy.

The June 9 letter of concerned councils and councillors, cited above, was significant in that it presented in bold relief the frictional relationship between the Victorian government and many local governments, which had existed over a long period, but which had remained largely muted to the public eye. The current Victorian government has been eager to keep things that way. Therefore, the language used in the State’s urban policy review literature has been cryptic on how its urban policy amendments would affect the role and powers of local government. Rather than openly declare that the influence of local government in urban planning is problematic and should be diminished, Victorian government literature stresses the need to make local policy ‘stronger’ (Department of Planning and Community Development, 2007a). The literature suggests that ‘stronger’ means making local government’s relationship with Victorian government’s urban strategy ‘clearer’ and more predictable. The underlying intent of this affirmative language is clear. Making urban policy ‘stronger’ would be achieved by limiting the independence of local government and thereby rendering it less able to respond to local resident concerns about urban change.

For example, this is the subtext of the following Ministerial statements, made in 2007:

We will work with local councils to make state and local policy stronger, more transparent and more effective...
We will be more specific about how state policy is expected to be implemented at the local level.
(Department of Planning and Community Development, 2007b)

And, immediate priorities would be to:

Establish a Planning Policy Technical Committee to provide support, resources and assistance to councils to make local policy stronger...

Prepare new guidelines and procedures that make it easier to write, implement and review local policy in planning schemes.
(Department of Planning and Community Development, 2007b)

A key purpose of the Victorian government urban policy review, therefore, has been to limit the latitude for municipal governments to deviate from state policy in the local context. This objective is more transparent in the Report of the Ministerial Working Group on Local Planning Policy, Making Local Policy Stronger, released in June 2007. The Working Group argues that, over time, Local Planning Policy, exercised by local councils, had become voluminous and had extended far beyond the purpose originally intended. Local Planning Policy ‘...is a statement of intent or expectation...a guide not a control. (Department of Planning and Community Development, 2007a: 1)

However:

In many planning schemes, it [Local Planning Policy] has replaced other components of the planning scheme as the primary method of expressing strategic direction. This has led to a proliferation of policy and confusion about how local planning policy should be used and what it can and should deliver. (Department of Planning and Community Development, 2007a: 1)

Although the policy review literature refers to the need for state and local government authorities to work in partnership, the desired outcome is for ‘State policy to provide the overarching policy framework’ and that ‘Local policies and provisions should provide ability to deal with local objectives provided they are consistent with state... objectives and provisions’ (Department of Planning and Community Development, 2007a: 1).

The attempt of the Victorian Labor government to enforce local government compliance on urban planning issues had provided the Victorian Liberal Party Opposition with a political
opportunity. This opportunity was exercised two days after the open letter of objection to Victorian government actions of June 9th. On June 11th, the Victorian Government’s Planning Legislation Amendment Bill, which was to provide the legal basis for the establishment of the Development Assessment Committees (DACs), was defeated in the Victorian Legislative Council (the Victorian Upper House). The Liberal Opposition clearly identified the State Labor Government’s efforts to override local government on urban planning matters as a source of political vulnerability in the lead up to the 2010 state election. The Liberal Member for the Victorian Legislative Assembly (Victorian Lower House) for the Southern Metropolitan region, Andrea Coote, framed her criticism of the Bill in the following terms:

People have a right to be involved in their local community, where they live, have their point of view heard, and take it to a fair and equitable arbiter who looks at all the issues involved...

One of the major concerns of this bill is the lack of local input...There is no requirement for the appointment of members to the DACs – who are the majority and appointed by ministers -- to have any geographical links to the DAC areas at all. The Minister may determine the boundary of a DAC, without any feedback from the relevant local council...

(Hansard, 2009)

Member for the Eastern metropolitan region, Jan Kronberg added:

Melbourne has always prided itself on being a beautiful grid of boulevards and tree-lined streets and beautiful parks and stately buildings ...the beauty and grace of Melbourne as being one of the world’s great cities is at great risk ... from outrageous forms of open slather development.

