

‘Hong Kong without the View’? Victoria after the Planning Revolution

Two years ago, Professor Michael Buxton warned that Melbourne risked becoming ‘Hong Kong without the view’, a collection of soulless high-rise buildings without heritage. What has made Melbourne marvellous is its heritage. Heritage gives neighbourhoods soul and character, and provides focal points and perspectives.

The Victorian government has made a succession of announcements for revolutionary changes to the state planning system, in regional centres as in Melbourne. They would radically simplify approvals in many cases, remove rights to object or appeal, and encourage medium- and high-rise building in a radius of 800 to 1600 metres around rail stations and designated Activity Centres.

At a meeting last year, Planning Minister Sonya Kilkenny reassured the RHSV that the Heritage Overlay and Register would continue to apply as they do now. But the one time heritage has appeared amidst these announcements is in a Halloween Instagram post from the Premier: she caricatured opponents of her plans as ‘Blockers’ against ‘Builders’, Liberal Party members who will ‘weaponise heritage overlays to keep you out forever’.

Currently, proposals to alter or develop sites on the Victorian Heritage Register require approval from Heritage Victoria. For sites under the Heritage Overlay, the responsible authority (usually the relevant Council) has to weigh up the loss of heritage against the desirability of a proposal in a public process in which the public can participate. If the developer is unhappy with the initial decision, they can and usually do appeal to VCAT, where there is another public process.

Most residential Heritage Overlay areas are covered by the Neighbourhood Residential Zone, which usually limits building to two storeys, which is consistent with heritage sites and which includes aims of ‘neighbourhood character’ and ‘heritage’. The government is proposing a new ‘Walkable Catchment Zone’ (WCZ), which will extend 800 metres from railway stations *and* from the *perimeter* of Major Activity Centres (MAC). All told, instead of the NRZ, much of Melbourne and regional centres will be covered by the WCZ or the MAC, calling for six-storey development potentially in conflict with the Heritage Overlay. Indeed, heritage is now missing from the new aim, which is to foster much higher density housing.

The most important proposals will go straight to the Minister (in reality to a planner in her department or a ‘development facilitation’ program designed to ‘fast track’ developments). Applications will be listed on the website and the decision will appear there, but the process will be opaque. Other proposals will go to Council CEOs rather than elected councillors. And even if Council makes the decision, the dice will be loaded.

In theory, for the WCZ or MAC, places on the Heritage Register will be exempt from additional development. For sites on the Heritage Overlay, 50 per cent will be assumed to be available for development. How would that work? How and where would 50 per cent of six-storey buildings fit alongside heritage sites?

The government’s plans bear a remarkable similarity to views proposed by a new player in planning debates: YIMBY Melbourne. They claim to be a grassroots movement, but they also call themselves the Melbourne Chapter of the ‘Center for New Liberalism’, a US free market think tank.¹ Their public positions are aligned with developers’ goals: free the market (that is developers) from

¹ Center for New Liberalism, April 14 [2023], ‘The Age: Look out Melbourne NIMBYs, the YIMBYs are here’ (<https://cnliberalism.org/posts/look-out-melbourne-nimbys-the-yimbys-are-here>).

planning restrictions, especially from heritage restrictions, and suddenly home building will take off!

“We see heritage overlays as an overwhelmingly bad policy,” said Jonathan O’Brien, Lead Organiser of YIMBY Melbourne.² They have ‘declared war on setbacks’ as well as on heritage. They want to ‘abolish upper-level setback controls for buildings under 20 storeys, and remove all references to “visual bulk” within the planning scheme’.³ Imagine narrow streets with six-storey buildings going straight up from the footpath line.

Our friends at *Brunswick Residents Network News* checked out the YIMBYs in their October 2024 Newsletter. They found extensive links to developers, who appear to be the group’s main if not only source of funding.⁴ Whatever their funding, YIMBY Melbourne reflects developers’ views.

YIMBY and developers say the problem is that it’s too hard to get permits. Is it? Under the existing planning system, a record 127,792 building permits were issued in 2021, though permits fell during the pandemic. For buildings on the Victorian Heritage Register, Heritage Victoria approves over 95 per cent of applications to modify or demolish. For local permits, Councils approve 90 per cent of applications and VCAT approves 70 per cent of those that developers appeal after Councils reject them.⁵ The problem isn’t getting permits.

The problem is getting developers to build once they obtain permits. The cause of that problem is developers’ land banking: holding onto land without building, often after obtaining a permit, waiting for value to rise and then onselling the land with the permit. In the Melbourne CBD alone, ‘there are active permits for almost 100 sites that have not been acted on—118 residential buildings and 22,000 apartments where work has not begun’.⁶

If the problem is not permits being blocked, why smash planning restrictions? Developers love being freed of restrictions. It makes for greater profits. But it has led to disastrous outcomes, as in Docklands, Southbank or, more recently, Footscray’s Joseph Road Precinct: ‘the streets are windswept and devoid of trees. Some roads remain unsealed and footpaths unfinished, the ground levels are largely lifeless, and several blocks still sit idle’.⁷ That is where the government’s plans will lead if they are not revised to take account of heritage.

² (<https://www.yimby.melbourne/post/big-win-for-maribyrnong-council-abandons-heritage-overlay>).

³ ‘YIMBY Melbourne declares war on upper-level setbacks’, Center for New Liberalism, September 1, 2024 (<https://www.yimby.melbourne/post/yimby-melbourne-declares-war-on-upper-level-setbacks-the-planning-rule-thats-ruining-our-city>).

⁴ ‘YIMBYs at war with setbacks’, <https://brunswickresidents.wordpress.com/2024/10/03/brunswick-residents-newsletter-october-2024/>. See also ‘YIMBYs, property developers & US think tanks’, <https://brunswickresidents.wordpress.com/2023/05/16/brunswick-residents-network-newsletter-may-2023/?blogid=28932879&blogsub=confirming>).

⁵ Anneke de Boer, ‘Victorian building permits hit record figures’, *The Property Tribune*, 2 February 2022.

⁶ Royce Millar and Rachael Dexter, ‘The housing crisis is caused by more than local councils and activists’, *The Age*, 24 June 2023.

⁷ Sophie Aubrey, ‘Quiet, windswept, devoid of trees: The ‘disaster’ neighbourhood created by too much housing’, *The Age*, 25 September 2024.



Urban Design Forum president Katherine Sundermann at the Hopkins Street bridge, Joseph Road Precinct, Footscray (Age, 25 September 2024).

The RHSV is not opposed to intensive development. We have long argued that heritage can be the keystone for development. We need vibrant urban neighbourhoods where increasing density is supported by good design that fits in with existing heritage to create neighbourhoods with focus and character. As we move to intensify development, maintaining heritage becomes more important. New building can be more intense, but it needs to respect existing heritage fabric. Discredited neo-liberal ideas of doing away with planning and heritage favour short-term profit with disastrous results for quality, safety, and neighbourhood character.

The RHSV calls on the government to restore heritage as one of the aims of residential zones, including the new WCZ. Planning for new neighbourhoods should start on the basis of existing heritage, showing how it will be incorporated into and shape the renewal. And there must be community engagement and transparency in the planning process. If bureaucrats or Council CEOs make the decisions in secret, the result will be more Joseph Road Precincts. Until these issues are addressed, the RHSV will strongly oppose the government's plan. If the government ensures that heritage is taken properly into account, we will be pleased to support the plan.

This concerns members across Victoria, at least as much in regional centres as in Melbourne. We urge all our members and indeed all Victorians to demand that the government revise its planning proposals so they preserve and build on what makes Melbourne marvellous and our regions unique.

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with Ian Wight
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