(Hansard, 2009)

While Labour advocates of the Bill emphasised that an aim of the amendment was to facilitate joint state and local government decision making on priority planning issues, the Opposition highlighted faults with the proposed structure of the DACs.

A quorum will consist of three people, so a DAC could meet without any representation from local government at all – just three people appointed by the minister. If the responsibility for planning is to be stripped from local government, why have local government at all?

(Hansard, 2009)
Political opportunism and the failure of political memory

The debate surrounding these events is remarkable for the apparent failure of political memory, by both Labor advocates of a more subordinate role for local government and their Liberal opponents, concerning the history of the fraught relationship of the Victorian government and local governments on planning issues that had existed for at least two decades, including the issue of increased urban densities. By no means had this fraught relationship been limited to Victorian Labor governments. Contrary to the impression created by recent Liberal Party criticism of Labor’s attempted curtailment of local planning powers, the long-standing friction over urban planning between both Labor and Liberal Victorian state governments and local governments has centred on issues relating to disregard for local democracy and the destruction of urban amenity, which was often linked to high-density development proposals perceived as inappropriate by local communities.

The discussion below examines the history of the conflict between Victorian government and local government conflict over the direction of urban planning policy in the period prior to the events described above. By putting recent events in broader historical perspective, a clearer understanding of recent developments becomes possible. The period discussed covers the final years of Labor Party government, from 1982 to 1992; the period of Liberal Party incumbency, from 1992 to 1999, and the period of returned Labor Party incumbency from 1999 to the present (this latter period includes the developments discussed above). The discussion begins with the Labor government of the early 1990s, led by then Premier, Jean Kirner.

The Kirner Labor government

In 1992, the perceived benefits of increased residential densities and the challenge posed by local government resistance to state policy priorities is unambiguously expressed in the Victorian Housing and Residential Development Plan (VHARD). This was an urban policy review conducted by the Kirner Labor government.

The benefits of urban consolidation identified in the review were improved housing affordability, better social justice outcomes, a better fit of changing demographic structure (particularly ageing) to dwelling type and environmental protection (Department of Planning and Housing, 1992: 1). An underlying concern of the review, however, was the accommodation of rapid urban population increase in a period of government infrastructure funding constraint. By this time, neo-liberal
economic policy had become hegemonic. Although the 1990 recession had led to a reduction in net overseas migration, the late 1980s had been characterised by the highest net overseas migration intake levels since the late 1960s.

The VHARD review advocated a coordinated approach by the Commonwealth, Victorian and local levels of government to bring about a fundamental shift in public attitude towards urban development. It was proposed that the Commonwealth Government would use its taxation powers and fiscal policy to influence housing demand. The state government would provide strategic direction in urban policy, while local government would have responsibility for implementing initiatives through the administration of planning and building regulations (Department of Planning and Housing, 1992: 3).³

However, such reliance upon local government at the implementation stage of urban consolidation was problematic. This is because, hitherto, one of the main obstacles to achieving higher urban densities had been the ‘...restrictive local development controls on higher-density forms of construction’ (Department of Planning and Housing, 1992: 2). The Review stated:

Much of the problem is sourced in community attitudes towards medium-density housing and this attitude may then be reflected at the planning and approvals stage of residential developments, particularly through third party appeals by neighbouring residents. Approvals systems reflect general community attitudes, particularly in the way they are interpreted and implemented. (My emphasis) (Department of Planning and Housing, 1992: 32)

For the Victorian Labor government at this time, there was a two-fold problem. There was simply little support for higher urban densities amongst the general public. Second, local government tended to support local preferences for low-density development through local planning by-laws.

From the Victorian Labor government’s point of view, the lack of demand for higher-density housing in Melbourne would require a change in public perceptions:

There is a crucial need to increase community awareness of alternative housing types and dispel negative attitudes to medium density development and urban consolidation. (Department of Planning and Housing, 1992: 2)

Municipal democracy had become a problem in the pursuit of higher urban densities.

The challenge for the Victorian government was formidable. The Kirner government realised that, even with moderate increases in dwelling densities, decreasing average household size
Local democracy and urban consolidation in Melbourne putting recent Victorian developments in historical context: Ernest HEALY

(the number of persons per dwelling) associated with population ageing would mean that urban consolidation would not likely have a significant impact in accommodating additional population in established residential areas (Department of Planning and Housing, 1992: 31-32).

The shift in urban-density outcomes aspired to by the Victorian government would require strong political measures, including the removal of ‘inappropriate restrictions in planning schemes’ , and overcoming “Excess opportunities for objection to medium-density development (third party appeal rights)” (Department of Planning and Housing, 1992: 32).

It is fair to say that urban consolidation policies in Victoria have had very limited success and that much stronger and more focussed policy initiatives are needed to promote both the supply of and demand for higher density development... (Department of Planning and Housing, 1992: 2)

The Kirner government urban policy deliberations foreshadowed the stronger policy measures that were to come with regard to the modification of building codes throughout Victoria. For example, it recommended that local government by-law control over minimum lot size be removed (Department of Planning and Housing, 1992: 32). Significantly, the principle of ‘as of right’ development was advocated in relation to multi-dwelling developments, as a way of bypassing community resistance and avenues of legal appeal.


The Liberal government, which came to office in 1992 under the leadership of Jeff Kennett, continued the thrust of urban-policy change commenced under the Kirner Labor Government. However, the pace and depth of urban policy change, as well as its direct impact on the built environment within Melbourne, accelerated. Local government continued to be identified as an impediment to change and came under sustained pressure throughout the life of the Kennett Government.

The Kennett Government’s revision of planning and building controls provided greater scope for the approval of higher-density housing estates in established areas, including on land that became available for redevelopment on an ad hoc basis, such as redundant government facilities.

The Kennett Government significantly reduced local government influence over site planning requirements (Lewis, 1999). This was consistent with the Kennett Government’s neo-liberal economic agenda of removing or diluting inherited regulatory restraints upon business in general. From the neo-liberal perspective, the inherited low-density urban environment was a product of past
regulatory excesses and presented an opportunity not only to enhance business opportunities, but to correct the mistakes of the past. This weakening of regulatory control inevitably involved increased residential densities.

*The Good Design Guide, released by the Kennett government in 1995* encoded the new urban-planning regime as it related to multi-dwelling development.

*The Good Design Guide* was the principal means for achieving higher residential densities. In practice, the new policy meant that uniform setbacks from lot boundaries were abandoned, so that “… Multi-unit dwellings could be larger, higher and closer to property boundaries (Lewis, 1999: 186).

Although the Good Design guide did cite streetscape character, density, overshadowing, energy efficiency, open space, visual privacy and car parking as criteria for consideration in the design of a multiple dwelling, in practice the new code made it easier to build such dwellings in existing residential areas than was previously the case (Lewis, 1999: 186).

Municipalities could apply for variations to the application of the code. However, this could not be done for substantial areas, but only specific locations. Each local government was required to develop a strategic plan for the development of their municipality. The onus was thereby placed upon a municipality to show why any variation to the general strategic plan was justified. Furthermore, any local variation needed to be consistent with *The Good Design Guide*, which in turn posited consolidation as one of its basic goals (Lewis, 1999: 226-227).

The enforcement of urban consolidation by the state was facilitated by the intimidating stance of the Victorian Government towards local governments in this period. The Kennett government had restructured local government, reducing the number of municipalities and suspending the election of local governments. This intimidation provided a significant disincentive to local-government opposition to state urban-planning priorities.

Whatever a council decided, at appeal the Tribunal would impose the state government policy on increasing densities… Not only was there no incentive to a council to make decisions which would simply be overturned on appeal, but there was a real threat of the council being suspended if it was even thought by the state government to be obstructive. (Lewis, 1999: 187)

By the time of the Kennett Government’s unexpected electoral loss in 1999, a ground-swell of public discontent had emerged with regard to the perceived destructive impact of high-density residential development upon Melbourne’s urban landscape.

Widespread public discontent over the impact of higher-density residential development upon suburban streetscapes and neighbourhood character was conceded in the Final Report of the
Victorian government’s Standing Advisory Committee Review of *The Good Design Guide*, released in March 2000, after the Kennett government had lost office. The Report recognised that poor and insensitive residential design had occurred in an environment of speculative excess and that this had become the focus of community reaction. The Report states that:

Notwithstanding the emphasis on site analysis and design response in *the Good Design Guide*...there is compelling evidence that sections of the development industry have not fully embraced these concepts... the design is still not being informed by a true analysis of the site’s potential in terms of its attributes or context. Rather, the driving force is the number of units that can be obtained by applying the density technique in Element 1 of *The Good Design Guide*. (Department of Infrastructure, 2000: 141)

When introduced, The Good Design Guide had not included residential density as a performance measure. However, a density benchmark was included after a 1994 review of the code in an attempt to moderate excesses in medium-density suburban development which were giving rise to negative community reaction (Department of Infrastructure, 2000: 139). The addition of a density benchmark, however, led to different design problems and equally poor outcomes. The Review Panel noted that, although the introduction of a density benchmark had limited the number of dwellings on sites, a common response of developers was to put fewer, but larger dwellings onto a site. This often led to outcomes that were equally unacceptable to local residents.

Despite the Advisory Committee’s admission that poor outcomes had occurred, it maintained its support for *The Good Design Guide*. Too great a concession to community opposition to increased urban density would be to:

...enshrine the single detached house as the main residential option, whereas both demographics and the market indicate that people need more options, which better accord with their household size and changing lifestyles. (Department of Infrastructure, 2000: 144)

As a harbinger of policy change which would be pursued by the subsequent Victorian government, a recommendation of the Committee was that municipal governments identify areas suitable for substantial, incremental, or minimal density change. Presumably, some localities would incur virtually unbridled change, including significant increases in density, while others might remain virtually immune from change.
The Bracks/Brumby Labor government, 1999-

When the Labor Party was returned to power in Victoria in 1999, under the leadership of Steve Bracks, it inherited a highly-charged urban policy environment. By the late 1990s, a strong reaction had emerged against the type of residential outcome which had resulted from the Kennett government's weakening of regulatory restrictions on residential development, particularly as they related to higher-density dwellings.

As noted, liberalised building and planning controls and weakened local government had created an environment in which speculative development, based on higher residential densities, had flourished. So, too, there emerged a grass-roots suburban reaction against the inability of residents and their elected local-government representatives to prevent speculative excesses which failed to take into account the concerns of neighbours, neighbourhood character and local community expectations concerning the built environment into account.

Neighbourhood character

Amongst the criticisms of state-government urban policy that emerged during the Kennett period, the destructive affect of urban consolidation upon streetscapes and neighbourhood character figured prominently. To distance itself from Kennett era excesses, the Bracks Labor Government immediately placed responsiveness to neighbourhood character at the centre of its urban policy rhetoric.

In an early statement of the new government's position, in State Planning Agenda – A Sensible Balance, released in December 1999, the central theme was that, while encouraging economic development, Labor would ensure that economic growth would not be achieved at the expense of 'what is important to the community': 'social cohesion' and 'environmental sustainability' (Department of Infrastructure, 1999: 2). Labor would 'restore the balance' through the reinstatement of local government as a 'lead decision maker in planning' and ensure that planning conformed to the values of the community, particularly in relation to 'neighbourhood character' (Department of Infrastructure, 1999: 2, 8).

Labor acknowledged widespread concern about the adverse impact of increased residential densities on streetscapes:

These commitments [to community values, respect for neighbourhood character etc.] responded to widespread public concern that the previous government's residential development controls...have not sufficiently protected the valued character of many residential
areas. The emphasis on urban consolidation outweighed consideration of the intrinsic value of our streets and suburbs. (Department of Infrastructure, 1999: 12)

However, the latent policy contradictions that would in time lead Labor full circle to head-on conflict with municipal governments and resident groups over the preservation of neighbourhood character and inappropriate local development were already discernable.

The Achilles heel of Labor’s policy lay in the policy tension between appealing to the widespread resident aspiration to preserve neighbourhood character through a restoration of local consultation and local government authority, and a parallel commitment to facilitate economic growth through a program of accelerated population growth and city building.

A Sensible Balance asserted that, while the views of the community would be critical in defining neighbourhood character and would inform council residential strategy, such strategies also needed to be ‘forward looking’ (Department of Infrastructure, 1999: 12). Therefore, ‘creative’ dwelling design should be encouraged to broaden the ‘spectrum of housing types’ to meet both ‘current and future needs’ (Department of Infrastructure, 1999: 12).

Furthermore, the ‘future preferred character’ of an area needed to be considered, to determine which areas would undergo ‘greater or lesser’ change. In practice, this would mean that factors relating to infrastructure capacity, population trends and changing housing needs would inform council decisions as to which areas would be most appropriate for greatest residential density increases. The location of housing development to maximise the utilisation of existing urban infrastructure was advocated as a key priority. However, whether the goal of maximising the utilisation of local infrastructure through the location of higher-density dwellings in established residential areas could be reconciled with the proclaimed goals of neighbourhood character preservation and community consultation was not meaningfully addressed.

Although ostensibly reasserting the importance of neighbourhood character, it is also clear that, at the end of the day:

The Government does not … want to curtail the overall supply of new forms of housing – such as medium density… (Department of Infrastructure, 1999: 15)

Full-circle in urban policy in Victoria

The prospects of local residents within Melbourne, who are concerned to defend their local built environment from change that they consider inappropriate looks bleak. Over the past two
decades in Victoria, governments have come and gone, but the direction of urban policy, in favour of significantly increased urban densities has remained intact. Recent developments in current Victorian Government urban policy are designed to ensure that the overall supply of higher-density dwellings is not curtailed by local government responsiveness to local aspirations to preserve neighbourhood character.

Although the inclusion of a ‘Neighbourhood and Site Description’, which describes the features and characteristics of a neighbourhood, is now a mandatory first stage for any residential building proposal (where a permit is required), and the proposed building is to ‘respond’ to neighbourhood character, the way in which neighbourhood character is defined in the Victorian building code divorces density considerations from assessment of neighbourhood character. As a result, density is affectively neutralised as a consideration in defining neighbourhood character. This means that neighbourhood character can be deemed to be respected by residential development proposals while densities continue to increase.

Because the extent of neighbourhood character analysis which had been already conducted by local governments has varied, property developers can often take the initiative in defining neighbourhood character.

A further factor which facilitates developer bias in determining neighbourhood character was the fact that, over time, many local areas have already undergone a degree of medium-density re-development or ‘infill’, which provides a precedent for yet further higher-density development. The current building code poses the question: “Is the neighbourhood homogenous or diverse in terms of built form, scale or character?” (Department of Sustainability and Environment, 2001: 3). Existing diversity of built form, including that resulting from earlier modification of streetscapes, makes it difficult for local communities to defend their neighbourhoods against inappropriate development.

Questions of local urban ‘amenity’ are explicitly divorced from an assessment of neighbourhood character and are divorced from the issue of resicential density. Although ‘amenity’ standards are defined in terms of factors relating to ‘overshadowing’, ‘solar access’ and ‘overlooking’, ‘...as a general principle neighbourhood character and amenity should be treated separately’ (DSE, 2004). Yet, these factors are frequently a source of dispute because of the close proximity of dwellings in higher-density residential settings. However, because proximity-related disputes over amenity are to be treated as distinct from neighbourhood character, such conflicts tend to be excluded from any definition of neighbourhood character for the purpose of assessing the suitability of building proposals.

The Victorian Government’s determination to prevent the protection of neighbourhood character from becoming a significant barrier to residential density increase also helps explain the urban policy distinction between ‘neighbourhood character’ and ‘heritage’. For the Victorian government,
neighbourhood character is not heritage:

...although all areas have a history and heritage, not all areas are historically significant’ (Department of Sustainability and Environment, 2001: 2).

Consistent with statements of the Victorian Labor government shortly after it was returned to office in 1999, current Victorian residential building codes stipulate that considerations of neighbourhood character do not proscribe neighbourhood change. The preservation of local character is only ‘one of many objectives that must be met’; ‘new social and economic conditions’ must be allowed to result in change and ‘it is important that respecting character is not taken too literally’ (DSE, 2001: 4). For the Victorian Government, the bottom line was clear:

A neighbourhood character amendment must not adversely impact on the achievement of State and local residential policy objectives such as urban consolidation, housing diversity and intensification’. (Department of Sustainability and Environment, 2004: 7)

Despite political rhetoric to the contrary, the inherent conflict between the Victorian government’s policy goal of increasing urban densities within Melbourne, and the restoration of municipal democracy on urban planning matters has not been resolved.

References
Department of Infrastructure (Victoria), (1997), The Good Design Guide for medium-density housing, August
Department of Infrastructure (Victoria), (1999), State planning agenda – a sensible balance, 13 December
Department of Infrastructure, (2002), Melbourne 2030 – planning for sustainable growth, October 2002
Department of Planning and Community Development (Victoria), (2007b), The Victorian government is making local policy clearer and more effective, summary information sheet
Department of Sustainability and Environment (Victoria), (2001), Understanding Neighbourhood Character, Practice note, December
Department of Sustainability and Environment (Victoria, (2004), Using the Neighbourhood Character Provisions in Planning Schemes, Victorian Planning Provisions Practice Note, July
Department of Sustainability and Environment (Victoria), (2006), Cutting red tape in planning – 15 recommended actions for the Victorian planning system, August
Lewis, M., (1999), *Suburban backlash: the battle for the world's most liveable city*, Melbourne, Bloomings Books
Department of Planning and Community Development (Victoria) (2008), *New Residential Zones for Victoria – a Discussion Paper*, February
Department of Planning and Housing (Victoria) (1992), Urban consolidation initiatives: smarter housing better living, paper no. 6 of the Victorian Housing and Residential Development Plan (VHARD)
*The Age* (2009), Open Letter by Coalition of Concerned Councillors, p. 10, June 9
*Hansard* (2009), Planning Legislation Amendment Bill, Legislative Council, 11 June

Endnotes
1 This paper draws upon a lecture given at Rikkyo University Tokyo, in 2004.

2 The Melbourne 2030 policy was only the most recent of a number of policy attempts in Victoria to bring about an increase in urban residential densities. A significant compact-city policy attempt of the early 1990s was the Urban Village Project, encouraged by the Federal Labor government at that time. The urban village ideal was advocated in the Urban Villages Project (1996), which represented a refinement of high-density policy found in the Greenhouse Neighbourhood Project (1993). The Greenhouse Neighbourhood Project had explored the possibilities for an improved relationship between urban form and energy conservation in fringe areas. It reflected growing government concern regarding expanding infrastructure costs and environmental amenity. The extension of this early work into the Urban Villages Project (commissioned by a group of Victorian government agencies) involved the incorporation of a social reform agenda and themes central to the new-urban discourse then being refined in the US and UK.

3 The Victorian government’s aspiration to increase urban densities in Melbourne closely reflected the policies of the Federal Labor government at the time, particularly the Federal Government’s Better Cities Program, which was heavily influenced by the views of Deputy Prime Minister Brian Howe.

4 This recommendation appears to have reflected a tactical shift in thinking within the Victorian Department of Infrastructure. Lewis notes that the Department promoted debate about the concept of ‘special character areas’ between 1998 and 1999. He considered this peculiar given that the concept had no legislative basis or legally enforceable meaning (Lewis, 2000: 224-225). The idea that each municipality be obliged to identify areas of maximum and minimum density change has re-emerged recently under the Brumby Labor government, as a significant component in its policy armoury for delivering greater urban densities within established suburbia.